

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRIMINAL) NO. 34207 OF 2018**

IN THE MATTER OF:

Zakia Ahsan Jafri & Anr.

...PETITIONERS

VERSUS

State of Gujarat & Anr.

...RESPONDENTS

CONVENIENCE COMPILATION ON BEHALF OF THE PETITIONERS

VOLUME I

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE-ON-RECORD FOR THE PETITIONERS: MS. APARNA BHAT

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INDEX

S. NO.	DESCRIPTION	PAGE NOS.
1.	Issues not dealt with by the Magistrate and the Gujarat High Court A. Note on prelude and buildup before 27.02.2002.	A-P
DOCUMENTS RELIED UPON		
2.	True and translated copy of State Intelligence Bureau (SIB) message dated 07.02.2002 sent by P.B. Upadhyaya, DCP to DGP, Gujarat, State Home Department and all police stations of Gujarat.	1-2
3.	True and translated copy of SIB message dated 12.02.2002 sent by P.B. Upadhyaya, DCP to DGP, Uttar Pradesh.	3-4
4.	True and typed copy of SIB message dated 12.02.2002 sent by P.B. Upadhyaya, DCP to DGP, Uttar Pradesh.	5-6
5.	True and typed copy of SIB message dated 13.02.2002 sent by P.B. Upadhyaya, DCP to all CPs and SSPs in Gujarat.	7-8
6.	True copy of statement dated 12.12.2009 made by Ashok Narayan before the SIT, Gandhinagar.	9-13

7.	True and typed copy of SIB message dated 16.02.2002 sent to I.B. C.I.D Intelligence, Lucknow, Uttar Pradesh.	14-15
8.	True and typed copy of SIB message dated 19.02.2002 sent by S.P. Mehsana, Gujarat to DDL DGP INT G.S. Gandhinagar.	16-17
9.	True and translated copy of SIP message dated 20.02.2002 sent by P.B. Upadhyaya, DCP to DGP, SP, Western Railway Vadodra.	18-19
10.	True and typed copy of SIB message dated 21.02.2002 sent by P.B. Upadhyaya, DCP to DSP, Faizabad, Uttar Pradesh.	20-21
11.	True and translated copy of SIB message dated 21.02.2002 sent by P.B. Upadhyaya, DCP to all Commissioner of Police.	22-23
12.	True and typed copy of SIB message dated 23.02.2002 sent by V.J. Solanki to DSP, Faizabad, Uttar Pradesh.	24-25
13.	True and typed copy of SIB message dated 25.02.2002 sent by P.B. Upadhyaya, DCP to DCP, Faizabad, Uttar Pradesh.	26-27
14.	True and typed copy of SIB message dated 27.02.2002 sent by Sanjiv Bhatt, DCP to DSP,	28-29

	Faizabad, Uttar Pradesh.	
15.	True and translated copy of article dated 24.02.2002 published in Jan Morcha newspaper.	30-31
16.	Excerpt from the Gujarat Police Manual (Chapter X) on Special Organisations, State Intelligence.	32-33
17.	Relevant excerpt from the Gujarat Government Rules of Business, 1990 that deal with the responsibilities of the State Government Home Department.	34-40
18.	True copy of statement dated 27.08.2009 made by Ashish Khetan before SIT, Gandhinagar.	41-46
19.	True copy of Tehelka transcript of Anil Patel.	47-58
20.	True copy of Tehelka transcript of Haresh Bhatt.	59-77
21.	True copy of Tehelka transcript of Dhawal Patel.	78-82
22.	Excerpts from the Naroda Patiya judgment dated 29.08.2012 authenticating the Tehelka tapes and treating them as reliable corroborating evidence.	83-106
23.	True and correct copy of letter dated 21.04.2011 sent by Citizens for Justice and Peace to A.K. Malhotra, SIT, Gandhinagar.	107-121

A

**IN THE SUPREME COURT OF INDIA
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IN THE MATTER OF:

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KEY POINTS TO BE ARGUED

1. A complaint was filed by the Petitioner with the police wherein she had named 62 Persons as accused as having colluded and acted in conspiracy orchestrating communal violence in the State of Gujarat and asked for registration of FIR. When the Police did not register the FIR, she approached the High Court of Gujarat by way of a Writ Petition. The High Court after hearing arguments rejected the petition but directed the Petitioner to file a complaint under Section 156(3) of the Code of Criminal Procedure.
2. The said order was challenged before this Hon'ble Court by the Petitioner vide SLP (crl) No.1088 of 2006. Vide order dated April 27.2009 this Hon'ble Court was pleased to hand over the case to the SIT appointed by this Hon'ble Court in the other cases of Gujarat riots to "look into the matter". An AC was also appointed by this Hon'ble Court. SIT filed various reports

B

before this Hon'ble Court. Vide judgement and order dated September 12, 2011 (reported in **(2011) 12 SCC 302**) this Hon'ble Court was pleased to direct the SIT to file its final report before a Magistrate who was hearing Crime No.67/2002. The Court also granted liberty to the Petitioner to file her objections in case the SIT were to file a closure report. The SIT filed a closure report. The Petitioner filed her detailed objections to the report (Protest Petition). The learned Magistrate after hearing the arguments upheld the closure report. The Petitioner challenged the said order of the Magistrate before the High Court. By the impugned order, the High Court rejected the Petition of the Petitioner.

3. The Petitioner submits that the Learned Magistrate has erred in law by limiting the scope of the case before him. When the Closure Report submitted by the Respondent SIT, under Section 173 (as has been categorically stated in the Supreme Court order dated 12.09.2011 in Criminal Appeal No.1765 of 2011), came up for perusal before the Learned Magistrate and the same was contested by the Petitioner by filing a Protest Petition, the Learned Magistrate was open to choose any one of the following:

a. The Learned Magistrate when dealing with the Closure Report submitted by the Respondent SIT, under Section 173, is convinced after considering the "Closure/Final Report" and the Protest Petition that no

C

case is made out for trial, he could have accepted the final report and closed the proceedings.

- b. The Learned Magistrate could have formed an opinion that the facts, set out in the closure report, constitute an offence, pursuant to which he could have proceeded to take cognizance of the offence, under Section 190(1)(b) or 190(1)(c) of the Code of Criminal Procedure, notwithstanding the contrary opinion of the Respondent SIT, expressed in the Closure Report.
- c. The Learned Magistrate may have taken the view, on a consideration of the Closure Report, that the opinion formed by the Respondent SIT is not based on a full and complete investigation or that the investigation is unsatisfactory, or incomplete, or that there is scope for further investigation, in which case, the Learned Magistrate would have had jurisdiction to give directions to the police, to conduct further investigation. Hence the Learned Magistrate could have declined to accept the final report and direct the police to make further investigation as per the provisions of the Code of Criminal Procedure. (Abhinandan Jha Vs. Dinesh Mishra, (1967) 3 SCR 668, Paragraph No. 15 and 21)
- d. The Learned Magistrate could have treated the Protest Petition as a complaint and proceed to deal therewith in terms of Chapter XV of the Code of Criminal Procedure. (Popular Muthiah Vs. State (2006) 7 SCC 296, Paragraph No.21 and 54)

D

4. It is submitted that the Learned Magistrate in the order dated 26.12.2013 (**Pages-174-378 of Volume I and II of the SC Record**) errs in holding that it was not within his powers to direct further investigation or to treat the Protest Petition as a complaint (Page No.61-63 of the Magistrate order). The Learned Magistrate's reliance on Paragraph No.8 and 9 of the Hon'ble Supreme Court order dated 12.09.2011 in Criminal Appeal No.1765 of 2011 to exclude the option or of further investigation by treating the Protest Petition as a complaint is completely misplaced, as the said paragraphs merely state that the Hon'ble Supreme Court having overseen the investigation in order to ensure proper and honest performance of the investigative agency and the Final Report of the Respondent SIT should be placed before the Magistrate as required under section 173(2) of the Code of Criminal Procedure. The order is further flawed in holding that it was not open to the Learned Magistrate to order further investigation under section 173(8) of the Code of Criminal Procedure because the Supreme Court had already included the report of the SIT within the purview of section 173(8). In fact, Paragraph No.9 of the said order categorically states that "*The said court will deal with the matter in accordance with law relating to the trial of the accused, named in the report/charge-sheet, including matters falling within the ambit and scope of section 173(8) of the Code.*" Thus, the order dated 26.12.2013 shows that the proceedings before the Hon'ble Supreme Court and the Orders passed by the Hon'ble Supreme Court particularly orders dated 12.09.2011 and 07.02.2013, **A-33, Pages 933-936 of**

E

Volume XIV of the SC Record) were not only not understood properly but were misread. It is submitted that the order is perverse to the extent that the Learned Magistrate refuses to exercise his statutory powers and limits the scope of the proceedings before him whether to accept the closure report of the Respondent SIT or to take cognizance based on the facts brought on record by the Closure Report. The Petitioner further states that the Learned Magistrate has erred by going into the veracity, truthfulness or otherwise of the material on record, which stage comes later during the trial. It is submitted that the Learned Magistrate was legally required to prima facie examine the material on record to find out whether case of reasonable suspicion to take cognizance against the accused was made out. (S K Sinha Vs. State (2008) 2 SCC 492, Paragraph No.22)

5. Further, it is the Petitioner's contention that the Magistrate's order dated 13.12.2013 apart from the aforesaid legal deficiencies is also plagued by major factual lacunae that necessitate the said order be set aside in the interests of justice and the detailed Protest Petition along with exhaustive documentary evidence be taken as a complaint and further investigation be ordered with the issues raised therein. The Petitioners have relied on not a single or stray documents from the Investigation Record but a whole series of events that have been pieced together relying on these documents. The said observations can broadly be covered under the following six heads:
 - a. Conspiracy
 - b. Abetment

F

- c. Hate Speech
 - d. Lack of fair investigation and need of further investigation
 - e. Statements and evidence of Sreekumar and Rahul Sharma
 - f. Role of Amicus Curiae
6. **Conspiracy**: It is the Petitioner's case that the incidents of violence across the State of Gujarat that followed after the unfortunate burning of the Sabarmati Express at Godhra were encouraged and condoned and overtly supported by the state government and the actions and omissions on part of the state amounts to conspiracy. The conspirators can be classified in to four groups i.e. Political Establishment, Bureaucrats, Police officers and Private organizations/individuals.

G

PART II

ISSUES NOT DEALT WITH BY THE MAGISTRATE AND THE GUJARAT HIGH COURT

1. The following are the issues not dealt with by the Magistrate and the Gujarat High Court.
 - a. **First Component of Conspiracy Prelude and Build Up Before 27.2.2002:** To generate and allow to be generated and deepen feeling of hatred towards a particular community prior to the train incident (State IB Messages and Transcripts of the Tehelka Sting Operation that have been Validated by the CBI Pursuant to an Order by the NHRC)
 - b. **Second Component of Conspiracy** includes Inaction of Accused/ Political/Police/Bureaucrat Functionaries after Intimation of Godhra Incident &Hate Speeches &Mob Mobilisations all over Gujarat on 27.2.2002
 - c. **Third Component of Conspiracy** after Outbreak of Violence on 27.02.2002 and Inaction/Non Response from authorities including Police, Fire Brigade, Other Functionaries (no preventive measures, no deployment of forces, no preventive or prompt arrests, no curfew declared etc)

H

Build Up of Communal Mobilisations by VHP Cadres Stock-Piling and Transportation of Arms and Ammunition before the Godhra Incident on 27.2.2002; from SIB Records (State Intelligence Bureau and Tehelka Magazine's Sting Operation

A. Gujarat State Intelligence Bureau (SIB) has records of over two dozen messages, from at least 12.2.2002 onwards that are indicative of serious levels of communal mobilizations by organisations, armed with trishuls, taking place all over Gujarat. This ingredient of the Conspiracy was outlined by the Petitioner in her Complaint dated 8.6.2006 (**Pages 21,22, 23 of Volume III of the SLP Record**) and has been collated by the Petitioners as part of the Protest Petition further detailed with evidence of the actual messages (**Pages 372, 373, 374, 375 at Volume IV of the SLP Record**). The statement of then Additional Chief Secretary (ACS) Home, Ashok Narayan before the SIT (12.12.2009) admits to the Home Dept being in the knowledge of this Mobilisation(**PAGE NO. 9-13**).The duties and responsibilities of the SIB & Home Dept are laid down vide the Gujarat State Police Manual (Volume III), Rule Nos 461(**PAGE NO. 32-33**).

B. In addition to the SIB Messages, evidence in the form of Transcripts of the Sting Operation Conducted by Tehelka is available and was galvanised in the Protest Petition by the Petitioner to corroborate a systematic Build-Up of communal temperatures before 27.2.2002, the Godhra mass arson. (**Pages 314- 319 in Volume IV of the SC SLP Record**).The Sting Operation

I

was made public in October 2007, a year and four months after the Complaint was filed. On 5.3.2008, the National Human Rights Commission (NHRC) directed the CBI to authenticate the tapes of the Sting Operation and the CBI has authenticated the same. The SIT Investigation Papers has the complete record of this authentication by CBI. The Petitioners crave leave to produce a soft copy of this 188 page document at the time of the hearing of the petition. Finally, on 27.08.2009, the SIT recorded the statement of journalist, Ashish Khetan who conducted the Sting Operation. **(PAGE NO. 41-46)(Para 920-922 at Pages 608-609 of the Protest Petition at Volume V of the SC SLP Record)**It is also relevant to note that one of the Special Courts set up pursuant to an Order of this Hon'ble Court on 1.5.2009 (in the Naroda Patiya case), in its judgement dated 29.08.2012 convicting several accused (including those on whom the Sting Operation was performed) validated the contents of the Sting Operation and treated it as corroborative evidence. The Petitioner is relying on the relevant parts of the judgement in the Naroda Patiya case and the same are annexed herein.

C. According to the information revealed during the Sting Operation, before 27.2.2002 in the interview conducted in the sting operation "Operation Kalank", Haresh Bhatt, then BJP MLA from Godhra states that there was a well planned conspiracy to import large quantity of ammunition from outside Gujarat and also to ensure weapons within the State. (Para 247, pages 120-

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121 of the Protest Petition). Besides, Dhawal Jayantilal Patel, then VHP District Convener, Sabarkantha also tells Tehelka that he is a registered holder of dynamite which is used for quarrying in the district. He says in his interview recorded during the Sting Operation that he along with some other persons has been trained to make bombs. He says that they make desi bombs that were then distributed and used in various areas **(Para 251 of the Protest Petition at pages 317-318 of Volume IV of the SC SLP Record).**

Anil Patel , VHP Vibhag Pramukh, Sabarkantha also interviewed during the sting operation states that bombs were being smuggled in from Sabarkantha to Ahmedabad from quarries owned by VHP workers. Amish Patel also explains how sections of the Gujarat police , for example N.D. Solanki, then SP of Sabarkantha were full fledged supporters of the VHP. AnilPatel states that Solanki gave him full support and enabled the quick release of Arvind Soni, a VHP leader. Despite these leads given in the sting operation, SIT deliberately chose to ignore this evidence and in fact raises questions about the authenticity of the sting operation. The SIT appears to have simply, without any judicial examination, accepted the contentions of Haresh Bhatt given in his statement dated 29.3.2010. The accused gave an improbable explanation that though he had mentioned of the facts contained in the interview and he confirmed his photographs and voice, the facts were only material given to Mr. Khetan and not based on the facts. The SIT did not investigate the matter of arms and ammunitions being manufactured and distributed by VHP any further.

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Similarly the SIT has accepted the statement of N.D. Solanki, former S.P. of Sabarkantha in 2002 recorded on 17.1.2010 without any further interrogation. They have not gone into the details of the fax message contained in the annexures to the affidavit filed by the former DGP, RB Sreekumar. (**Annexures I Vol.II, Sr.No.116 of the SIT Record** is the statement recorded of Haresh Bhatt and **Sr.No.70 Annexure I Vol. II** is the statement of N.D. Solanki in the SIT Investigation papers.)

S. No	Facts/Details	Supporting Documents/Evidence	Page No. & References
1.	Build Up of Communal Mobilisations by VHP Cadres- Stock-Piling and Transportation of Arms and Ammunition before the Godhra Incident on 27.2.2002; from SIB Records (State Intelligence Bureau), Gujarat	<p>1) 7.2.2002 State Intelligence Bureau messages from PB Upadhyaya to the DGP, Gujarat, State Home Department and all Police stations of Gujarat warning of the communal mobilisations especially near temples, recruitment of volunteers for the programmes and aggressive posturing in Gujarat. (PAGE NO. 1-2)</p> <p>2) 12.2.2002 SIB Message (PB Upadhyaya) to DGP Uttar Pradesh also intimating that 3,000 Kar Sevaks from Gujarat will reach</p>	<p>1) Prelude & Build Up: Zakia Complaint –Protest Petition - Para 239 – Pg. 312 – Vol. IV of the SC Record</p> <p>2) Prelude & Build Up: Protest Petition - Para 426 to 438 – Pg. 372 to 375 – Vol. IV</p> <p>3) Prelude & Build-Up: Protest Petition – Para 956-958 – Pages 637 –Volume V</p> <p>4) Prelude & Build-Up: Protest Petition –Para 980 & Para 983 at Page 644-</p>

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		<p>Ayodhya on 23.2.2002 to participate in the Mahayagna. (PAGE NO. 3-4) (PAGE NO. 5-6)</p> <p>3)13.2.2002 Message from SIB records that Praveen Togadia announced at a press conference that there would be active participation by VHP cadres in the Mahayagna would be enthusiastic. Message sent to all Police stations in Gujarat, DGP and Home department Gandhinagar warns of the possible repercussions of this.</p> <p>4)13.2..2002: RSS, VHP supported by the BJP had decided to have Maha Yagna at Ayodhya (Faizabad) as a sequel to the demolition of the Babri Masjid which was announced by Praveen Togadia, international general secretary of the VHP. Further announcement was that construction of Ram temple will commence</p>	<p>Volume V</p> <p>5) Listed at Page 766 of Volume XIII in the SC Record& at Annexure I Volume I Serial Nos. 62-63 of SIT Record/Investigation)</p> <p>6)These SIB Messages on Prelude & Build-Up are available in the SIT Record/Investigation (Annexure III, File II D-21)as Appendixes to First Affidavit (July 2002 of RB Sreekumar, former ADGP Intelligence, Gujarat, April-September 2002) (D-21 in SIT Papers) and also found in Annexure III, File XXXIV, Page 2 of the SIT Investigation Record. (DGP to SIT, Jan 2010; Listed at Page 795, Volume XIII in the SC Record) apart from also being annexures to DGP Gujarat (2005-2996) Mahapatra's Affidavit at D-54 and</p>
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		<p>from 12.3.2002 onwards. Pursuant to this announcement, the following activities commenced (PAGE NO. 7-8)</p> <p>5) SIB Message dated 16.2.2002 (PAGE NO. 9-13)</p> <p>6) 19.2.2002 Message from DGP INT Gandhinagar to Lucknow, UP by KM Chauhan of Bajrang Dal activists including Prahladbhai Patel on their way to Ayodhya carrying Trishuls with them (PAGE NO. 16-17)</p> <p>7)20.2.2002 DCP-INT (Communal) PB Upadhya SIB Message to DGP, SP, Western Railway Vadodara that 3,000 Kar Sevaks would be leaving on 22.2.2002 from Ahmedabad station. (PAGE NO. 18-19)</p> <p>8)20.2.2002 PB Upadhyaya message to all CPs, SSPS in districts and Home Secretary Gandhinagar intimating decision of</p>	<p>D-139 of the SIT Records Listed at Sr 782 & 789 Volume XIII in the SC Record</p>
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		<p>VHP that Ram Mandir would be constructed at any cost after 12.3.2002 and enrolment of Ram Bhaktas would start from all over the country from 1.3.2002.</p> <p>9)21.2.2002 SIB Message states that Kar Sevaks are going to travel on a train going to Faizabad (Ayodhya) and therefore in respective areas as well as in the railway stations it is necessary to provide bandobast. Take steps to ensure that no untoward incidents take place. Message sent by PB Upadhyaya (SIB-Int-Communa) to DGP, CPS, SPS and Home DepartmentGandhinagar.</p> <p><u>(PAGE NO. 20-21)</u></p> <p>10)21.2.2002 SIB-Int –Communal PB Upadhya sends a Message to DGP Lucknow about the departure of VHP and Bajrang Dal activists (3,000) between 22.2.2002 and 27.2002</p>	
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		<p>under the leadership of Dilip Trivedi for re-building the Ram temple from 15.3.2002 (PAGE NO. 22-23)</p> <p>11) 23.2.2002 DSP Faizabad and Home secretary Gandhinagar about 2800 VHP and Bajrang Dal & Durga Vahini activists under Dilip Trivedi and Kum Malabehn Rawal have left Ahmedabad by Sabarmati Express for Ayodhya on 22.2.2002 at 2050 hours. (PAGE NO. 24-25)</p> <p>12) 25.2.2002 DCP Communal State Intelligence PB Upadhyaya informing SSPs Faizabad and Home Secretariat Gandhinagar that 1900 VHP and Bajrang Dal activists under the leadership of Vijay Pramani, Hareeshbhai Bhatt and Khemrajbhai Desai have left Vadodara by Sabarmati Express train for Ayodhya on 24.2.2002 at 23.10 hours. 27.2.2002 (PAGE NO. 26-27)</p>	<p>Tehelka Transcripts also other References to Prelude of Tehelka Transcripts:</p> <p>a) Protest Petition - Para 245 to 260 – Page 314 to 320 – Vol. IV of the SC Record</p> <p>b) Listed at Page 768 of Volume XIII of SC record, Sr Nos 116 at Annexure II, Volume II (List of Statements in Further Investigation)</p> <p>c) Dhaval Patel's statement Listed at Volume XIII, Page 777 of SC Record,</p>
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		<p>13) 27.2.2002 Message by Sanjiv Bhatt DCP Int Communal to SSP Faizabad and Home Secretariat</p> <p>Gandhinagar that 1,500 VHP, Bajrang Dal and Durga Vahini activists including Narendrabhai Vyas activists have left Ahmedabad for participating in Mahajhap Majayagna by Sabarmati Express for Ayodhya-Faizabad at --.2.2002 at 20.40 hours</p> <p><u>(PAGE NO. 28-29)</u></p> <p>All these message are part of the SIT record and annexed hereto as Illustrations</p> <p>All these message are part of the SIT record and annexed hereto as Illustrations</p>	<p>Sr Nos 113 at Annexure II, Volume II (List of Statements in Further Investigation)</p> <p>e)Anil Patel's statement Listed at Page 765, Volume XIII of the SC Record at Sr Nos 113 at Annexure II, Volume II (List of Statements in Further Investigation)</p> <p>f)CD of Transcripts Listed at Volume XIII, Page 845 of the Sc Record (Sr Nos 15, 16 & 17, Annexure IV of the SIT Record/Investigation)</p>
2.	<p>Standard Operating Procedures (SOPs) for Police & Intelligence</p> <p>Statement of Senior Bureaucrat</p>	<p>B) Other Important Evidence/References that should have been assessed by SIT while looking at the Build-Up/ Prelude to Violence from the CRA 205/2014 Record</p> <p>i) Read Former Additional Chief Secretary,</p>	

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		<p>ACS,Gujarat, Ashok Narayan's Statement Dated 12.12.2009 before SIT. He is a senior Bureaucrat in the Home Department and admits to the Prelude and Build Up of Violence Before 27.2.2002 (Kar Sevaks carrying Trishuls); confirms receipts of SIB Messages (PAGE NO. 9-13)</p> <p>ii) Excerpt from the Gujarat Police Manual (Chapter X) on Special Organisations, State Intelligence. (PAGE NO. 32-33)</p> <p>iii) Relevant Page from the Gujarat Government Rules of Business, 1990 that deals with the Responsibilities of the State Government Home Department (PAGE NO. 34-40)</p>	
3.	<p>Jan Morcha Report (Newspaper published from Faizabad Ayodhya dated 24.2.2002</p>	<p>24.02.2002 Article in Jan Morcha a local newspaper published from Faizabad-Ayodhya showing the aggressive</p>	

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		behaviour against minorities of those who had travelled from Gujarat especially at the Rudali police station in UP. <u>(PAGE NO. 30-31)</u>	
4.	Build Up of arms and ammunition before the Godhra Incident (27.2.2002) from Tehelka's Sting Operation	<p>Transcripts of the Tehelka Operation Kalank (Haresh Bhatt, Dhaval Patel and Anil Patel) on the Bomb Making and Arms Importation into Gujarat before 27.2.2002 as also their SIT Statements;</p> <p>1) Statement of Ashish Khetan, then of Tehelka before the SIT dated 27.08.2009 <u>(PAGE NO. 41-46)</u></p> <p>2) Transcripts of the Tehelka Operation Kalank (Haresh Bhatt, Dhaval Patel and Anil Patel) on the Bomb Making and Arms Importation into Gujarat before 27.2.2002 as also their SIT Statements;</p> <p>Anil Patel</p>	<p>References:</p> <p>1. Paras 112-113 at Page 260 of Vol III of the SC SLP;</p> <p>2. Paras 115, 117 at Pages 261 of Vol III of the SC SLP</p>

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		<u>(PAGE NO. 47-58)</u> Haresh Bhatt <u>(PAGE NO. 59-77)</u> Dhawal Patel <u>(PAGE NO. 78-82)</u> 2) 29.08.2012 Judgement of Special Sessions Court in Naroda Patiya Case upholding the Tehelka Sting Operation <u>(PAGE NO. 83-106)</u>	
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The above issues and arguments were brought to the notice of Shri. AK Malhotra, SIT, Gandhinagar by the Citizens for Justice & Peace letter dated 21.04.2011. Additionally, the aforesaid letter also brought to the SIT's notice certain documents that required examination and were part of the SIT record.

(PAGE NO. 107-121)

True and translated copy of State Intelligence Bureau (SIB) message dated 07.02.2002 sent by P.B. Upadhyaya, DCP to DGP, Gujarat, State Home Department and all police stations of Gujarat.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

[[All messages are part of the SIT Investigation record and handed over to the High Court]]

Reference: SIT records at Annexure III, File XXXIV D-176 given to the Court as A Colly record as Annexure AColly.

Page 3061

TRANSLATION OF SIB MESSAGE

Commissioner of Police, All

Superintendent of Police, All

Komkhed Gandhinagar

Police Gandhinagar

Additional Director General of Police (Intelligence) ----- Gandhinagar

D-1/----/----228/2002

Date: 7.02.2002

State Intelligence Bureau message from PB Upadhyaya to the DGP, Gujarat, State Home Department and all Police stations of Gujarat warning of the communal mobilisations especially near temples, recruitment of volunteers for the programmes and aggressive posturing in Gujarat.

Signed

PB Upadhyaya

DCP (Int-SIB, Communal) Gujarat

Gandhinagar

True and translated copy of SIB message dated 12.02.2002 sent by P.B. Upadhyaya, DCP to DGP, Uttar Pradesh.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages
3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

TRANSLATION OF SIB MESSAGE

3063

Date: 12.2.2002

No. D--- 252/2002

Nayak Office of the Director General of Police (Intelligence)

---- Gandhinagar Dt. 12-2-2002

To,

Chief Secretary

Secretariat Department

Gandhinagar

State Intelligence Bureau message from PB Upadhyaya to the DGP, Uttar Pradesh
SIB Message (PB Upadhyaya) to DGP Uttar Pradesh also intimating that 3,000
KarSevaks from Gujarat will reach Ayodhya on 23.2.2002 to participate in the
Mahayagna.

Signed

PB Upadhyaya

DCP (Int-SIB, Communal) Gujarat

Gandhinagar

13. Donnerstag - 2

કચ્છ : ડી- ૧૯ એપ્રિલ/૨૦૧૨
અધિક્ષ પોલીસ : મહાનિરીક્ષક(પી-૨)ની કચેરી,
પુ.સી.મથક નં. ૧૨-૨-૨૦૦૨.

८,
भक्त-मुण्ड्य, सविनकी,
विमल, सविन हल्य,
"मी नजर.

Page 2

વિષય: દિવન કોર્ટ પરોખની પ્રવૃત્તિ બાબત.

કચ્છમાં વિવિધ અનુભવોને વિનંતી સાથે જણાવવાનું છે, અયોધ્યા ખાતે
અયોધ્યાની મંદિરનું વર્ણનમાં આગામી ૧૨ માર્ચ ૦૨ વડી કોઈપણ સંજોગોમાં
નુ કરવામાં આવશે તેવી વિ.હી.પ. તરફથી જાહેરાત કરવામાં આવેલ છે. અને
૦૨-૦૨-૨૦૦૨ના વડીકચ્છમાં પાલકો અપાવવામાં આવેલ વિ.હી.પ.ની બાદમાં
૦૨-૦૨-૨૦૦૨ના વડીકચ્છમાં પ્રવિષ્ટતાઈ તોચકી રાજ્યમાંથી પાલકાર પરીબાદમાં
૦૨-૦૨-૨૦૦૨ના વડીકચ્છમાં ૧૦૦ દિવસો બાદે તે પ્રકારનો મહાચક્ર અયોધ્યા
નો સારુ કરાયો. જેમાં બાગ દેવના સારુ ગુજરાત રાજ્યમાંથી આસરે ૦૦૦ જેટલા
૦૨ સેવકો ૦૨-૦૨-૨૦૦૨ સુધીમાં અયોધ્યા ખાતે પહોંચી ગયાં. તેવી જાહેરાત
૦૨ છે. અને ગુજરાત રાજ્યમાંથી માલક ગાદત દેવના અય રાજ્યમાંથી પણ કાર
કો અયોધ્યા ખાતે ગેંગા જશે. જેમાં અયોધ્યા ખાતે લાખોની સંખ્યામાં કાર
નો એકઠા થશે. જેમાં અયોધ્યા ખાતે કાચકો અને વ્યવસ્થા જોખમાં તેવી
૦૨ છે. અને કાચકો વ્યવસ્થા જોખમાં તો આરો. નિર્દોષ માણસોના જાન
ખાતે તેવી કચલા છે. અને અયોધ્યા ખાતે કોઈ અનિચ્છનીય બનાવ બને તો
૦૨ પછી ગુજરાત રાજ્યમાં પડે તેવી પુરી જાણ છે. જેમાં મંદિરના પ્રસાર
૦૨. પરીબાદ લવારા કરવામાં આવતો પ્રસાર કોઈની સામક્ષીને ઠેસ પહોંચાડનાર
૦૨માં મંદિર જેવા પ્રસારે વલ્લર ના ડીશે. ખાતે રચાયેલું પુનઃ નિર્માણ ના
૦૨ તેવી તાહેરી રાખવી ચોઈય દેખાશે.

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 प्र. नं. १८
 प्र. १८

ଶୁଭା ଶୁଭା:

રા માફક નહેવક અને

પોલીસ સહાયક દરજ્જી, રૂ. ૨૧.૫ (છાત્ર-૧૩૨)

True and typed copy of SIB message dated 12.02.2002 sent by P.B. Upadhyaya, DCP to DGP, Uttar Pradesh.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages
3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

Page 3062

MESSAGE IN ENGLISH

Confidential

T.P. Message

(Priority Urgent)

To : D.G.P. Uttar Pradesh, Lucknow
Info : Home Sec., Gandhinagar,
Police Gandhinagar
From : Addl. D.G.P. Int., G.S., Gandhinagar

O. No.: D-1/9/-HA/243/ 2002

Date: 12-2-2002

Text :

V.H.P., Gujarat announced that about 3000 Karsevak From Gujarat State are likely to reach Ayodhya by 23-2-2002 to participate in proposed 100 days "Maha Yagna" programme commencing with effect from 24-2-2002. ()

(P.B. Upadhyaya)

Dy. Commissioner (Communal)

For. Addl. D.G.P., Int., G.S., Gandhinagar.

3062

6

ConfidentialT.P. Message
(Priority Urgent)

To : D.G.P., Uttar Pradesh, Lucknow.

Info : Home Sec., Gandhinagar,
Police Gandhinagar.

From : Addl. D.G.P. Int., G.S., Gandhinagar

Q.No.: D-19-11A/ 243 /2002

Date: 12.2.2002

Text

V.J.P., Gujarat announced that about 3000 Karsevek from Gujarat State are likely to reach Ayodhya by 23.2.2002 to participate in proposed 100 days "Maha Yagna" programme commencing with effect from 24.2.2002 ()

for P.
D.G.P.
S.M.

12/2
(P.B. Upadhyaya)
Dy. Commissioner (Communal)
for Addl. D.G.P., Int., G.S., Gandhinagar
12/2

1. D.G.P. (P.O.)
S.M.

C.O.

True and typed copy of SIB message dated 13.02.2002 sent by P.B. Upadhyaya, DCP to all CPs and SSPs in Gujarat.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages

3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

Page 3064

MESSAGE IN ENGLISH

Confidential

T.P. Message

(Priority Crash)

To : A.B.Cs.P. & All Ss.P. in the State including : Western Vadodara
 Info : Home Sec., Gandhinagar,
 Police Gandhinagar
 All Range, I.G.P. in the state
 --- (CT) Intelligence Dept. U.P. Lucknow

From : Addl. D.G.P. Intelligence G.S. Gandhinagar

O.No. D---HA/254/2002

Date: 13-2-2002

Text:

A message received from I.G. (CT), Intelligence Dept., D.P., Lucknow to the learnt that addressing the press after the meeting of prominence leaders of VHP at Chattarpur Mandir Mehrauli, Delhi on 29-1-2002, Praveenbhai Togadia Head Sec., VHP announced that Ram Mandir would be constructed at every cost or after March 1---2002 enrolment of Ram Bhakt would start throughout the country at 7000 places from March 01, 2002 who would work in construction of Ram Mandir ()

The following information may be sent to IG (CT) Intelligence, Dept. U.P. Lucknow, as early as possible.()

- 1) Date of enrolment and number of Ram Bhakts enrolling as your district for construction of Ram Mandir
- 2) Their proposed date of arrival in Ayodhya (Faizabad).
- 3) Mode of travel
- 4) Names of prominent leaders coming to Ayodhya
- 5) Any weapon including lathies carried by them and
- 6) Any other information related to above by quickest possible means

You are requested to furnish point wise information directly to I.G.(CT) Intelligence, U.P. Lucknow bearing No. 13-14/VHP/2002, dated 11-2-2002 under information to the office (.)
 End.

(P.B. Upadhyaya)
 Dy. Commissioner (Communal)
 For. Addl. D.G.P., Int G.S. Gandhinagar

3064

21

Appendix-10

Appendix-10

ConfidentialT. P. Message
(Priority: Crash)

To : All C.S.P. & All S.S.P. in the State including West of Vadodara.

Info : Home Sec., Gandhinagar,
Police Gandhinagar,
All Range Is.G.P. in the State,
I.G. (CI) Intelligence Dept., U.P., Lucknow.

From : Addl. D.G.P., Intelligence, G.S., Gandhinagar.

O.No.: D-1/9-HA/257/2002

Date: 13.02.2002

Text :

A message received from I.G. (CI), Intelligence Dept., U.P., Lucknow (-) It is learnt that addressing the press after the meeting of prominent leaders of VHP at Chattarpur Mandir, Mehrauli, Delhi on 29.1.2002, Praveenbhai Togadia (Genl. Sec., VHP) announced that Ram Mandir would be constructed at every cost on or after March 1st, 2002 enrolment of Ram Bhakts would start throughout the country at 7000 places from March 01, 2002 who would work in construction of Ram Mandir (-)

The following information may be sent to I.G. (CI) Intelligence, Dept., U.P., Lucknow as early as possible (-)

- (1) Date of enrolment and number of Ram Bhakts enrolling in your district for construction of Ram Mandir
- (2) Their proposed date of arrival in Ayodhya (Faizabad),
- (3) Mode of travel
- (4) Names of prominent leaders coming to Ayodhya
- (5) Any weapon including lathis carried by them and
- (6) Any other information related to above by quickest possible means

You are requested to furnish point wise information directly to I.G. (CI) Intelligence, U.P., Lucknow bearing No. 13-H/VHP/2002, dated 11.2.2002 under intimation to this office (-) End....

(P.B. Upadhyaya)

Dy. Commissioner (Communal)

For Addl. D.G.P., Int., G.S., Gandhinagar

4

True copy of statement dated 12.12.2009 made by Ashok Narayan before the SIT, Gandhinagar

236

238

Date L: 12.12.2009

Statement of Shri Ashok Narayan, s/o late Shri Shiv Narayan, aged about 65 years r/o 'Ghar' Block No. 852, Sector 8, Gandhinagar, 382 007 (Mobile Phone No. 9727882889)

I had completed my education in Uttar Pradesh and did double Post-Graduation in Mathematics Physics from Allahabad University. I joined Indian Administrative Service in the year 1966 and was allotted to Gujarat Cadre. In Gujarat I remained posted in different capacities at different places. In January 2002, I was posted as Additional Chief Secretary (Home) Government of Gujarat.

I took charge of the post of Additional Chief Secretary (Home) (hereafter mention as ACS (H)) on 01.01.2002. At that time Shri P. S. Shah, Additional Secretary (Law and Order) used to look after law and order and Shri K. Nityanandam, the then Secretary (Home Department) used to look after police affairs as well as certain Schemes sponsored by the Central government. Shri Gordhan Zadaphia was the Minister of State (Home) and the charge of the Cabinet Minister for Home Affairs was held by Shri Narendra Modi, Chief Minister.

The State of Gujarat has a long history of communal riots way back to 1714. Thereafter riots had erupted in the State on many occasions during the last three centuries. However, post-Independence, major riots took place in the State in 1969, 1985 and 1992-93. Inputs regarding the communal situation in the State had been received from the State Intelligence Bureau as well as Intelligence Bureau; Ministry of Home Affairs, Government of India. This information was sent to the concerned authorities to initiate appropriate preventive and remedial measures. Actionable information was analysed and communicated to the DGP and other field formation for further necessary action.

At the time when I took over as ACS (H), the communal atmosphere in Gujarat State was neither surcharged nor volatile prior to 27.02.2002. It may be mentioned here that the programme of Shilanyas for Ram Mandir at Ayodhya was announced quite a few months back to be done on 15th March 2002 and this announcement had arose some passions across the country. In Gujarat State Intelligence outputs were available to the government about the movement of the Karsevaks from different places in Gujarat to Ayodhya. Keeping in view this information all SsP/CsP were alerted on 07.02.2002 about the movements of Karsevaks. The Government had specific information that on 16.02.2002 that Shri Prahladbhai J. Patel, President of Bajrang Dal would leave for Ayodhya for Maha Yagna along with 150-200 persons. Further on 22.02.2002 he will depart from Mehsana railway station at 15.40 hours by Delhi-Ahmedabad Mail train for Ahmedabad and on 24.02.2002 they would leave Ahmedabad railway station by Sabarmati Express train 9165 Dn. at 20.25 hours for Ayodhya. Also there was information that they will return on 26.02.2002 from Ayodhya at night and would reach Ahmedabad on 28.02.2002 morning. The group was supposed to carry Trishuls with them. Accordingly this message was passed on by SP Western Railway, Vadodara Gujarat to IG Communal Intelligence, UP, Lucknow vide fax message dated 16.02.2002. However, no specific information had been received from the IG Communal Intelligence, UP about the return journey of Karsevaks or from anyone else.

On 27.02.2002, I had received a telephonic information from DM Godhra Smt. Jayanti Ravi at 09.00 hours that a railway coach of Sabarmati

Ashok Narayan 12/12/09

31

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239

239

Express train had been set on fire by a mob of Muslims at Godhra railway station. Her first reaction was that there was no casualty in the said incident. Immediately I had given some instructions to DM Godhra to call the fire tenders to extinguish the fire, to arrange for the return journey of the stranded passengers at Godhra railway station, to arrange for medical aid for injured if any and to get hold of the miscreants responsible for the said incident. I immediately informed the Chief Secretary and Chief Minister about the incident. It may be mentioned here that Shri G. Subba Rao, the then Chief Secretary had gone abroad and Smt. Swarnakanta Varma, being the senior most was holding the charge of Chief Secretary. The Chief Minister had called for an immediate meeting at about 10.30 hours. Apart from myself Shri Gordhan Zadaphia, the then MoS (H), Shri K. Chakravarthi, the then DGP, Shri P. C. Pende, the then CP Ahmedabad City and other staff of CM were present in the said meeting held at the residence of the Chief Minister. Till then no news had been received about the exact number of casualties in this incident and the information was ticking down in tit-bits. In the meeting the emphasis was made by the Chief Minister that the miscreants responsible for this incident should be caught hold of and should not be allowed to escape. The Chief Minister was concerned about the number of casualties in the incident. No minutes of the meeting were prepared. Thereafter the Ministers went to Assembly and I came to my office to prepare a note for approval of the Chief Minister to enable the MoS (Home) to make a statement in the Assembly. As per the Assembly records for 27.02.2002, the Assembly started at 13.00 hours on 27.02.2002. I had prepared a note on the basis of information provided by the DGP and submitted it to the Chief Minister for his approval. Myself gone to the assembly in the afternoon but I had no information that the CM or MoS (Home) would personally go to Godhra to take stock of the situation. I came to know about it afterwards.

On return from the Assembly I held a meeting with the DGP and other senior officers and gave instructions about the course of action to be followed to maintain law and order in the State. At the request of DGP, a request for 10 companies of Central Paramilitary Forces was sent to the Government of India on 27.02.2002. At our request Government of India deputed four companies of Rapid Action Force, which were already available in Ahmedabad. Out of these four companies of RAF, one coy was sent to Godhra on the same day and one each was sent to Ahmedabad, Vadodara and Surat. Another request was made to Government of India for CRPF but the same was not made available on the ground that they had been deployed in Ahyodhya and North-East. It was sometime in the evening that an information was received about the Bandh call given by the Vishwa Hindu Parishad on 28.02.2002 to protest against the incident of burning of a coach in Sabarmati Express train near Godhra railway station resulting in to death of passengers. Immediately a crash wireless message was sent to all Commissioners, Range IsGP, all Dispol, Westpol, Vadodara under intimation to DG & IGP Gandhinagar and DGP (Intelligence) to maintain strict vigil especially in communally sensitive areas as well as the places with past history of communal violence, all precautionary measures including adequate police bandobast and preventive measures including issuance of prohibitory orders depending upon the local situation should also be taken. It was further instructed that anti-socials and hardcore communal elements bent upon to jeopardize communal harmony must be dealt with firmly. Further, when the dead-bodies of the passenger arrive at their native places, the communal tension was like to rise and therefore enhanced bandobast should be made during the funeral processions of the deceased and peace and communal harmony should be maintained at any cost. Further, all CsP, DMs and SsP were directed to remain present at their headquarters, closely monitor the situation and adverse development if any, must be reported to Home Sec/Additional Secretary (L&O) on telephone followed by a factual report by Fax.

Aditya Narayan
12/2/02
(initials)

32

On 27.02.2002, the Chief Minister went to Godhra sometime in the afternoon after the Assembly was adjourned and returned late in the night around 22.00 hours. In the night, a law and order review meeting was called by the Chief Minister at his residence in the wake of the Bandh call made by the VHP. I attended this meeting held at the residence of the Chief Minister at about 23.00 hours. Shri K. Chakravarthi, the then DGP, Smt. Swarnakanta Varma, acting Chief Secretary alongwith the staff of Chief Minister were present there. I do not recollect as to whether Shri K. Nityanandam, the then Home Secretary, Shri Sanjeev Bhatt, the then DC (Intelligence) attended the said meeting or not. I do not recall having seen any of the Ministers or Cabinet colleagues of the Chief Minister in the said meeting. The DGP gave detailed sequence of events of Godhra incident and possible repercussions of the same. He also gave his requirement of additional force and informed that SRP has been alerted and deployed wherever necessary even by curtailing their normal functions. The Chief Minister was also apprised about the deployment of RAF in the State. The Chief Minister instructed that all possible steps should be taken to control the possible communal riots.

Q. Did the Chief Minister say that the people were very outraged by what had happened at Godhra and that police approach of balancing action against Hindus and Muslims would not work anymore and also that people would obviously vent out their feelings?

A. The Chief Minister did say that the people were outraged by the heinous incident of Godhra and therefore effective steps must be taken to control the communal riots if any. I have no recollection of the other words if any as referred to in the question.

No minutes of this meeting were prepared. Before going for the meeting I had known that VHP had made a call for Gujarat bandh on 28.02.2002 but I did not know that BJP had supported the said bandh. I came to know about it on the next day i.e. 28.02.2002 through newspaper reports. The Chief Minister had already taken a decision for the transportation of dead-bodies from Godhra to Ahmedabad and this had been conveyed to the concerned authorities at Godhra. I do not recall as to whether any Cabinet meeting was held on 27.02.2002 and 28.02.2002. On 27.02.2002, 217 arrests (137 Hindus and 80 Muslims) had been made by the police.

On 28.02.2002, two high level meetings were called by the Chief Minister, one in the early morning and other late in the evening. The morning meeting was attended by acting Chief Secretary, myself, DGP and ADGP (Intelligence). In this morning meeting, the law and order situation was reviewed by the Chief Minister. The matter relating to the calling of Army was also discussed but no decision to call Army was taken. I do not recall having seen Shri Ashok Bhatt and Shri I. K. Jadeja, the then Ministers in the said meeting.

Q. Did the Chief Minister direct the DGP and CP that Shri Ashok Bhatt and Shri I. K. Jadeja, the then Ministers would sit in the Control Rooms in Ahmedabad City Control Room at Shahibaug and State Control Room in DGP office respectively and assist/help the police in their operations?

A. I don't recall any such instructions given by the Chief Minister in the said meeting.

It may be added here that Army headquarter had already been alerted on 27.02.2002. However, on enquiry with local Army authorities it came to light that no force was available in Gujarat as the same had been deployed at the border. On 28.02.2002 at about 14.30 hours the Chief Minister made an oral request to Union Home Minister for army deployment which was followed by a

Ashok Bhatt
12/12/09

written request made by the Home Department through Fax to Secretary Ministry of Defence, GOI for deployment of ten columns of Army at Ahmedabad and other affected places immediately by airlifting them. Army personnel were airlifted from forward areas and started arriving in the night intervening 28.02/01.03.2002 and the last aircraft landed at 23.00 hours on 01.03.2002. The deployment of army commenced at 11.00 hour on 01.03.2002 and nine columns were deployed. On 28.02.2002, three companies of Central Industrial Security Force were also made available. Further on 01.03.2002, three companies of BSF and one company of Border Wing Home Guards loaned earlier to the Central government were made available to us. Simultaneously, the Gujarat government had made a request to Maharashtra, Rajasthan and Madhya Pradesh to make available Reserve Police force. However, only Maharashtra State responded by sparing two companies of SRPF and they were deployed in Surat. The total deployment of the para-military force was 37 companies including four companies of RAF but no CRPF.

In the afternoon, I came to know that arson and looting had been wide spread in the whole State especially in Ahmedabad. I do not recall the exact time but the intimation with regard to the Gulberg society incident and killing of Shri Ahasan Jaffri, ex-MP was received by me in the afternoon from Shri K. Nityanandam, the then Secretary (Home Department). I spoke to the DGP and asked him as to whether steps were being taken according to the Riot Control Scheme, to which he replied that appropriate instructions had been given to the concerned officers. It would not be out of place to mention here that I had spoken to the CP Ahmedabad earlier and discussed about imposition of curfew in Ahmedabad City but the Commissioner was of the view that it would be difficult to enforce the curfew in view of the insufficient police force available with them. On 28.02.2002 afternoon Shri Gordhan Zadaphia came to my room. I offered him a cup of tea. While he was sitting in my office, one Shri Usmanbhai Devdiwala, MLA from Ahmedabad peeped into my room and I repeatedly asked him to come over but he hesitated and left by saying that he would come some other time. Subsequently I heard that Shri Usman Devdiwala, MLA had alleged at some stage that Shri Gordhan Zadaphia was sitting in my office and controlling the police operations. On the contrary Shri Gordhan Zadaphia had expressed his concern about the ongoing riots in Gujarat and wanted the same to be controlled immediately.

On 28.02.2002 afternoon a press conference was held by the Chief Minister in Shahibaug Annexe sometime between 16.00 hours to 17.30 hours. I had attended the press conference along with police officers including DGP and CP Ahmedabad. Shri K. Nityanandam, Secretary (Home Department) was also there. In nutshell the Chief Minister informed the press that he had already requested the Central government to deploy the army and also appealed through them to both the communities to maintain peace and harmony.

On 28.02.2002 night, another law and order review meeting was held by the Chief Minister, which was attended to by DGP, CP Ahmedabad, ADGP (Int), myself and personal staff of Chief Minister. I do not recollect as to who others participated in the said meeting. ADGP (Int) gave the facts and figures of the various riot events in the said meeting. DGP expressed his concern and asked as to when the Army and CPMF would arrive. In this meeting, the massacres which took place in Gulberg Society and Naroda Patiya were also discussed. The first point which was discussed in the said meeting was that all the culprits responsible for these incidents should be brought to book and other issue which was discussed was how to control these riots. The CP was also of the view that with the limited strength of police force it was not possible to control these riots and that the Army/CPMF should arrive at the earliest. It was decided to make further attempt to secure additional forces as well as

Ashutosh Namgya

12/12/09

(493)

34

army. Shri Narendra Modi, CM spoke to Shri George Fernandes, the then Defence Minister, who personally arrived at Ahmedabad on 01.03.2002 to take stock of the situation. However, the Army started arriving in the night intervening 28.02.2002/01.03.2002.

On 28.02.2002, the police had fired more than 1,000 rounds. Uptil 08.03.2002 police had fired 5,141 rounds, 7,137 tear gas shells and 99 people had died due to police firing. The police had arrested 4,129 persons. It may be mentioned here that the major incidents could be controlled within 72 hours and subsequently with effect from 06.03.2002 to 15.03.2002, the casualties were between 1 and 3. On 19.03.2002, the death toll was 11 followed by a declining trend till 29.03.2002. On 30.03.2002, eight people were killed with nine killings on 03.04.2002. Thereafter there was a decline in death toll but the atmosphere was vitiated. Uptil 20.03.2002, 120 persons (66 Hindus and 54 Muslims) died in police firing. However, no incident had been reported after 10.05.2002. It may be mentioned here that uptil 24.06.2002, 19,603 persons were arrested by the police in 4,184 cases registered by them. However, the police had rescued around 10,000 persons during the riots.

To be continued on 13.12.2009

Read over and admitted to be correct.

Acharya
12/12/09

Before me

(A. K. MALHOTRA)
12/12/09
Member, SIT,
Gandhinagar

Typed by me

AD 12.12.09
(A. K. PARMAR)
PSI, SIT, Gandhinagar

- True and typed copy of SIB message dated 16.02.2002 sent to I.B. C.I.D Intelligence, Lucknow, Uttar Pradesh.

SPIRAL "J" PAGES 3975

SIT RECORD: ANNEXURE III FILE II, D-21, FIRST AFFIDAVIT OF R.B. SREEKUMAR

Appendix – 11

Fax Message

To : I.G. C.I. Intelligence U.P. Lucknow
 Info : Addl. D.G.P. Int. G.S. Gandhinagar
 From : Westpol Baroda (Gujarat)
 No. : B-10/21B/175/2002 Date : 16-2-2002
 Text :

This is an additional information in continuation of this office Fax-Message No. B-10/LIB/VHP/168/2002 dated 15-2-2002 regarding to furnish the information in connection with the construction of Ram Mandir / Maha-Yagna at Ayodhya.

The point wise information about the above subject are furnished under

- 1) 150-200 peoples of Bajrang Dal with leave for Ayodhya for Maha-Yagna
- 2) On 22-2-2002, they will departure from Mehsana railway station at 15/40 hours by Delhi-A'bad Mail Train for A'bad and on 25-2-2002, they will leave from A'bad Railway Station by Sabarmati Express Train No. 9165 DN at 20:25 hours for Ayodhya and will return back on 26-2-2002 from Ayodhya at right for A'bad and will reach A'bad on 28-2-2002. Morning.
- 3) By Sabarmati Express Train No. 9165 on 24-2-2002
- 4) Prominent Leader is Prahladbhai I.Patel, President of Bajrang DAL.
- 5) They will carry 'Trishul' with them.

ANXIETY. III, III, D-21

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(1ST AFFIDAVIT OF SUBMISSION)

A-11

26

FEB-16-2002 17:11

Appendix - 11

POL BARODA

TO

Fax - Message

Appendix - 11

397/2002

OUT FAX NO

To : I.G. C.I Intelligence U.P Lucknow
 Info : Addl D.G.P Int. G.S. G' Nagar
 From : Westpol Baroda (Gujarat)
 No : B-10/LIB/175/2002 Date 16/2/2002

TEXT : This is an additional information
 in continuation of this office Fax-Message
 No - B-10/LIB/VHP/168/2002 dated 15/2/2002
 regarding to furnish the information in con-
 nection with the construction of Ram Mandir/
 Maha-Yagna at Ayodhya.

The Point wise information about the
 above subject are furnished under--

- 1) 150-200 peoples of Bajrang Dal will leave
 for Ayodhya for Maha-Yagna.
- 2) On 22/2/2002, they will departure from
 Mehsana Rly. station at 15:40 hours by
 Delhi - A'Bad Mail Train for A'Bad and
 on 24/2/2002 they will leave from A'Bad
 Rly. station by Sabarmati Exp. Train No. -
 9165 Dn. at 20:25 hours for Ayodhya and
 will return back on 26/2/2002 from Ayodhya
 at night for A'Bad and will reach
 A'Bad on 28/2/2002 morning.
- 3) By Sabarmati Exp Train No 9165 on 24/2/2002
- 4) Prominent leader is Prahalad bhai J. Patel, President of
 Bajrang Dal.
- 5) They will carry 'Trishul' with them.

Lucknow 05/22

File No. 17
 17 Supdt. of Police 161.
 TOTAL P. 21

26

112
 11-2-2002
 17:00

9390
 4912

True and typed copy of SIB message dated 19.02.2002 sent by S.P. Mehsana, Gujarat to DDL DGP INT G.S.

Gandhinagar.

SPIRAL "J" PAGES 3976

SIT RECORD: ANNEXURE III FILE II, D-21, FIRST AFFIDAVIT OF R.B. SREEKUMAR

APPENDIX-12

----- 10134 19-Feb-02 15:55 msg 0134

Op pr.

Copy to:

OPr4

GNR DE MSA IMMDT IT T1 I SPW) NR 09 SR 73

To : DDL DGP INT G.S. Gandhinagar

Info : I.G.C.I. (Int) Lucknow U.P.

From : S.P. Mehsana (Guj)

No : LIB /---/VHP/271/02 19-2-02

Ref : Your TP message no. D-1/9/HA/259/02 Dated 13-2-02 regarding start construction of Ram Mandir Marc-01/2002 150 Bhakts carried Trishul with them under the leadership of Shri Prahaladbhai Jayantibhai Patel, President

Bagranodal of Mehsana Distt. Will go to Ahmedabad on 22-2-02 and after leave by train to participate in Ram Mandir construction at Ayodhya, Faizabad (.) their arrival at Ayodhya on date 24-2-2002.

NIL/1410

Sent by K.M. Chauhan at 1555 tks pl

ANNEXURE III, III, III, III

003978

(1ST ATTACHED OF STATION)

27

A-121

684 23

Appendix

749/09

1999 0 10104 19-02-02 13:00 1000000
 OP 001
 1949 0 0 00000
 COPY 00
 0004

19 FEB 2002

00P

GP 0000

BRANCH

UNIT DE 000 0000 0000 0000 0000 0000
 0000 0000 0000 0000 0000 0000
 0000 0000 0000 0000 0000 0000
 0000 0000 0000 0000 0000 0000

RECEIVED FROM MESSAGE NO. 0000000000 DATED 19/02/02
 REGARDING START CONSTRUCTION OF RAM KUNDI MARCH 11/2002 1500 HRS
 BHARTESWAR TRISHUL WITH THEM UNDER THE LEADER SHIP OF
 SHRI PRABHAKAR JAYANTISHA RAO, PRESIDENT

DEPARTURE OF MEHANA DIST. WILL BE TO AMBEDKAR ROAD 0000
 AND WILL BE BY TRAIN TO PARTICIPATE IN RAM KUNDI CONSTRUCTION
 AT AYODHYA, FAIZABAD () THEIR ARRIVAL AT AYODHYA ON DATE 24/02/02

1999 0 10104 19-02-02 13:00 1000000
 SENT BY 0000 CHAIRMAN AT 1355 TUC 00
 0000

4/0012

27

True and translated copy of SIP message dated 20.02.2002 sent by P.B. Upadhyaya, DCP to DGP, SP, Western Railway Vadodra.

TRANSLATION

Spiral Annexure “G” to CRA 205/2014 has LOD, SIB Messages @ Pages 3061,

3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

TRANSLATION OF SIB MESSAGE

3065

Date: 20.2.2002

Fax Message

Respect : Superintendent of Police Western Railway Vadodara
 ----- : Kaamsek Gandhinagar
 Police Gandhinagar
 Sender : Additional Director General of Police G.R. Gandhinagar
 Number : D/1/-----/295/2002 Date: 20-2-2002

PB Upadhyaya message to all CPs, SSPS in districts and Home Secretary Gandhinagar intimating decision of VHP that Ram Mandir would be constructed at any cost after 12.3.2002 and enrolment of Ram Bhaktas would start from all over the country from 1.3.2002.

Signed

PB Upadhyaya

DCP (Int-SIB, Communal) Gujarat

Gandhinagar

14

Appendix-3

ગુરુ, આ

ફેબ્રુઆરી ૨૦૨૨

૯/૧૩

પ્રતિ: ગોલીશ અધિકારીશ્રી, લેફ્ટનન્ટ રેલ્વે, વડોદરા.

સાથ: રામ સેઠ ગાંધીનગર

વિદ્યુત્તંત્ર ૩

ગોલીશ ગાંધીનગર

પ્રેષક: અધિકારી ગોલીશ મહાનિદેશક રેલ્વે, ગુ.રા. ગાંધીનગર.

ક્રમાંક: ૧૧/૬ સે.અ.સે/રેલ્વે/૨૦૦૨ નાં ૨૦૨૨/૦૨

વિગ્રહ:

અધિકારી રામ મંદીર નિમાણી અર્થે
આગાવાદ રાહદરમાંના ગુજરાત મહારાષ્ટ્રિ.દિ.પ.ના
દીલીપભાઈ રા.વેદીના આગાવાની હેઠળ નિ.દિ.પ.
ના બજારગણનાના કાર્યકરના સ્થાન પરે ૩૦૦૦ રૂબા
ના ૨૨/૨/૦૨ ના રૂ. ૨૦/૦૦ થાગે આમરાવાદ,
દી.ગુ.ર રેલ્વે સ્ટેશનના સાબરમતી સ્ટેશન પરે
૬ મે રવાના થનાર છે.

ઉપરોક્ત બાબતે યોગ્ય જોડાણ
દોષરેલ રાખવા નેમજ હેલ્થ અનિરુદ્ધતિ
ના બંન નેમ નહેવારી રાખવા વિનંતિ છે.

૦૬.૨૦.૨૨

૦૧૯ (પા. જા. વિગ્રહવાળા)
નામલ હમિદનર (અ)
પા.મ. અધિકારી ગોલીશ મહાનિદેશક
રેલ્વે, ગુ.રા. ગાંધીનગર

૨૦/૨/૨૦

True and typed copy of SIB message dated 21.02.2002 sent by P.B. Upadhyaya, DCP to DSP, Faizabad, Uttar Pradesh.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages

3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

Page 3066

MESSAGE IN ENGLISH

Confidential

Fax Message

(Priority – Urgent)

To : D.S.P., Faizabad, U.P. (Fax No. 05278-2421 / -- / 2209)

Info : LG, (CT) Int. Deptt., U.P., Lucknow (Fax No. 0522-206215)

Home Sec., Gandhinagar

Police Gandhinagar

From : Addl. D.G.P., Intelligence, G.S. Gandhinagar

O.No. : D-1/9-HA/296/2002

Dated: 21-2-2002

Text:

Vishwa Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with client from 15.3.2002 () About 3000 VHP and Bajrang Dal activists under the leadership of Shri Dilip Trivedi (VHP Gujarat Pradesh) from Gujarat State are leaving Gujarat by Train for Ayodhya from 22.2.2002 to 27.2.2002 ()

Date: 21.2.2002

Signed

PB Upadhyaya

DCP (Int-SIB, Communal) Gujarat

Gandhinagar

3066

17

Appendix-95

ConfidentialFax Message
(Priority - Urgent)

To : S.P., Faizabad, U.P. (Fax No. 05278-2421 / 22209).

Info: (G.I. (C.I.) Int. Deptt. U.P., Lucknow (Fax No. 0522-206135).
Home Sec., Gandhinagar,
Police Gandhinagar.

From: Addl. D.G.P., Intelligence, G.S., Gandhinagar.

D.No. D-179-HA/296 /2002

Date: 21.2.2002

Vishva Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15.3.2002. About 3000 VHP and Bajrang Dal activists under the leadership of Shri Dilip Tiwari (VHP Gujarat Pradesh) from Gujarat State are leaving Gujarat by Train for Ayodhya from 22.2.2002 to 27.2.2002.

21/2/02
For Addl. D.G.P., Int., G.S., Gandhinagar
(P.B. Upadhyaya)
Dy. Commissioner (Communication)

True and translated copy of SIB message dated 21.02.2002 sent by P.B. Upadhyaya, DCP to all Commissioner of Police.

TRANSLATION

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

TRNSLATION OF SIB MESSAGE

3067

Date: 21.2.2002

Fax-Message

----- : Commissioner of Police, All
Superintendent of Police, All Western Vadodara
Kaamsek Gandhinagar
Police Gandhinagar
Addl. D.G.P. Intelligence G.S. Gandhinagar
D-1/---/300/2002. Date: 21-2-2002

SIB-Int –Communal PB Upadhya sends a Message to DGP Lucknow about the departure of VHP and Bajrang Dal activists (3,000) between 22.2.2002 and 27.2002 under the leadership of DilipTrivedi for re-building the Ram temple from 15,3,2002

Signed

PB Upadhyaya

DCP (Int-SIB, Communal) Gujarat

Gandhinagar

True and typed copy of SIB message dated 23.02.2002 sent by V.J. Solanki to DSP, Faizabad, Uttar Pradesh.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages
3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

Page 3068

MESSAGE IN ENGLISH

Fax Message

(Priority – Urgent)

To : D.S.P., Faizabad, U.P. (Fax No. 05278-24215/22209)
 Info : I.G., (CT) Int. Deptt. U.P., Lucknow (Fax No. 0522-2062(s))
 Home Sec., Gandhinagar
 Police Gandhinagar
 From : Addl. D.G.P., Intelligence C,8, Gandhinagar
 O.No. : D-1/9-HA/312/2002 Date: 23-2-2002
 Text:

Vishwa Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15-3-2002 () About 2800 VHP and Bajrang Dal activists (2400 Male and 400 Female) under the leadership of Shri Dilip Trivedi (General Secretary, VHP Gujarat Pradesh) and Kumari Malaben Raval (President Durga Vahini, Gujarat) from Gujarat State have left Ahmedabad (Gujarat) by Sabarmati Express, Train No. 9165 for Ayodhya on 22-2-2002 at 20:50 hrs. ()

(V.J. Solanki) P.I. 'C'

For Addl. D.G.P. Int., G.S. Gandhinagar

3068

Appendix-7

c119

~~Confidential~~Fax Message
(Priority - Urgent)

To: S.S.P., Faizabad, U.P. (Fax No. 05278-24210 / 22209).

Info: D.G., (C.I.) Int. Deptt. U.P., Lucknow. (Fax No. 0522-206230)
Home Sec., Gandhinagar,
Police Gandhinagar.

From: Addl. D.G.P., Intelligence, G.S., Gandhinagar

Ref. No. D-179-11A/332 /2002

Date: 23.2.2002

Text:

Uttar Pradesh Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15.3.2002 () About 2800 VHP and Gajrang Dal activists (2400-Male and 400-Female) under the leadership of Shri Dilip Trivedi (General Secretary, VHP, Gujarat Pradesh) and Kumar Malaben Raval (President Durga Mahim, Gujarat) from Gujarat State have left Ahmedabad (Gujarat) by Sabarmati Express, Train No. 9165 for Ayodhya on 22.2.2002 at 20.50 hrs. ()

(V.J. Solanki) P.I. 'C'

For Addl. D.G.P., Int., G.S., Gandhinagar

True and typed copy of SIB message dated 25.02.2002 sent by P.B. Upadhyaya, DCP to DCP, Faizabad, Uttar Pradesh.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages
3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

Page 3069

MESSAGE IN ENGLISH

Fax Message

(Priority – Urgent)

To : D.S.P., Faizabad, U.P. (Fax No. 05278-24215 / 22209)

Info : I.G., (CT) Int. Dept. U.P., Lucknow (Fax No. 0522-206235)

Home Sec., Gandhinagar

Police Gandhinagar

From : Addl. D.G.P., Intelligence, G.S., Gandhinagar

O.No. : D-1/9-HA/316/2002

Date: 25-2-2002

Text:

Vishwa Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15-3-2002 (). In this connection, about 1900 VHP and Bajrang Dal activists under the leadership of S/Shri Vijay Pranamu (Secretary, VHP), Hareshbhai Bhatt (President Bajrang Dal Gujarat), Khemrajbhai Desai (President VHP South Zone) from Vadodara and South Gujarat have left Vadodara by Sabarmati Express train for Ayodhya on 24-2-2002 at 23:20 hrs ()

(P.B. Upadhyaya)

Dy. Commissioner (Communal)

For. Addl. D.G.P., Int., G.S. Gandhinagar

~~Confidential~~

19
 Fax Message
 (Priority - Urgent)

Appendix-7

Appendix-8

C/21

To S.P., Faizabad, U.P. (Fax No. 0522-24215 / 22209).

Info I.G., (C.I.) Int. Deptt. U.P., Lucknow. (Fax No. 0522-206235)
 Home Sec., Gandhinagar.
 Police Gandhinagar.

From Addl. D.G.P., Intelligence, G.S., Gandhinagar

No. D-1/9-HA/319/2002

Date: 2.2.2002

Text

Vishva Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15.3.2002. (.) In this connection, about 1900 VHP and Bajrang P. activists under the leadership of S/Shri Vijay Prannan (Secretary, VHP), Hareeshbhai Chitt (Presr. Bajrang Dal Gujarat), Klemrajbhai Desai (Presr. VHP South Zone) from Vadodra and South Gujarat have left Vadodra by Sabarwal Express train for Ayodhya on 24.2.2002 at 23.10 hrs. (.)

(P.B. Upadhyaya)

Dy. Commissioner (Commercial)

For Addl. D.G.P., Int., G.S., Gandhinagar

True and typed copy of SIB message dated 27.02.2002 sent by Sanjiv Bhatt, DCP to DSP Faizabad, Uttar

Pradesh.

Spiral Annexure "G" to CRA 205/2014 has LOD, SIB Messages @ Pages

3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072

Page 3070

MESSAGE IN ENGLISH

Fax Message

(Priority – Urgent)

To : D.S.P., Faizabad, U.P. (Fax No. 0522-206265)

Home Sec., Gandhinagar,

Police Gandhinagar

From : Addl. D.G.P., Intelligence G.S. Gandhinagar

O.No. : D-1/9-HA/327,/2002

Date : 27-2-2002

Text:

Vishwa Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15-3-2002 () In this connection, about 1500 VHP and Bajrang Dal and Durga Vahini activists (1200-Male, 300 Female) under the leadership of Shri Narendrabhai Vyas (President, VHP Saurashtra Zone), from South Zone have left Ahmedabad participating in "Ram Jap Maha Yagna" by Sabarmati Express for Ayodhya on -2-2002 at 20:40 hrs ()

(Sanjiv Bhatt)

Dy. Commissioner (Communal)

For. Addl. D.G.P. Int., G.S. Gandhinagar

All messages the above messages are part of the SIT record @ Annexure III, File XXXIV D-176 given to the Court as A Colly.

307J

20

Appendix 11

ConfidentialFax Message
(Priority - Urgent)

To: S.D.P., Barzabad, U.P. (Fax No. 05278-242187/22209)

Info: I.C., (C.U.) Int. Deptt, U.P. Lucknow (Fax No. 0522-200250)
Home Sec., Gandhinagar,
Police Gandhinagar

From: Addl. D.G.P., Intelligence, G.S., Gandhinagar

O.No. D 179-11A/ 327, /2002 Date: 17.3.2002

Text

Vishva Hindu Parishad is to organise re-construction of Ram Mandir at Ayodhya with effect from 15.3.2002. In this connection, about 1500 VHP and Ramrang Dal and Durga Mahila activists (1200 Male, 300 Female) under the leadership of Shri Narendrabhai Wase (President, VHP Sangashikha Zone), from South Zone have left Ahmedabad participating in "Ram Jap Maha Yagna" by Sabarmati Express, for Ayodhya on 15.3.2002 at 20.40 hrs. (.)


(Ganjiv Bhatt)

By: Commissioner (Commercial)
For Addl. D.G.P., Int., G.S., Gandhinagar

True and translated copy of article dated 24.02.2002 published in Jan Morcha newspaper

Bajrang Dal activists, thrashed Muslims, forced them to chant slogan of Jai Shree Ram

Bhelsar, (Faizabad), 24 February 2002

This morning Bajrang Dal activists armed with Trishul, attacked several unarmed Muslim passengers, including Burkha clad women, and innocent children. They also targeted the people standing on the platform, and forced them to chant Jai Shree Ram slogans. Some of them saved themselves by pretending to be Hindus.

According to the eye witnesses, about two thousand Bajrang Dal activists, armed with Trishul, in Sabarmati Express Train coming from Lucknow, started violent ruckus at Dariyabad railway station, they identified and seriously injured Muslim passengers by attacking them with metal rods and stabbed them with Trishuls. They did not even spare the women and children. They snatched the women's Burkha. They bashed them up with metal rods and dragged them by their arms. They attacked the people on the railway platforms too.

This continued from Daryabad to Rudauli station. One of the witnesses said that a man who resisted was thrown on the railway track between the Patranga and Roja Gaon stations. The train reached Rudauli by 8 am. As soon as the train halted, many injured women drenched in blood jumped out of the train. Simultaneously the Bajrang Dal activists also came out and started targeting Muslims who were there on the platform.

Ata Muhammad of Takiya-Khairanpur, was waiting for the train to go to Allahabad, he was also brutally beaten up, many others were forced to chant Jai Shree Ram slogans. Some of them saved their lives by pretending to be Hindus. When 50 year old Md. Ansar, who stays close to the station, came out of his house, his beard was pulled & plucked out, then he was stabbed with Trishul and he was badly injured.

There was also a man from the Rudauli Thana area, he was attacked with rods and was left unconscious. People in the nearby areas informed the police on the phone.

The Bhelsar Police Chowki in-charge reached the spot with police force but by that time the train had left. The injured people were sent to the hospital. Due to the absence of Thana Prabhari (SHO) no report could be registered. The injured people don't even know why they were attacked. The rumour mongering is on, people are scared. All the local Hindu-Muslim intellectuals and civil society members have condemned this incidence and called it shameful.

Muslim religious leaders have called for restrains and appealed people to maintain peace.

बजरंग दल कार्यकर्ताओं ने साबरमती ट्रैन में ब मुस्लिमों को पीटा, जयश्रीराम के नारे लगावाये

भेलसर (कैजाबाद), २४ फरवरी (नि.सं.)। आज सुबह साबरमती एक्सप्रेस ट्रेन से अयोध्या जा रहे बजरंग दल के विश्वलपारी ने दर्जनों मुस्लिम यात्रियों, दुर्गापेश महिलाओं व मासूम बच्चों पर जमकर कहर बरपा किया। उन सब ने स्लेटफार्म पर मौजूद यात्रियों को भी निशाना बनाया, उन्हें जयश्रीराम का नारा लगाने पर मजबूर किया। कुछ ने अपने को हिन्दु बताकर जान बचायी।

प्रत्यक्षदर्शियों के अनुसार लखनऊ की ओर से आने वाली सुबह की साबरमती एक्सप्रेस ट्रेन पर सवार लगभग दो हजार विश्वलपारी बजरंगदल कार्यकर्ताओं ने अपना जघात दरिमावाद रेलवे स्टेशन से शुरू किया, ट्रेन के यात्रियों में से जो भी मुस्लिम चिन्हित हुआ उसे विश्वल से गोदकर तथा लोहे की राड से मारा कर बुरी तरह घायल किया। महिलाओं व मासूम बच्चों को भी उन लोगों ने नहीं बख्सा। महिलाओं के बुर्के नोच डाले। लोहे की छड़ से पीटा और हाथ फड़कड़कर घसीटा। रेलवे स्लेटफार्म पर मौजूद यात्रियों के साथ भी यही पुनरावृत्ति किया गया।

दरिमावाद से रुदौली रेलवे स्टेशन तक यही सितसिला जारी रहा। एक प्रत्यक्षदर्शी ने बताया कि प्रतिरोध करने वाले एक युवक को पटरंगा व रौजगाँव स्टेशन के बीच ट्रेन से नीचे फेंक दिया गया। लगभग ८ बजे ट्रेन रुदौली पहुंची। ट्रेन के रुकते ही आनेको घायल छुन से तथ्यगत महिलाएं ट्रेन से कूद

पड़ी। इसी के साथ बजरंग दल के लोगों ने भी स्लेटफार्म पर मुस्लिमों को चिन्हित करके निशाना बनाना शुरू कर दिया।

तकिया-खैरनपुर के अता मोहम्मद इलाहाबाद जाने के लिए ट्रेन के खोजार में थे, उन्हें बुरी तरह पीटा, कुछ अन्य से जयश्रीराम के नारे लगाये। कुछ ने अपने को हिन्दु बताकर जान बचायी। स्टेशन के पास ही रहने वाले ५० वर्षीय मो.अजसार घर से बाहर निकले, पहले उनकी लम्बी बाड़ी नौची गयी फिर विश्वल से गोद कर बुरी तरह घायल कर दिया। रुदौली घाना क्षेत्र का एक व्यक्ति भी स्लेटफार्म पर मौजूद था, राड से पीटा-पीटकर उसे भी अंधमारा कर दिया। आसपास के लोगों ने पुलिस को फोन से सूचना दिया।

भेलसर पुलिस चौकी इंचार्ज कोर्त के साथ मौके पर गये, लेकिन तब तक ट्रेन जा चुकी थी और घायलों को अस्पताल भेजा जा रहा था। घाने पर धाजा प्रभारी की नाप्राजदुर्ग के कारण घटना की रिपोर्ट दर्ज नहीं हुई। घायल लोग नहीं जानते उन्हें किस कारण से मारा पीटा गया।

अफ़्जाही का वाजारा गरम है। लोग इसे सत्मे हुए हैं। क्षेत्र के तमाम हिन्दू-मुस्लिम संभ्रांत व्यक्तियों व बुजर्जीवियों ने इस घटना को शर्मनाक बताया है। मुस्लिम पार्षद नेताओं ने शांति बनाये रखने की लोगों से अपील की है और कोई भी प्रतिक्रिया न व्यक्त करने की सलाह दी है।

सरकार बनाने के लिए राजनीतिक कवायद शुरू...

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को इस

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Excerpts from Gujarat Police Manual related to Presence of Intelligence offices

00392

Excerpt from the Gujarat Police Manual (Chapter X) on Special Organisations, State Intelligence

CHAPTER X

SPECIAL ORGANISATIONS

SECTION I—CRIMINAL INVESTIGATION DEPARTMENT (C. I. D.)

459. Control over, and selection of, personnel of the Criminal Investigation Department (C.I.D.).—(1) Subject to the general control of the Inspector-General of Police, the control over the activities and personnel of the Criminal Investigation Department (Intelligence) and the Criminal Investigation Department (Crime and Railways), rests with the Deputy Inspector-General of Police, C.I.D. (Intelligence) and the Deputy Inspector-General of Police, C.I.D. (Crime and Railways) respectively.

(2) Officers required to constitute the personnel are selected, in the case of those of and above the rank of Deputy Superintendents by the State Government, and in the case of Inspectors and Sub-Inspectors by the Inspector-General of Police, and are posted to the Criminal Investigation Department by transfer from the Cities, Districts and Railways.

(3) (a) Head Constables are seconded from Cities, Districts and Railways for duty in the Criminal Investigation Department normally for about five years; their selection being made by the Deputy Inspector-General of Police, C.I.D. concerned.

(I. G.'s No. 55, dated 2nd November, 1935.)

(b) During the period of his service in the Criminal Investigation Department, a Head Constable will retain his position in his own district on the 'next below rule'. This means that if anybody junior to him in the Hand Register is due to be promoted in the higher rank the Head Constable seconded must be promoted and not superseded in his Home district.

(G. R., H. D., No. CID-1354/57537-V, dated 30th September, 1957.)

460. Designation and transfers.—(1) Officers and men while serving in the Criminal Investigation Department (Crime) will have the word 'Detective' prefixed to their rank (e.g. Detective Inspector). In order to facilitate their specialisation in different branches of the Criminal Investigation Department, frequent transfers of such officers and men will be avoided.

(I. G.'s No. 30 (6910), dated 2nd September, 1950.)

(2) Officers employed in the Criminal Investigation Department can be employed in any district or place in the State to which the Inspector-General of Police or the Deputy Inspector-General of Police, Criminal Investigation Department directs them to proceed, in the exercise of his powers under Section 5 of the Bombay Police Act.

(3) Officers and men of the State Criminal Investigation Department Branches, Crime Branch and Special Branch of the Commissionerate area, Local Crime Branches, Local Intelligence Branches and Anti-Corruption Branches will perform their duties and appear in Courts in plain clothes.

(G. L., J. D., No. 7534, dated 22nd November, 1901.)

461. Functions of the C. I. D. (Intelligence Branch).—The functions of this branch are:—

(a) The collection and collation of information regarding political, industrial and other similar developments or movements in the State;

(b) Verification of character and antecedents, protection and security of V.I.Ps., watch-over anti-national activities, movements of foreigners and all matters pertaining to internal security, etc.;

(c) Collection of intelligence regarding all types of communal activities will be an important work of this branch;

(d) To keep the Government informed of all the above activities from time to time.

462. Functions and working of the C.I.D. (Crime Branch).—(1) The functions of this branch are :—

- (a) The control of specialised or professional crime throughout the State, and
- (b) The investigation of specialised crime when of sufficient importance, and of special important cases.

(2) This branch will concern itself with the collection, collation and dissemination of information relating to crime and criminals in accordance with such orders as the Deputy Inspector-General, C.I.D. (Crime and Railways) may issue from time to time. All enquiries and orders issued in this connection will be promptly and carefully attended to by Superintendent.

(3) This branch is responsible for the publication of Parts I and II (Crime) of the *Gujarat Police Gazette* after compiling them on information received from the districts or collected from the Police Gazettes of other States, and also of a separate supplement reproducing notifications of Government regarding prescribed literature.

(4) (a) This branch prepares crime records in inter-State and inter-district thieves, burglars, dacoits, robbers, cheats, poisoners, forgers and coiners. Of these, the crime records of cheats, poisoners and coiners are maintained upto-date by the preparation of addenda giving details of their latest activities and convictions, which are published in the *Gujarat Police Gazette*. In the case of all the classes of criminals, it is necessary to prepare crime records of all and also to maintain all records upto-date for the purpose of Data Processing Machines.

(b) Crime records of active professional criminals whose activities are confined to their districts are prepared and maintained by the Superintendents of Police concerned and copies thereof are supplied to this branch for record. The serial numbers of such district crime records are noted on the finger print slip of the individual on the record of the Finger Print Bureau so that on receipt of intimation regarding his arrest, his antecedents, including previous convictions are supplied by this branch to the district in which he is arrested. Similarly, records of not convicted and strongly suspected criminals will be maintained by the Finger Print Bureau and intimation given as shown above.

(5) The branch makes its business to study carefully the district crime reviews and the weekly diaries of Sub-Divisional Police Officers. This enables the branch to keep in touch with serious organised crime and gang crime in districts, with a view to take up, if necessary, the investigation thereof or to collate information of such crime and disseminate it to the districts, co-ordination between which is called for.

(6) The branch also maintains crime charts, graphs and maps showing by months the variations of the more important forms of crime in the State (*vide* Rule 249).

(7) The branch maintains a register of forged currency notes that have come to notice in the Districts and on Railways in the State and takes up, whenever necessary, enquiries about their appearance in consultation with the Director of Intelligence Bureau attached to the Ministry of Home Affairs of the Government of India.

463. Working of the Crime Branch in the Commissionerate Area.—The Crime Branch in the Commissionerate is divided into two branches known as (i) Detection of Crime Branch (D.C.B.) and (ii) Prevention of Crime Branch (P.C.B.). Their duties will be as under :—

Detection of Crime Branch (D.C.B.) deals with :—

(1) *Visits to Police Stations and scenes in cases of :—*

- (i) Murder and attempted murder;
- (ii) Dacoity and serious robbery;
- (iii) Arms Act cases and possession of arms by bad characters;
- (iv) Explosions and serious fires;
- (v) Sabotage and violent political crime;
- (vi) Cases in which Police have resorted to opening fire;
- (vii) House-breaking with theft involving property over Rs. 1000/-;
- (viii) Thefts involving property over Rs. 5000/-;
- (ix) Copper-wire, temple, car, motor-cycle, scooter and cycle thefts;
- (x) Cases in which an organised gang is suspected to have operated; and
- (xi) Administering of poisons or drugs for gain.

Relevant excerpt from the Gujarat Government Rules of Business, 1990 that deal with the responsibilities of the State Government Home Department.

GOVERNMENT OF GUJARAT

**THE GUJARAT GOVERNMENT RULES
OF BUSINESS, 1990**

(As amended up to 23rd November, 2010)

(Made under Article 166 of Constitution of India)

**GENERAL ADMINISTRATION DEPARTMENT
SACHIVALAYA, GANDHINAGAR
2010**

4. The business of the Government shall be transacted in the departments specified in the first Schedule and shall be classified and distributed amongst those departments as laid down therein:
9. All cases referred to in the Second Schedule shall -
 - (1) be brought before the Council by the direction of the Governor under clause (c) of article 167;
 - (2) be brought by the direction of the Chief Minister or the Minister-in-charge of the case with the consent of the Chief Minister, before the Council or before such ministers or Minister of State as the Chief Minister directs:

Provided that no case in regard to which the Finance Department is required to be consulted under rule 11 shall, save in exceptional circumstances under the directions of the Chief Minister, be discussed by the Council or by such Ministers or Ministers of State as aforesaid unless the Finance Minister has had opportunity for its consideration.
10. (1) Without prejudice to the provision of rule 7, the Minister in-charge of a department shall be primarily responsible for the disposal of the Business appertaining to the Department.

FIRST SCHEDULE

(see rule 4)

In this Schedule references to List I, List II and List III shall be construed as reference to the respective lists in the Seventh Schedule to the Constitution.

PART-1

Sr. No.	Name of the Department	Abbreviation
1	2	3

1	General Administration Department	GAD
2	Agriculture & Co-operation Department	A & CD
3	Education Department	ED
4	Finance Department	FD
5	Food, Civil Supplies & Consumers' Affairs Department	FCS & CAD
6	Forest & Environment Department	F & ED
7	Health & Family Welfare Department	H & FWD
8	Home Department	HD
9	Industries & Mines Department	I & MD
10	Information & Broadcasting Department	I & BD
11	Labour & Employment Department	L & ED
12	Legal Department	LD
13	Narmada, Water Resources, Water Supply and Kalpsar Department	NWRWS & KD
14	Panchayat, Rural Housing & Rural Development Department	PRH & RDD
15	Revenue Department	RD
16	Road & Building Department	R & BD
17	Social Justice & Empowerment Department	SJ & ED
18	Urban Development & Urban Housing Department	UD & UHD
19	Sports, Youth & Cultural Activities Department	SY & CAD
20	Energy and Petro-Chemicals Department	E & PCD
21	Legislative and Parliamentary Affairs Department	L & PAD
22	Ports and Transport Department	P & TD

(8) Subjects allotted to the Home Department:

Removal from one State to another State of prisoners, accused persons and persons subject to preventive detention for reasons connected with the security of the State, the maintenance of public orders of the maintenance of supplies and services essential to the community.

2. Naval, Military and Air Forces and any other armed forces, the Union, Central Bureau of Intelligence and Investigation including:-
 - (i) Internal Security and defence of India (Naval, Military or Air) matters bearing on internal security (Including the use of Naval Military or Air Forces and aid of Civil Powers);
 - (ii) Auxiliary and Indian Territorial Forces.
 - (iii) Promotion of Officers of the Indian Land forces.
 - (iv) Recruitment and transport of troops;
 - (v) Other miscellaneous military matters.
3. Confidential and Secret codes;
4. Public order including:-

- (i) Preventive detention for reasons connected with the security of State maintenance of public order or the conservation of foreign exchange or prevention of smuggling activities or prevention of illicit traffic in narcotic drugs and psychotropic substances or defence or foreign affairs or security of Indian persons, subject to such detention (See entry No.2 under the FCS &CAD).
 - (ii) All offences against the State including those under prevention of Seditious Meeting Act, 1911 and Criminal Law Amendment Act, 1908.
 - (iii) Political intelligence;
 - (iv) Political and communal agitations and subversive movement and preventive measures to deal with them;
 - (V) Unusual occurrences, inter communal relations, riotous disturbances.
7. Wireless and other like forms of communications (See also entry No.34 under GAD and entry No.5 under R & BD).
8. (i) All matters pertaining to appointments, posting, transfers, promotions, conduct, grant of leave, pension, etc. in respect of officers of Indian Police Service;
- (ii) all matters pertaining to appointments, posting, transfers, promotions, conduct, grant of leave, pension, etc. in respect of all Gazetted Officers (other than those covered under entry No.45 of the subject allotted to the GAD) and non-Gazetted Government servants under the administration control of the Department.
- (iii) all matters pertaining to grant of pension in respect of class-I & II Officers of the Secretariat Cadre under the Administrative Control of the Department.
- (iv) all matters pertaining to grant of leave and to impose penalties as specified at serial numbers 1 and 2 of rule 6 of the Gujarat Civil Services (Discipline and Appeal) rules, 1971 and to institute disciplinary proceedings for imposing penalties as specified at serial numbers 3 to 8 of the said rule 6 in respect of Class-II officers of the secretariat cadre under the administrative control of the Department (*See* also entry No.45 under GAD).
9. Anti-corruption.
10. Vigilance Commission.
11. National Integration.
12. Withdrawal of prosecution.
13. Home Guards Organisations.

14. State Reserve Police.
15. Civil Defence.
16. Gram Rakhsak Dal.
17. Police including Railway and Village Police.
18. Bombay Lotteries (Control and Tax) and Prize Competition (Tax) Act, 1958.
19. Betting and gambling.
20. Offences against, laws which respect to any of the matters in the list.
21. Prevention of cruelty to animals.
22. Vagrancy, nomadic and migratory tribes.
23. General work relating to the administration of the Cattle Tress pass Act, 1871.
24. A protection of crops from wild animals and human sources.
25. Explosives.
26. Exhumation, missing persons, estate deceased persons.
27. Arms, fire arms and ammunition.
28. Bills and Acts other than those pertaining to subjects dealt within other department.
29. Field firing and artillery practise.
30. Resettlement of ex-serviceman.
31. Prisons and Persons detained therein, arrangement with other states for the use of prison, deportation of ex-military convicts.
32. Criminal Lunatics.
33. Process serving on convicts and lunatics.
34. Sainik fund and other civil activities relating to defence.
35. Deleted (Date03/09/2005)

36. Deleted. (Date03/09/2005)

36-A. Prohibition on selling, letting on hiring of obscene advertisements, photographs and posters for the purpose of publication or exhibition. (Date28/10/2004)

37. Works lands and buildings vested in or in possession of Government purposes of the State and assigned to the Home Department.

38. Inquiries and statistics for the purposes of any of the matters in this list.

39. Fees in respect of any of the matters in this list but not including fees taken in any court.

(12) Subjects allotted to the Legal Department.

1 Deleted. (Date08/02/1993)

2 Deleted. (Date08/02/1993)

3 Deleted. (Date08/02/1993)

4. (i to xi) Deleted. (Date08/02/1993)

5. Deleted. (Date08/02/1993)

6. Deleted. (Date08/02/1993)

7. Criminal Law, including all matters included in the Indian Penal Code at the commencement of the Constitution but excluding offences against laws with respect to any of the matters specified in List I or II and excluding the use of Naval, Military and Air force and any other armed forces of the Union in aid of the Civil Power.

8. Criminal procedure, including all matters included in the Code of Criminal procedure 1973 but excluding (i) appointment of Executive Magistrates, Special Magistrates, Sub Divisional Magistrates and District Magistrates under the said code and (ii) conferment of special powers on them, and withdrawal of such powers from them, under the said code (See also entry No. 5 under HD).

9. Civil Procedure, including all matters included in the Code of Civil Procedure at the date of the commencement of constitution, the recovery in a State, of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such arising outside the State.

10. Evidence and oaths, recognition of law, public acts and records and judicial proceedings, State Law Reports.

11. Marriage and divorce, infants and minors, adaptation (except) Registration of Marriage and the Child Marriage Restraint Act, 1929 (*See* also entry No. 1 under H and FWD and entry No. 12B under SJ & ED). (Date21/03/1997, Date25/06/1997)

12. Wills, intestacy and successions save as regards agricultural lands, joint family and partition, all matters in respect of which parties in judicial proceedings were immediately before the commencement of the Constitution subject to their personal law.

13. Contract, including partnerships, agency contracts of carriage and other special forms and contract but not including contracts relating to agricultural land.
14. Arbitration.
15. Bankruptcy and insolvency, Administrator General and official Trustee.
16. Actionable wrongs.
17. Examination of clauses of all bills relating to imposition by legislation of punishments by the fine, penalty or imprisonment, for enforcing any law of the State.-
18. Admiralty jurisdiction.
19. Legal profession.
- 19-A. National Law University (Date23/04/2003)
20. The Administration of Justice, constitution and organisation of all courts except the Supreme Court and the High Court, Officers and servants of the High Courts, fees taken in all Courts except Supreme Courts (See also entries Nos. 13 and 20 under the RD).
21. Jurisdiction and powers of all courts except the Supreme Court.
22. Pauper costs.
23. Appointments, remuneration etc., of Public Prosecution, including Assistant Public Prosecutors, and the organisation of Directorate of Public Prosecution with all its affiliated Functions (Date28/10/2004)
24. Conduct of Civil Litigation to which Government is a Party and appointment and remuneration of State Law Officers, Government Pleaders and Special counsels.
25. Writing off of any decretal dues.
26. Appeals against acquittals and applications to enhance sentences.
27. Suits and summons including notices and execution of decrees etc.
28. Administration of the Societies, Registration Act, 1860 Literary, Scientific, religious and other societies and associations. (Date14/06/1999, Date03/09/2005)
29. Administration of Notaries Act, 1952.

30. Trusts and trustees, administration of the Bombay Public Trust Act and the Charitable Endowment Act, Charities Charitable and religious institutions and endowments (including wakfs). (Date14/06/1999, Date03/09/2005)
31. Administration for the Commissions of Inquiry Act, 1952 and matters arising there from.
32. Deleted. (Date08/02/1993)
33.
 - (i) All matters pertaining to appointments, posting, transfers, promotions, conduct, grant of leave, pensions etc. in respect of all gazetted officers (other than those covered under entry No. 45 in the subjects allotted to the GAD) and non-Gazetted Government servants under the administrative control of the Department;
 - (ii) all matters pertaining to grant of pension in respect of Class-1 and II Officers of the Secretariat Cadre under the administrative control of the department; and
 - (iii) all matters pertaining to grant of leave and to impose penalties as specified at serial numbers-1 and 2 of the rule 6 of the Gujarat Civil Service (Discipline and Appeal) Rules, 1971 and to institute disciplinary proceedings or imposing penalties as specified at serial numbers 3. to 8 of the said rule 6 in respect of Class-U Officers of the Secretariat cadre under the administrative control of the Department (See also entry No. 45 under GAD).
34. Works, lands and building vested in or in the possession of Government for purposes of the State and assigned to the Legal Department.
35. Inquiries and statistics for the purpose of any of the matters in this list.
36. Fees in respect of any of the matters in this list.

True copy of statement dated 27.08.2009 made by Ashish Khetan before SIT, Gandhinagar.

Date: 27-08-2009

Statement of Shri Ashish Khetan, s/o Shri Sureshchandra Khetan
aged about 33 years, r/o 601, 'D' wing, Vintage Co-Operative So.,
I.C. Colony, Borivili(w), Mumbai-400103.(Mob.No.09819032431)
Permanent Address: R/621, Rasulpur, Distt. Barabanki, U.P.

I am a post graduate in Commerce and had specialised in Human Resources & Industrial Relations. I can speak read and write English and Hindi language. I had worked as a Special Correspondence in 'Tehelka' during the period December 2006 to September 2007. In October 2007, I joined 'Aaj Tak' TV news channel and I am still continuing with them.

While I was working with Tehelka, I was posted at Mumbai but remained directly in contact with the New Delhi main office situated at 'M' Block market, Greater Kailash -II, New Delhi. At present I am employed with the Aaj Tak news channel and posted at the office of Aaj Tak, situated at Chakala, Andheri(E), Mumbai. The head office of Aaj Tak is situated at Videocon Tower, Jhandewalan, New Delhi.

In the second week of May 2007, while I was working with Tehelka, Shri Tarun Tejpal, Editor in Chief called me on phone and asked me to conduct an inquiry into an incident related to the M.S. University, Vadodara where the workers of Vishwa Hindu Parishad had conducted various acts of vandalism and had manhandled some of the students and a professor over a painting prepared by some student in which some of the Hindu deities were allegedly shown in objectionable position. Accordingly, I went to my New Delhi office and in order to conduct a sting operation, I took spy-cameras and also got prepared an identity card in the assumed name of Piyush Agarwal of Delhi University. Thereafter on 16-5-2007, I came to Baroda and stayed at a hotel in Alkapuri. Since, no one was known to me at Baroda, I got reference of one Shri Niraj Jain, an advocate by profession and who was an office bearer of VHP & BJP and contacted him. I told Shri Niraj Jain that I was a research scholar and wanted to make some research about the dispute that had arisen in Baroda over a painting and collected some details from him. During my talks with Shri Niraj Jain, I could get the information that one Shri Dhimant Bhatt, Chief Auditor of M.S.University, Baroda was an office bearer of VHP and could provide useful information relating to the incident. Accordingly, I contacted Shri Dhimant Bhatt over his mobile phone and obtained his office address located at the end of Shastri Bridge and situated at the second floor at the office of Management studies

Ashish K. A. 1

faculty of the MS University. I visited Shri Dhimant Bhatt at his office and discussed the issue relating to disputed painting controversy. During the talks the issue relating to the 2002 riots also cropped up and I collected some details of the same from Shri Bhatt. Shri Bhatt during our talks claimed himself to be a part of the conspiracy hatched in a Sangh Parivar meeting convened in Baroda after the Godhra train burning incident. He also claimed that a decision was taken to carry out riots in Muslim localities of Baroda. Thereafter, I spoke to Shri Tarun Tejpal, Editor in Chief at Delhi office and informed him that Dhimant Bhatt was discussing about his role in the 2002 riots without any inhibitions and that it was essential to conduct a fresh inquiry into the said issue, to which he agreed. I met Shri Dhimant Bhatt again and discussed the Gujarat riots issue with him. Shri Bhatt gave me the mobile number 9825030424 of a person who known as Shri Kumar, P.A. to Shri Purshottam Rupala, a highly placed office bearer of BJP and also the two mobile numbers 9427306044 and 9824092698 of one Shri Virendra Maniyar, P.A. to Purshottam Solanki, the then sitting Minister in Gujarat Government and advice me to meet Shri Damleji, a RSS activist in Hedgevar Bhavan, Ahmedabad, Shri Jaydeep Patel, a VHP leader in the office of VHP at Ahmedabad and Shri Haresh Bhatt, MLA of Godhra and assured that they would be in a position to provide a lot of information on the subject. I spoke to Shri Virendra Maniyar over the phone who gave me more names and telephone numbers.

Thereafter, I visited Ahmedabad and met Shri Damleji at Hedgevar Bhavan. I talked to him about Hinduism for about 10-15 minutes and asked about the details of the riots. Shri Damleji informed me that the VHP had played a lead role in the riots and that I should meet Shri Jaydeep Patel, a VHP leader to talk on the subject. Accordingly, I visited the office of VHP situated at Paldi and met Shri Jaydeep Patel. I apprised him with the purpose of my visit and further stated that I was conducting research on a subject by the name of 'Revival of Hinduism Post 2002 Gujarat riots.' Shri Jaydeep Patel informed me that he was facing allegations about his own involvement in Naroda massacre and that he was not in a position to comment upon the same. On being probed further by me he admitted that many Muslims were massacred in Naroda patiya and Naroda Gam because VHP had a very strong organizational structure and support base in this area. I tried to discuss the various other issues with him but he avoided and instead advised me to meet Shri Arvind Pandya, an advocate (Mob. 9825035000) and Shri Haresh Bhatt (Mob. 9426001148), MLA from Godhra. Shri Jaydeep Patel also rang up Shri Arvind Pandya, Advocate and

Arvind K. Pandya

introduced me to him. I spoke to Shri Haresh Bhatt over his mobile phone who gave me his local address as Flat no. 402, Shivalaya Aptl., Nehrunagar, Ahmedabad and asked to come to his residence. I may add here that all along my tour in Gujarat I had travelled by auto rickshaw within the city limits to avoid my exposure. I met Shri Haresh Bhatt, the then MLA from Godhra at his residence. During the first 30-40 minutes, we discussed general issues relating to Hindu ideology and vaguely referred to riots. However, I continued to bring him to the riots issue and the role played by the different individuals to which he informed me that he had a crackers factory at Ahmedabad where he manufactured bombs and other weapons and distributed the same to the VHP cadre. It may be added here that I had been recording my talks with different people at different places with the help of a button camera and also used spy-cam occasionally. I again met Shri Haresh Bhatt on 1-6-2007 in the morning and talked to him in detailed about the riots. On being asked by me about the reaction of Shri Narendra Modi, the Gujarat Chief Minister, about the Godhra incident, Shri Haresh Bhatt informed that the same was favourable towards the saffron activists and the rioters. Shri Bhatt further informed me that he can not make a detailed statement but what Shri Narendra Modi did, no Chief Minister could have ever done. Shri Bhatt further elaborated that Shri Narendra Modi had given rioters three days to do whatever they could. Shri Bhatt also stated that Shri Narendra Modi said openly that he would not give us time after that. According to Shri Bhatt, after three days Shri Modi asked them to stop and everything came to a halt. It may be clarified here that this matter related to the riots that had erupted on 28-2-2002 and had been in full swing in different parts of Gujarat for three days. The conversation recorded by me has been produced today in the form of CD and the exact transcription of the same is enclosed. It may also be mentioned that the relevant portion of the said conversation has been reproduced at page 52 of the Tehelka magazine issue of 3-11-2007. I identify my voice as well as that of Shri Haresh Bhatt in the said recordings.

On 1-6-2007, I went to Mumbai and returned to Ahmedabad on 6-6-07. On 6-6-07 I visited the residence of Shri Arvind Pandya in the night. Shri Arvind Pandya talked to me about riots in general. However, during the talks Shri Pandya specifically said that the 'ruler' was strong in nature and said that he would take the revenge. Shri Arvind Pandya also said that Shri Narendra Modi came and gave oral instructions to the police to remain with the Hindus because that entire kingdom was with the Hindus. The conversation recorded by me is produced today in a DVD. I identify my voice as well as that of Shri Arvind

Ashwin Khurda³

Pandya who had directly spoken to me. The extracts from the said recordings were published at page 53 of the Tehelka magazine in its issue of 3-11-2007. The exact transcript of the said recording is also enclosed.

On 8-6-2007, I again met Shri Arvind Pandya at his residence. During the talks about the first reaction of Shri Narendra Modi, CM on Godhra incident on 27-2-2002, Shri Arvind Pandya informed that when Shri Narendra Modi heard it over the phone, his blood was boiling; his reaction was such that if he would not have been a Minister, he would have burst bombs in Juhapura, a Muslim dominated locality in Ahmedabad. During the talks Shri Arvind Pandya also mentioned that he had previously threatened a police officer namely Shri R.B.Sreekumar to not speak against the government but it had leaked out and was broadcast on TV but eventually nothing happened against Shri Pandya. This conversation was also recorded by me and produced today in the form of DVD. I identify my voice as well as that of Shri Arvind Pandya who had directly spoken to me. The extracts from the said recordings were published at page 53 of the Tehelka magazine in its issue of 3-11-2007. The exact transcript of the said recording is also enclosed.

On 8-6-2007, I met Shri Rajendra Vyas, the then VHP Ahmedabad Chief at the latter's residence in the evening. During my talks with Shri Vyas, I wanted to know about the first word uttered by Shri Narendra Modi after the Godhra train incident. Shri Vyas informed me that Shri Narendra Modi first said that they would take revenge and everything will be taken care of. Shri Vyas explained that by these words all those who were present there got the message. Shri Vyas also said that they were given a free run to whatever they wanted that the police was with them as well as the entire Hindu samaj. I identify my voice as well as that of Shri Rajendra Vyas who had directly spoken to me. The extracts from the said recordings were published at page 42 & 53 of the Tehelka magazine in its issue of 3-11-2007. The exact transcript of the said recording is also enclosed.

On 12-6-2007, I met Shri Ramesh Dave at his residence and talked to him about the riots. On being asked about the first reaction of Shri Narendra Modi after the Godhra incident Shri Ramesh Dave informed me that Shri Narendra Modi gave a very strong statement at Godhra as being with the Sangh Parivar since childhood, Modi was enraged at the incident. Shri Dave also informed that Shri Narendra Modi did not come out in the open but the police machinery was turned totally ineffective. I identify my voice as well as that of Shri Ramesh Dave who had directly spoken to me. The extracts from the said recordings were

Arjun Khanna

published at page 51 of the Tehelka magazine in its issue of 3-11-2007. The exact transcript of the said recording is also enclosed.

On 10-8-2007, I met Babu Bajrangi, a Bajrang Dal activist in his office near Galaxy cinema at Naroda, Ahmedabad. During the discussions about the riots Shri Babu Bajrangi informed me that he had a telephonic conversation with Police Inspector Mysowala at about 2:30 hrs on the day of incident to which Mysowala had advised him not to come to the Police Station as there were shoot at site orders against him and asked him to run away. Babu Bajrangi further informed that Shri Narendrabhai (Narendra Modi, CM) had told me after four months that there was lot of pressure on him and advised him (Babu Bajrangi). I agreed to his suggestion and surrendered near Gandhinagar when a big drama was enacted by Shri P.P. Pande, the then Joint CP in which a few cars were checked on Biloda(Chiloda)-Gandhinagar road as a public show and he was shown arrested or otherwise the media and NGOs' would have ripped him apart. I identify my voice as well as that of Shri Babu Bajrangi who had directly spoken to me. The extracts from the said recordings were published at page 41 of the Tehelka magazine in its issue of 3-11-2007. The exact transcript of the said recording is also enclosed.

I had another meeting with Shri Babu Bajrangi on 1-9-2007 at Pritampura, Delhi at the residence of Shri Amrit Tejpal uncle of Shri Tarun Tejpal, Editor in Chief, Tehelka. It may be mentioned here that in order to extract more information from Babu Bajrangi and also to inspire confidence in him, I had posed myself as a RSS worker. Further, in order to have a meeting at Delhi and to impress upon him that the family had a RSS background, Shri Amrit Tejpal uncle of Shri Tarun Tejpal, Editor in Chief, Tehelka stepped in and a meeting was arranged at his residence in which he was introduced as 'Anandji', a fictitious RSS leader and a few photographs of the prominent RSS leaders had been hanged on the walls. On this occasion, during the talks Shri Babu Bajrangi informed that nobody can do what Narendrabhai (Shri Narendra Modi, CM) had done in Gujarat and if he did not have Narendrabhai's support, they would not have been able to avenge Godhra because the police was standing right in front of the rioters and was witnessing all that was happening but had shut their eyes and mouths. He further said that, at that time had the police wanted they would never had let them in, as there was just one entry to the Patiya locality. He also mentioned that if police wanted to stop they could have easily done so since they were 50 in number. But the rioters had good support from the police because of the Narendrabhai and that is because whatever happened in Gujarat, happened

Ashish Khosla⁵

for the best. In this meeting Babu Bajrangi clearly said that he spoke to Gordhan Zadaphia in the evening of 28.02.2002 and told him everything that had happened. Babu Bajrangi also said that Gordhan Zadaphia, the then MoS, Home advised him to leave Gujarat and go into hiding. On being asked by Babu Bajrangi as to what he meant, Gordhan Zadaphia told him to run away and not to mention it to anyone, anywhere that they had talked about the matter. I identify my voice as well as that of Shri Babu Bajrangi who had directly spoken to me. The extracts from the said recordings were published at page 41 & 13 of the Tehelka magazine in its issue of 3-11-2007. The exact transcript of the said recording is also enclosed.

In September, 2007 the operation was wound up. During my meetings with different BJP, RSS, VHP and Bajrang Dal activists, I had used spy cameras for audio, video recording and spy-cam. After the recordings, I had deposited all the footage and the laptop on which the footage was being transferred and stored during the operation. The original video footage, spy-cam and also the hard disk of the laptop used in the operation were seized by the CBI. It may be mentioned here that at the end of the day I used to transfer the video footage from the memory chip on to the laptop at hotel in the night and the laptop, camera, chip etc. were finally deposited at the office of Tehelka at Delhi

Read over and admitted to be correct.

Adish Khetan
27.08.09

Before me
A.K.P.
(A.K.P. Parmar)
Police Sub Inspector
Special Investigation Team
Gandhinagar

D.A.
27/08/2009
Member SIT Gandhinagar

TEHELKA

TRANSCRIPT OF ANIL PATEL

Ex Fact - Annexure III FILE XIII D-129
SIT Paper

This is the transcript of the meeting with Anil Patel. He is Vibhag Pramukh of Vishwa Hindu Parishad. In the video he claims of being close to Praveen Togadia who he says was guiding him during the riots. The video was shot at his house in village Dhansura, district Sabarkantha on June 13, 2007. Though both button and diary were rolling simultaneously, this transcript pertains to the button image. The guy had a soft voice so the button has captured his words better than the diary.

A: You ask me questions and I will answer

T: ji ... main sawal...main to kuchh jaanta nahi hu yaha ke bare me ...is zile ke bare me aur yaha dhansura...

Questions. I don't know too much about this area...

21:27:48/05850

A: Let me tell you about this district, Sabarkantha. The maximum number of FIRs were filed here, after Godhra. I know because I handled all the cases on behalf of the VHP. There were 40 murders, 60 murders here

In Dhansura alone?

No, in Sabarkantha. Entire Sabarkantha. As for setting villages ablaze, even the smallest one was not spared

T: nahi bachha ji..

Not spared

A: Not even one Muslim home was spared in the entire district. At nine in the morning on Feb 27 I got to know that the train had been burnt but when I saw it on TV, I realized it was a big incident and that there would be a big reaction... then a message came from the state office that the next day a bandh would be observed... Then I met a friend who asked me how we would respond

T: musalman hai?

Was he a Muslim?

A: nahil hindu hai... I told him that the entire world would watch what we would do the next day. At ten o'clock in the night, I received a call from the (VHP) office asking me to recognize the bodies of the 16 kar sewaks who belonged to my district. I was asked to inform their families and arrange for the bodies to be taken to their homes. The first reaction to Godhra happened from

my district, from village Badgaon near Dhansura. The stabbing that happened at Baroda railway station...that was carried out by a worker from Badgaon. Then there was a stabbing in Anand railway station - that was also done by our cadre with a trishul. And when our activists returned, they took an oath at the main square that tomorrow itself we have to give a befitting reply.

T: Only the Parishad workers were present?

A: No, the entire Hindu community had got together. Even the Congress joined us. The BJP was also there. Some of the Congress supporters - every village has four five - were not with us and were busy trying to protect the Muslims. There was an MLA, Hari Bhai Patel - he has expired since - who tried to protect the Muslim. There was another guy, Jagro Bhai Mistri, a very rich man, who was also trying to save the Muslims...

21:31:31/09742

A: lekin doosri ghatna yeh hui yeh sab tod phod chal rahi thi to babu hajim kar ke ek musalman tha unke ghar se naked photo mile ...hamari ek hindu ladki ke naked photo...bilkul naked ...wohh hamari ladki bhi naked wohh bhi naked aise photo mile ...aise 6-7 photo mil gaye...wohh hri bhai ko ja ke dikhaye ki dekho musalman yeh dhandha kar rahe hai ...baad me wohh waha se uth ke chale gaye...

T: jo hari congress ke the...

A: ha ...yaha bhi ek arvind jai singh kar ke hai...usne bhi musalmano

T: How were the activists motivated?

The incident was being repeated on TV. The killing of the kar sevaks was being played and replayed. All of us, including the Congress men felt that we (Hindus) had been attacked. They did everything with us, even triggered the bomb to demolish the mosque ...

T: A masjid was broken here, in dhansure

A: One maulvi was killed. The mosque was broken. There was only one mosque here.

T: The maulvi was burnt

A: hmm...

T: usko jalaya?

A: nahi usko le gaye the...(makes a gesture of striking on the head)

T: With a sword...

A: No, with an axe

A: After I visited the hospital (where the kar sevaks bodies had been kept) and returned at four in the morning, I had decided that if there was no reaction today, then I would leave the VHP.

T: It had become a question of identity? ha koi matlab nahi rah gaya tha...kyoki tab to astitava par sawal aa gaya thaa..

A: I would not work unless 500 Muslims were killed... after everything was over, I thought to myself that others too had thought like me

A: At that time, I decided that the responsibility of hitting back is ours. They burnt our sisters and brothers, they too would be burnt alive

T: bacchoo ko... ??

A: Bolt them indoors and just set them on fire. Kill the entire family. We'll take care of whatever happens after that ... Bolt the doors so no one can escape. I said, we will take the responsibility for whatever happens after that...

T: So houses were burnt here in Dhansura...

A: Many. There were 126 properties in Dhansura. They were all destroyed. In the entire district, there was only one village in which 75 percent Muslims didn't return

T: Didn't return..

T: In Ahmedbad, bombs were made in Hareesh Bhai's own factory. How did it happen here?

There are a lot of boring industries here, because of which dynamite is available. Then, we also had some experts. They made (explosives) and supplied them to Ahmedabad also

T: ji

T: ahmedabad...

A: We supplied from here also ...

A: See, there were some areas there. We were worried about our security... We were very concerned about safety in some areas in Ahmedabad

T: Like...

A: Like kalupur ...dariyapur i... There, Hindus live along the border. For their safety, we supplied some stuff from here *

T: Sent from here...

A: There, we were in touch with some policemen. They use to come and take the supplies and deposit them safely

T: What was the name of the police inspector... Raju... someone mentioned his name

A: Raju Patel...

T: What about the policemen here...

A: The police here really supported us. Some of them said, do something, loot them, harm them, finish them... I had a fight with a DySP. One of our brothers cut a Muslim's ear off with a sword and the DySP arrested him. I really scolded the DySP and told him that our people had been burnt and that he was corrupt and that he use to share a bribe with Muslims in Baroda. Later, he released the guy. DySP ND Solanki was very good. He said release him.

T: The SP, Anil Solanki...

A: ND Solanki ...

T: ND Solanki..

A: Nitin Solanki...very good man. His father works in our programmes also

**A: During the day, I had said, do something but I wasn't sure
T: not sure...**

A: I was very tired... mental tension... so many phone calls were coming. At about one, I got a call that about 2500 people have gathered at the Bayad road

T: bayad road ...

A: So I went to Bayad and told them, our people have been burnt to death... now you do whatever you want. Go to the villages and kill. After that, thirty incidents happened. From Bayad, I came to Dhansura and Dhansura was also up in flames. The arson was initiated by our workers but gradually everyone joined

A: to bayad me reaction aaya...baad me main dhansura me aaya to dhansura me bhi poori aag lag gayi thi ...shurarat hamare karyakartao ne kari lekin baad me sab jud gaye... Some were opposed. Like Congress guys Praful... sangram singh in Modasa... Munna Bhai in Sathamba... They tried to save (the Muslims). The Congress guys tried to protest but the majority was with us

T: Majority was with you. Any activists who were in the forefront?

A: The activists did everything. They killed, they hacked ...

T: Did Solanki lend full support...

A: Full, full. He gave me complete support... see, when the riots were dying out, when the temperatures had started cooling down, someone in Bilora village said that nothing had happened there... that something should be done... There was a man there called Mansoori. Then Mansoori was killed

T: Who?

A: Someone called Mansoori who was a SIMI sympathizer mansoori kar ke tha SIMI se juda hua tha...

T: SIMI is a terrorist organisation....

A: He (Mansoori) was a vegetable vendor. He was killed and then cut, he was slit here (points towards the neck) ... then at night I got a call from Arvind Bhai Soni, our co-minister saying this incident has happened. I asked him if was there on the spot then and he said no, but some Bajrang Dal brothers were there. I told him to stay at some safe place and to remain cautious. The next morning I got to know that Arvind Bhai had been arrested... I went to Billora and called the DySP ... Both Jayanti Bhai and I went to meet the DSP and he said he'll release Arvind Bhai, that everything was in their records, in the arrest warrant... Arvind Bhai was taken out to be transferred to judicial custody and at that time, Arvind Bhai was told to go back to the Karalaya

T: Go to the (VHP) office ...

A: He stayed in the office for a month and a half

T: Who was the DSP...

A: ND Solanki

T: OK ND Solanki...

T: yogdaan sirf apne apne vishwa hindu parishad bajrang dal...main yogdaan...mukhya yogdan

The main contribution was the VJP's and the Bajrang Dal S...

A: main aur sangh ne bhi kafi ...sangh ne jo kaam kiya wohh bina bole...kai sangh ke karyakarta bhi jail me gaye...yaha Babu ne sathambha gram kar ke hai...to taluka karyawahak...unke uppar teen sau do (302) lagi thi...aaj. bhi...aaj modasa me unka case hai to ek biwi hai ek musalman ladki usko marne ka case hai ...wohh amrudh bhai hai unhone aage kar ke bahut achha kaam kiya ...wohh tahsil karyawahak hai to unke uppar bhi case hue...

The Sangh did a lot without even being asked. Many Sangh workers went to jail also. There is a village called Sathamba. The taluka executive there was booked under Section 302. Amrud bhai did a lot of work. He is the tehsil executive. He was also booked

T: What's his name?

A: amrudh bhai prajapati...

T: He is still in jail? to abhi jail me hai wohh...

A: He is out on bail abhi to bahar hai jamin ho gaya..

T: He is from the Sangh

A: He is VHP President, district Modasa. Another man, Ashok Bhai Patel, he also went to jail

T: He is also from the VHP...

A: Yes, from the VHP. A lot of people tried their best to get me also booked but ND Solanki, Arvind Bhai Brahmbhat and Praveen Bhai Togadai and my cautiousness... later, I looked after everybody in jail and organized their food and looked after their cases

A: ha mere uppar case ho jaaye...lekin ND Solanki arvind bhai brahmbhatt aur praveen bhai togadia aur meri sawdhani ...baad me maine jail me sabko sambhala ...unke bhojan ki vyawashtha ki....caseoo ki chinta...

A: radniti...koi radniti nahi thi us din...us din to reaction dena tha ...jyada se jyada musalmano ka nuksaan karna tha...nuksaan kaise bhi ho...jal ke bhi ho...mar ke bhi ho...jo padelikhe vicharsheel karyakarta the wohh sochte the jaante the ki kya nuksaan karna hai...lekin public thi...ki toda...to tola to aisa lagta hai ki ek cheez tod diya to bhi hindutva ka kaam kar diya...kisi ka darwaja tod diya to bhi hindutava ka kaam kar ya ur baadla le liya ...

There was no such strategy... The main thing was to give a befitting reply, to harm as many Muslims as possible, in whatever manner... by burning them, killing them ... the educated activists knew what was to be done... but the public felt that even breaking a door meant furthering the cause of Hindutva

T: Muslims were killed in Dhansura ...

A: The maulvi was killed...

...

T: You were incharge of the entire district

A: I was looking after three four talukas ... Dhansura, Bayad, Meghraj, Maalpur, Modasa....

T: How many Muslims were killed in these talukas?

A: More than thirty..

T: Some are missing also... aur kuchh missing bi rahe?

A: In Bayad, they are missing ... 60 drivers from Modasa never came back...

T: truck driver...

A: From mumbai

[REDACTED]

T: Did you speak to him?

A: ha ..

T: At that time, during the riots...

A: ... Be careful with whatever you do. He told me about the cases also... that the main workers should not be jailed... because it will affect the morale of the workers... that its ok if the goonda elements are booked because we will be able to bail them out... but our main workers should not get booked... this is what he said to me.. but they were booked. Amruth Bhai got 302. The Modasa district President was also charged...

A: to aisa hai..lekin mujhe aisa lagta tha ghatnao ke baad bhi kayi log jail me ja kar aaye ...

A: yaha par ghatna aisi... modasa aisa gaon hai jaha aisa hai ki musalman ka haath hum par bhari rahta tha...lekin hamare bajrang dal ke sahyojak par unhone hamla kiya tha...kuchh hua nahi tha unko sirf peeta ...bad me musalmano ki 60-70 dukane jal gayi ... to us time par thoda hum ko laga ki hamara hath unpe...

A: Modasa was one village in which the Muslims had an upper hand over the Hindus. They had beaten one of our Bajrang Dal associates... later one 60 to 70 Muslim shops were burnt... But after Godhra, we stayed on top ... I went there with some samaan

T: bombs or dynamite?

A: what had happened was, there was a baniya... some chemical was sprayed on him... when the information came, I was there only.... Where ever we found Muslims, we just killed them... our effort after that was, that in case of an arrest, try and get them (Hindu rioters) out on bail. If they are jail, then provide them with food...

T: At that time, were bombs made here?

A: Not in Dhansura. They were made in Badagaon area. There were some experts there.

T: Were the bombs used?

T: kyuki jalane ka karya jyada hua hai.. they were sent to Ahmedabad also... There was this IB officer, Sreekumar who sent a fax to the Ahmedbad police commissioner that the VHP has supplied weapons from Ahmedabad... The matter was inquired into ... our block minister was arrested also.. the police inspector who came for the enquiry was associated with the Sangh...

T: What was his name?

A: I don't know his name but he was associated with the Sangh. After the inquiry was over, he told us that he was associated with Jeevan Da! Bhole, our vibhag pracharak ...

A: All this that I have told you is off the record...

T: Don't worry...

A: Its not that I am worried or scared... I have a government job but I give speeches also... A DySP told me that the content of my speeches can be held against you and a case can be filed also... I said, I will continue to hold my views and speak about them.... Even if the Congress is in power

This is the transcript for the meeting that happened at Babu Bajrangji's office at Naroda, Ahmedabad on August 10, 2007. The meeting is divided into two sessions—pre lunch and post lunch. This transcript is for the pre-lunch session. The session has been recorded into four files. I have transcribed only the relevant portions—anything even remotely significant is transcribed -- from each file.

Index of revelations

File 1

02:38:45/03919 (opening counter)

1. Here he says that he is facing charges of murdering 147 people but still he is ready to fight.
2. He says he has 'rescued' 956 Hindu girls from Muslim boys and thus in a manner of speaking has killed 5000 Muslims before they were born.

02:39:57/05204 (closing counter)

File 2

02:51:23/01279 (opening counter)

1. He says but for Narendra Modi he would have been still in jail.
2. He says the VHP did nothing for those Hindu rioters who were jailed except sending ration to their houses for a few months after the riots.

02:52:03/02002 (closing counter)

02:56:45/07018 (opening counter)

- He says after returning from Godhra he had announced that he would take revenge for those killed in the inferno on the Sabarmati train. He says he had collected 23 revolvers from Hindus by threatening them of dire consequences. These revolvers were collected a night before the Naroda massacre.

02:57:59/08359 (closing counter)

02:58:22/08771 (opening counter)

1. He says he was in touch with Jaideep patel, the Gujarat State VHP President, while the Naroda massacre was on.
2. Says there are 14 Muslims and 16 policemen as witnesses against him. He says the policemen have become witnesses under immense pressure. As on the day of the massacre they remained mute spectators and did not stop him and others from killing the Muslims.
3. Says that the police was in complete control of Ahmedabad and the rest of the Gujarat while the killings were happening. But Modi had instructed them to stand back and not stop the Hindu rioters.

03:02:11/12907 (closing counter)

File 3

03:08:59/04022 (opening counter)

- He says he has personal relations with Modi. Narrates an incident where Modi at his behest had got a Hindu boy who had become Muslim abducted.

03:09:40/04759 (closing counter)

03:14:00/09439 (opening counter)

1. Says if the judge were to ask him his last wish he would prefer to bomb 10-15000 Muslims before he dies.
2. Says there are two solutions for this menace called Muslims. One the order should come from Delhi to kill burn and loot them. This, he says, can be executed by lower caste Hindus living in slums. He cites the example of Naroda masscare where it were lowly castes who had carried out the killings. The second solution he says is to disenfranchise Muslims.

03:16:08/11741 (closing counter)

3:16:49/12494 (opening counter)

1. He says he and other Hindu rioters were better armed that's the reason they could kill so many Muslims.
2. Confirms that BJP workers Bipin panchal and Manoj Videowala were also among the rioters.

True copy of Tehelka transcript of Haresh Bhatt

This is the transcript for the meeting with Haresh Bhatt at his residence in Ahmedabad on June 1, 2007. This was my second meeting with Bhatt. Both diary and button were on however this transcript corresponds to the diary footage.

Index of Shocking Revelations

15:12:16/12268: Reveals about the training of Bajrang Dal men at Ahmedabad for demolishing the Babri Masjid and the subsequent CBI Inquiry.

15:18:02/18295: Talks about how after the 2002 genocide the govt handpicked govt prosecutors and how hundreds of cases were resolved with the collusion of public prosecutors and defense advocates

15:21:09/21562: Says that Modi had post Godhra given him and others a free hand for three days. Says he was part of the meeting in which Modi had made this declaration.

15:41:07/42417: Says that VHP Treasurer Rohit Bhai Zhaveri was also involved with him in smuggling in arms in Ahmedabad and making bombs. Reveals how rocket launchers and bombs were made at his factory and then used during the killings.

15:45:44/47282: Says that the police did not stop the use of bombs and smuggling of arms since Modi had given them three days time.

The Transcript

15:02:52/02416

T: namashkaar...

Haresh Bhatt's wife: namashkaar...

T: haresh bhai...

Wife: baitho...

Haresh Bhatt First Meeting

File 1

T: Haresh Bhai Bhatt?

T: mera naam Pyuesh Aggarwal hai aur main ek kitab likh raha Hindu Resurgence: An idea long due...main delhi university ka scholar ho maine is bar Mphil complete kiya hai delhi university me sociology me aur mujhe aisa laga ki angrezi main aise literature k abhav hi jisme hindu forces ko sahi tarike se appreciate kiya gaya ho...vernacular media me and ur hindi me to kabhi is tarike ka literature hai lekin English me jitna bhi literature aata hai wohh so called secular aur pseudo secular forces ka aata hai aur wohh hamesha aloochan karte hai aur aisa dikhate hai ki ab kuchh communal hai ...to yeh mera prayas hai angrezi me ek aisi kitab likhi jaaye jisme sahi jo factors hai unko appreciate kiya jai ...

A: bahut zaroori hai desh ke liye aur Hinduism ke liye bhi zaroori hai...

T: Haresh bhai bhatt?

T: My name is Piyush Agrawal and I am writing a book on Hindu resurgence: An idea long due... I am a Delhi university's scholar...I have just completed my M Phil in sociology and I felt that there is hardly anything in english literature which appreciates the hindu forces in a right way. There is a lot of that in vernacular media and in Hindi but whatever is there in English have come from the so called secular or pseudo secular forces. They always criticize and show that everything is communal. So my effort is to write a book which has the things which can be appreciated.

A. Very essential..for our country and for the Hinduism.

T: aur jo nai convent school ki jo pidi hai unko jaise hindi nahi aati hai yaah vernacular languages nahi aati hai aur jo wohh padte hai wohh sab yahi sab literature English k pdte hai...to yeh prayas hai mera ...main pichle 15 din se Gujarat me ho...gujarat me mere do chapters hai...

A: kaha par ruke the aap?

T: main baroda me tha...to baroda me university me hi guest house hai waha dhimant bhai bhatt hi aur ajay bhai joshi hai ...wohh kyuki syndicate ke members bhi to unhone wahi guest house me rukwa diya tha ...to waha 7-8 din raha ...

A: ache dost hai mere...

T: and the new convent generation...it is as if they do not know hindi...and so whatever they read is in English only...so this is my effort..I have been in Gujrat for last 15 days ...I have two write two chaptors on Gujrat.

A: where did you stay...

T: I was in Baroda...Dhimant bhai and Ajay Bhai Joshi stay in Baroda University's guest House...since they are also the member of the syndicate so they had helped me stay there... I was there for 7-8 days.

A: they are my good friends

T: ji ...uske baad me godhra chala gaya to godhra me kal din bhar raha godhra to godhra me tamam logo se mila waha par ...

A: aap sirf hinduoo ko hi mile ya kuchh muslimoo ko bhi mile ...

T: nahi muslim se main nahi mila...

A: nahi mile...

T: samai barbad karne se koī fayda nahi hai ...mera vishay nahi hai to mera unse mil ke kya fayada...godhra me main basically darsal mukesh bhai shukla jo hai parivar se sambandh hai hum logo ka ...hamara poora parivar jo hai sangh se juda raha hai...hum log waise kanpur ke rahne waale hai lekin min kabhi saalo se dilli me padai ke silsile me...

H: barabar...

T: Ji...A fter that I went to Godhra...I spent the entire yesterday there...I met so many people there.

A: You met only hindus or you met some muslims also?

T: I did not meet muslims...

A: you did not meet them?

There is no point killing my time...that is not my subject...In godhraa...there is one Sarsal bhai shukla...we have family relations..our entire family is related to sangh...we are basically from Kanpur but I have been studying in Delhi for last so many years...

H: OK

Counter: 5:08

T: to waha pe kakul bhai pathak..

H: kakul pathak ...media cell ka incharge hai wohh..

T: unke saath hi main tha...to kafi jaise apne bhai ke saath le gaye wohh sagh me hai ...parimal pathak fir parimal pathak ne gopal bhai ke paas bhej diya gopal bhai se bahut der baat hui fir waha se unhone kaha waha chale jao santrampur ...waha pe anjarwada...

H: case hua tha...

T: waha gaya..santrampur me suresh bhai bhavsar ..lekin wohh bahar gaye the to unhone jayesh bhi patel ko saup diya ...jayesh bhai kafi jagah le gaye...

H: unse mil kar ram bhai patel se bhi milte to wohh bhi kafi baat batate...

T: There I was with Kakul Bhai Pathak.

H: Kakul Pathak..He is the incharge of the media cell.

T: I was with him...he took me to several persons...Parimal Pathak..then Parimal pathak sent me to the gopal Bhai...I had discussed several things with him...then he told me to go to santrampur...there I tried to meet Suresh Bhai Bhusavar...but he was out of city...so he made me to meet jayesh Bhai Patel...he took me to so many places..

H: After meeting him if you had met Ram Bhai Patel also then it would have been better.

T: lekin ram bhai the nahi wohh surat me the ...to raam bhai bhi nahi the aur suresh bhai bhi nahi the...

H: wohh yaha aaye the gandhinagar me...gandhinagar se abhi niklenge ...

T: fir waha se randhikpur chala gay...randhikpur me ek dinesh bhai rajat the unse mulakat hui...

H: waha per jo hai appne do karyakarta abhi bhi jail me hai ...

T: ha unke parivar..unke pas bhi gaya mai...

H: phir ek aur doctor kutumb hai waha (inaudible)...

T: to mera yeh prayas tha ki post godhra jo hindu forces ka resurgence hua jo sanghathan hua to kya forces the kya factors kya karan the...pahli bar hindu is tarah sanghathit hua...aam taur pe kya hota hai ki hindu maar khata aur sanghatit fir bhi nahi hota hai ...maar khata hai aur chupchap rah ke baith jata hai....

T: But, Ram Bhai was not there. He was in Surat. So Ram bhai and Suresh bhai both were not there.

H: He had come here in Gandhi Nagar...just left the place.

T: Then I went to Randhikpur...I met Dinesh Bhai Rajat.

H: Some of our activists are still in jail.

T: yeah. Yeah I went to see their family members.

H: There is one more Doctor family there.(inaudible)

T: So my effort was to find out the reasons behind the resurgence of the Hindu forces after Godhara incident. It is for the first time that the Hindus got united. Generally Hindus do not unite even if they are beaten up.

Counter: 6:47

H: yeh poora wakya jo hua hai...aur us samay poore Gujarat ka netratarav maine us samay kiya hai...aam taur pe Hinduism ke jitne bhi factors the hamesha usme agwa raha ho kyuki bajrang dal ke rashtriya upadhyaksh raha Gujarat ke ...sthaapak adhyaksh...12 saal...main raha...12 saal adhyaksh ke naate se maine bajrang dal khada kiya hai aur uske baad chalaya hua hai ...to iske karan poore jitne bhi ayodhya ke karyakaram hue andolan hue unme bhi netratarav mera aur yeh jo train kand hua to us samay Gujarat me netratarav me main akela hi yaha tha ...praveen bhai togdia bhi wohh ayodhya me the aur dilip bhai adhyaksh the wohh bhi ayodhya me dilli me the...to yaha nirdaya lene wala koi admi nahi tha vishwa hindu parishad ki aaur se... mere alawa aur band ka call bhi maine hi yaha sabse pahle liya tha jo yaha press conference me liya baad me sari dead bodies yaha mangwai godhra...yaha jab raat ko dead bodies aayi

...civil hospital me sari bodies humne ikhatha kiya ...pahli baar yeh hai ki jo aap kah rahe ho ki Hindustan me aur khaas taur se Gujarat me ...gujarat ki mansikta ladayak nahi hai ...aam taur se baniya ke taur businessman ko maante hai to Gujarat ne aisa reaction kyu kiya aur aisa reaction kyu hua ...yeh do question bahut mahatv ke hai to sabse pahli bat yeh hai ki jo deadbodies yaha lai ...laya gaya jis tarah se wohh dead bodies burn hui thi...jail hui thi wohh itni kroortapoorn thi kissi ko pahchanana bahut mushkil tha ...kahi chappal se ya kahi aur se humne unko pahchana ...

bhaiya yeh inka hai aur yeh ghatna jab hui to humne...hamare paas sare photographs the ...sare vyaktiyo ka address humne liya hua tha jinko humne yaha se ayodhya bheja tha usske karan humko pata chal gaya ki bhai kaun se gaon ka kaun aadmi issme expired ho gaya hai ya jal gaya hai to humne un gaon ke logo ko bulaya ...dead bodies lene ke liye aur sari dead bodies humne sab gaon ko bheji hai to jin logo ne bhi gaon me yeh deadbodies dekhi unko shock

laga hai aur isiliye swaymbho yeh andolan reaction ke mamale me khada hua hai ...deadbodies jab aapne gaon me aati hai...

10-15 hazaar 20 hazaar log ikhatha ho jaate hai ...gaon me ek bhi dead body gayi to dekhte hai ki itni buri tarah se inhone jala diya hai ...uske karan ek mahol bana...aur mahol banne se jaise hi dafan vidhi poori hui hai agni sanskaar poora hua ...turant hi logo ne attack kar diya...wohh hi mahool me ...to matlab yeh swayambhoo karyakaram aisa hua hai...yeh sabse badi baat hai...aur isiliye jo hai ki poore Gujarat me ...waise hum bataye to ayodhya me humne teen jathe bheeje the ...ek jo tha wohh uttar Gujarat ka tha ...jo yaha se sab apne mehsana side banaaskatha side yeh side tha ...ek jhatha tha dakshin gujarat ka ...jo ahmedabad ki neeche ki side ka baroda hai surat hai bharuch hai valsad hai...aur teesra jatha th wohh saurashtra kutch ka tha... to isme se Madhya Gujarat ka jo yeh tha wohh hi yeh train me aaya tha baki dono jhate jo the wohh waha par hi the ayodhya me hi the to jo wapis aye the ... pahla hi jhatta wapas aaya tha unke uppar hi yeh akraman hua tha aur isiliye wohh karyakram yeh jo deadbodies gay hai wohh sirf madhyagujarat ke gaon me gayi thi

H: When this entire thing happened it was I who led the Gujrat...I had been at the forefront of all the things related to Hinduism because I was the national vice president of Bajarang Dal and the founder President of the Gujrat Unit. I was the President of the Gujrat unit for 12 years. I have made the Bajrang Dal stand on its fee madeit function. Because of this I had led all the movements related to Ayodhya. And when this train incedent happened then I was the only one present among the Gujrat leadership...Praveen Bhai Togadia was in Ayodhya and Dilip Bhai the then President were in Ayodhya and Delhi. So there was nobody here other than me to take decisions on behalf of the VHP. It was I who called the Bandh and addressed the Press Conference. After that I got the dead bodies braught to Godhra. When the dead bodies were braught here ...we collected all the bodies in the civil hospital. First time it happened which you are saying that in hindustaan and especially in Gujrat...Gujrat's mentality is not of a fighter...then why did Gujrat react the way it did? and why did such reaction happen?...these are two important questions...so the first thing is the conditions the dead bodies were braught in ...they were all charred beyond recognition..they were recognised with the help of slippers or some other things. We had the the photographs and addresses of all the persons who had been sent to Ayodhya that is why we got to know about the

persons and their vilages who expired in the incident...so we called the villagers to take the bodies...we sent the bodies to every village...whoever saw those deadbodies in the villages was shocked and because of this a movement was created on its own...when the deadbodies were braught to the villages. 10-15-20 thousand people gathered everywhere...They saw how brutly were the burnt...It created an atmosphere and the moment they performed the last rituals they started attacking. Means it automatically happened. This is the biggest thing. I should tell you that we had sent three groups to the Ayodhya. One was from Mehasaana and Banaaskatha side of North Gujrat. Second was from South Gujarat from the lower areas of Ahemdabad, Baroda and Bharuch Valsad etc. And third was from Saurashtra and Kutch regions...this train was carrying the group of the Central Gujrat...the other two groups were in Ayodhya only...This group was the first to come and so it was they who were attacked upon..that is why this program of sending deadbodies was restricted to Central Gujrat.

Counter: 11:00

H: to jo ghatna dead bodies ki jane ki thi wohh sirf sau gaon me hui aur jitne reaction hui hai wohh bhi Gujarat ke 18000 gaon me sau gaon ke logo ne hi reaction diya hi baki vistaaro me nahi hua hai ...aap poore ke poore ghatnakram ko dekhe ...

T: jaise godhra shahar me kuchh nahi hua...

H: godhra shahar me kuchh bhi nahi hua hai ...theek hai...kyuki godhra shahar me deadbodies nahi hai...jo deadbodies thi wohh bahar ke logo ki thi ...godhra ki nahi thi

H: The bodies were taken to just 100 villages and the rest of the reaction in the 1800 villages of the Gujrat was due to the reactions by those 100 villages.

T: Like nothing happened in Godhra.

H: Nothing happened in Godhra city..it is right...because there were no deadbodies in the Godhra City...The deadbodies which were there were of the outsiders..not from Godhra,.

T: panchmahal district...

H: panchmahal district me bhi baad me hua...

T: Dahod...

H: Dahod...Panchmala baad me hua hai...lekin waha koi injuries nahi hui thi ...lekin doosre gaon ke jo cheete ude waha par ...gujarat me

sab baad me...ek tarikh ke baad me jo mahool bana usne phir Gujarat ko le liya ...lekin phir bhi jo ghatnaye jo hui hai wohh sirf sau gaon me hi hui hai ...18000 gaon me nahi hui hai...aap jitne police station lijiye to wohh poori police station ka gherava hai wohh sau gaon ka hi hai...

T: jaha se wohh log the jinko ...

T: *Panchmahal District...*

H: *It happened later in panchmahal district.*

T: *Dahod...*

H: *Dahod...Panchmala happened lateron..but nobody injured there...but*

The atmosphere which prevailed after first spread all over Gujrat. But the incidents were limeted to 100 villages only...not in 1800 villages..

T: *From where were the people who...*

H: wahi se reaction hua lekin mahool itna bada tha...aaj ahmedabad ke shahar se 13 aadmi ek hi jagah se jal gaye jantanagar se...to yeh godhra... ahmedabad ka to mahool banna zaroori hai kyuki poore log waha ikhatha ho gye the sari deadbodies yaha aayi thi ...poora nagar yaha khada hua tha...sabne yeh dekha hai to issliye yaha pe ghatna zaroori tha ...to 25000-30000 hajar ke tole sab jagah pe nikal rahe the aur chhun chun ke jo bhi musalman ki lorry bhi ek musalman ki hai to unko sab khatm karna hai... to yeh dekha dekhi mhool ban gaya...kuchh log to PVC pipe leke daude raat ko 25000 log 30000 log yaha pe khade ho gaye juhupura ke paas me jaha pe muslim basti hai usko gher liya tha ...policewale mere teen baje mujhe bolte hai ki dekho yeh PVC pipe le ke ja rahe hai unke pas saadhan hai unko rooko aap ...maine bola inko rookne ki abhi zaroorat nahi hai sirf saath me jaane ki zaroorat hai ...wohi ek mahool banta hai ki reaction hona hai ...itna bada hadsa ho gaya hamare saath aur hum shant bhaithe rahenge to yeh baat jo hai...

H: Reaction was from there only but the atmosphere was so charged...13 persons were burnt from a single place JanataNagar in Ahemdabad...so this Godhra...It was essential to create such atmosphere in Ahemdabad as a big crowd was gathered there...all the deadbodies were braught there...entire city was standing there...Everybody saw that so it was necessary to hapeen there...so the groups of 25-30000 were on the streets everywhere and they were destroyng every single lorry of the muslims...so this charged atmosphere was created by seeing each other...Some people ran having PVC pipes in their hands...a crowd of 25-30000 was standing near Juhupura, which is a muslim colony and gheraoed it...The police told me at 3 o clock that they were having PVC pipes in their

hands...so I should stop them...I told them that there is no need to stop them and they should just accompany them...it was the atmosphere where reaction had to happen ...such a big incident happened to us and we just keep mum and sit..this is...

T: to policewale aap ko phone kar ke kah rahe the ki aap inko rokiye...

H: rokiye aap inko ...

File 2

H: aur unko jalane ke liye main khud gaya ho...waha se unki masan yatra nikli thi...25000 log usme sammillit hue the ...aur ek saath 13 ke 13 log....

T: 13 me kuchh bachhe aur aurte bhi thi..

H: ha bachhe bhi the...aurte bhi thi...chalees me se bachhe aur aurte hi jyada thi...purush to the hi nahi kyuki unhone plan hi aisa kiya tha...dahod se unhone dekh liya tha ki kis compartment me mahilaye hai...tabhi unke uppar akraman hua...kyuki godhra ke aage ek stand hai chanchalao...waha par attack karna tha unko...planning wohh hua tha...waha jo way-wait hotel hai...hotel me waha sab vyawastha ki thi...lekin waha se jab soochna aayi ki train teen ghanta late hai ...sade teen ghanta late hai...subah me jo char baje late hoti hai...

T: So policemen were callin you and saying to stop them...

H: and I myself went to cremate them...from there, their last procession started...25000 people were there in that...and all 13 people simultaneously

T: Were there children and women among them?

H: Yes...there were children and women...there were more children and women out of the forty...there were no males because they planned it that way...they had seen it in Dahod that which compartment had women...that is why they were attcked...because there is a station called Chanchalao after Godhra...they wanted to attack there ...that was the planning...there was a way-wait hotel there where they had all the arrangements...but when the information came that the train was late by three or three and a half hours...it got late at 4 in the morning..

T: train late thi...

H: to teen baje aati hi uski jagah subah saat baje aayi... 7:40 par aayi...isliye unhoen bola ki...wohh aisa ilaaka hai ki waha train

rookne se koi bhi help karne nahi aa sakta hai...lekin ab kya hai train late hai to ab usko shift karna hi zaroori tha...isliye unhone godhra me itne saare log ikhatha ho gaye...station ke najdeek me aapne area dekha hoga...

T: bilkul muslim ilaka hai...ek taraf to kuchh hai hi nahi...doosri taraf muslim abadi hai...

H: dono side par...train ke jo hai...dono side par muslim abadi hai...isliye poora poora ka attack unhone wahi se kiya ...dono side wohh poori sari kadia mil gayi hai...jaha se petrol liya hai wohh...guest me rukke the wohh...jaha se ...jin ladko ne petrol diya tha wohh...kyuki wohh ladke hindu the...

T: Train was late?

H: it came 7 instead of coming at 3...it came at 7:40..so they thought that it was the only area where nobody would come if train stops...because the train was late so it was essential to shift the place...so a large no of people gathered in Godhra...you must have seen the area near the station...

T: it is a complete muslim area...there is nothing on one side and the side is a muslim dominated area...

H: both the sides have muslim population...so the attck happened there...all the links have been found: from where they bought the petrol; the guest house whre they stopped and the boys who gave them the petrol...because they were Hindus.

T: jo gadiya istimal hui hai wohh...

H: to evidence to poore poore ke hai...chahe kuchh bhi kahe..plan tha..sab kuchh yojna badh tarike se hua hai...meetinge hui hai sab kuchh hua hai...ab train andar se jalayi hi bahar se jalayai hai ...yeh vivid matlab ka nahi hai...

T: lalu prasad yadav jaise log ...

H: aise log hi isko hawa de rahe hai...kyuki jab compartment aise daalenge to kuchh bhi nahi hoga...unhone pahle pathrav kiya...logo ne khidkiya band kar di darwaje band kar diye...tab yeh log najdeek aaye...talwar liye haath...aur jo compartment joint the usko tood ke..raxeen wale se usme unhone petrol dala hai ...to petrol dalenge to andar se hi daalengebahar se kaha jaalega...train andar se hi jalegi ...aur andar se jalegi kyuki darwaza band tha khidki band thi isliye jal bhun gaye kyuki kood kood ke bahar nahi nikal jaate aur bahar wohh log talware le kar khade the ki nikle to usko kaanto...

T: The vehicles, which were used?

H: there are complete evidences...whatever is said...there was a plan...every thing happened as per the plan...a meeting took place and everything happened...now if the train was burnt from inside or outside...this is not relevant...

T: People like Lalu Prasad...

H: People like him are giving air to this...they first pelted stones then...when people closed the windows and the doors...then they drew closer...swords were in their hands...then they broke open the connecting areas of the compartments...then they poured the petrol...so obviously the petrol will be poured from inside ...how will it burnt from outside...train will burn from inside only...and the doors and windows were closed so they were all charred...they could not jumped outside as they were waiting to chop them into peices with swords in their hands.

Counter: 2:30

H: to issiliye jo hai train andar se hi jail hai ...wohh to hum bhi kahte hai andar se hi jali hai...unhone diesel petrol dala hi issiliye andar se hai ...solvent dala hai jo aag pakad le ...to iske karan jo hai ki jo bhi ghatna ghati hai uska reaction aam public ne itna diya to jo hai ki...

T: us din aap kaha the jis din yeh ...

H: Ahmedabad..

T: aap ahmedabad the...godhra nahi the aap...

H: nahi godhra nahi tha ...us waqat godhra se mera godhra se koi nata nahi tha...

T: achha us samay nahi tha...

H: main godhra ka rehna wala nahi hu...

T: achha us samay chunav aap nahi lade the...

H: chunav nahi lada tha...us samay bajrang dal ka president tha...

H: so it is because of that the train was burnt from inside...we also say the same...that is the reason why they poured the petrol and deisel fron inside. So because of this the incident took place and such reaction of the public came in...

T: where were you that day when this...

H: ahemdabad..

T: you were not in Godhra...

H: No ...at that time I had no relation with Godhra...

T Ok you were not there at that time...

H: I do not belong to Godhra..

T: So you did not fight the election at that time...

H: No. I did not fight. I was the president of the Bajrang Dal then...

T: main confuse tha ki us samay bhi aap MLA the...

H: nahi...MLA waha pe congressi tha jisne musalmano ko chudane ke liye din raat daud bhaag kiya unko biryani khilaya...

T: to aapko jab ahmedabad me kya mahool bana kaise ...

I was confused that you were an MLA then..

H: No A muslim was the congress MLA there who did everything to release the Muslims and gave them Biryani to eat...

H: isliye maine bataya na ...jis tarah se deadbodies logo ne dhekhi...civi hospital me laye the...raat ko teen baje jab dead bodies aayi hai aur jab pata chala subah me ...naun baje sabko pata chal gaya ...sab inquiry kar rahe hai sab yeh ho raha hai sab civil hospiti me ...sab log waha ikhatha ho rahe hai ...poore shahar se log aa ja rahe waha par aur sabki hajri me deadbodies neeche uttari jaati hai yeh sab dekthe hai...to abko aag to lagi hui the maan me aur jaise yeh subah me agni sansakr kiya wahi se tood food shuru ho gayi...25-30 hajar log ikhatha ho gaye...

H: that is why I told you...the condition in which people saw the bodies...they were brought to the civil hospital...the bodies were brought at 3 in the night and when everybody get to know about it in the morning...it was known to all at 9 in the morning...Everybody is enquiring ..this is what was happeneing in the civil hospital...Everybody was gathered there...the people from the entire city were coming there and in their presence the bodies were put down...everybody sees that...so there was a fire burning inside everybody and just after the cremation the rioting started...some 25-30000persons gathered...

T: parivar ki taraf se sabse pahle kya reaction raha koi meeting hui...

H: nahi koi meeting nahi hui koi tha hi nahi yaha par ...vishwa hindu parishad ke karyakarta the ...ram sevak the wohh ayodhya gaye the...to jitne karyakarta the wohh to waha ayodhya me the....

T: praveen bhal....

H: wohh bhi ayodhya me the...dilip bhai bhi waha par the...saare ke saare ...sivaye mere kyuki main sabhi andolan me waha par gaya tha isliye yeh andolan...sare andolan ka netratarav maine kiya hai ...ayodhya ram jan ki yatra se le ke aur use bhi pahle bajrang dal ka sammelan hua tha 1984 me...tala kholo andolan tab se maine Gujarat ka netratarav kiya hai aur sare karyakramo me shila pooja ho kar sewa ho sabme andolan me mera netratarav tha yaha pe ...to yahi ek karyakaram aisa tha jo main nahi gaya tha ...main gujarat me ...kyuki koi neta yaha nahi tha...

T: bheed umadi to aap bheed ke saath nikle?

T: what was the reaction from the Parivaar...was there any meetin.

H: No there was no meeting...nobody was here... VHP activists hade gone to the Ayodhya...all the activists had gone to the ayodhya...

T: Praveen Bhai?

H: He was also in Ayodhya...Dilip bhai was also

there...everybody...except me...I led the whole movement...right from the Ayodhya Ram JanmBhoomi yatra to... and even before that there was a conference of the Bajrang dal in 1984...Taala Kholo Movement...I had led the Gujrat since then...and all the programs whether it was shila Pooja or any other movement I was the leader...so this was the only program where I had not gone...I was in Gujrat because...because there was no leader here.

T: were you also with the crowd?

H: main kah to raha ho ke 13 ki 13 deadbodies ko le ke hi main chala aur agni sanskar maine kiye waha par unke saath me ...phir waha se main yaha aya sanchalan karne ke liye...karyalay me baitha...baki to sab apne aap shahar sulga hua hai sab ...sab ko hi feel hua hai galat hua hai phir mujhe bheed me jaane ki koi zaroorat hi nahi hai ...bheed me kab jaaonga? Mahool khada karne ke liye jaana padta hai...mahool to pahle hi ban gaya tha...

T: mahool to pahle hi ban gaya tha..

H: I am already sayin that it was I who carried all the 13 deadbodies...and I cremated them there with them...then from there I came here to organize...sat in the office...rest, the city was already simmering ...everybody was feeling that what was happened was wrong so I did not need to go among the crowds...why should I go among the crowd...You have to go to create the atmosphere but the atmosphere was already charged... T: so the atmosphere was already charged...

Counter: 5:24

H: humne yaha se sankalit kiya logo ko ...jo news aati hai hamare pas me ki kya ho raha kaha ho raha hai ...kyuki jab tak doosre neta yaha aate nahi hai tab tak to sare karyabhaar sambhalana hi hai ...

T: kyuki aap hi yaha pe the...

H: main akela hi yaha pe...isiliye kah raha ho maine sabse pahli press rajkot me li ...12 baje to maine Gujarat band ka élan kiya tha ...us samay BJP hamare saath élan me judi nahi thi...

T: us samay nahi judi thi...

H: wohh raat ko aath baje judi ...to isliye humne kudh ki taqat pe hi band ka élan kiya tha ...jab itne hindu mar gaye hi to hume shant nahi bhaithna chahiye...iska reaction dena hi chahiye aur hindu neta ke naate se mera farz banta hai ki uska reaction main kuchh na kuchh du hi ...us hisab se yeh ghoshna ki...

H: We collected people from here...the news which comes to us that what was happening and where was happening...till the time no other leader comes I had to had to take charge...

T: Because only you were here...

H: I alone was here...that is why I am saying that I addressed first Press Conference at Rajkot...then I declared the closure of Gujrat at 12...that time BJP was not with us in declaring that...

T: that time it was not with you...

H: It joined at 8 in the night...so we declared this closure on our own strength...We should not sit quietly when so much Hindus had died...there should be a reaction...and being a Hindu leader it was my duty to react in some manner...so this declaration...

T: sanghatit liya lekin...kaise sanghatit kiya aapne hinduoo ko?

H: nahi sanghatit to kah raha hu ki...yeh karyakram to vishwa hindu parishad ne diya hai ...vishwa hindu parishad ke saath poori public judi hui hai ...yaha hum jo bhi karte hai...vishwa hindu parihad ke naam se élan hoota hai to hume bulana nahi padta hai ...kyuki yaha establish hua tha ki hinduoo ki suraksha ke liye yaha koi kaam kar raha to matra vishwa hindu parishad kar raha hai aur hum ek baar aisa bol rahe the to public apne aap jud jaati hai ...chahe phir wohh baad ayi ho bhookamp aaya ho...koi bhi...hum hamesha relief me sabse aage rahte the...

T: You had collected people but...how did you collect Hindus...

H: no I am sayin that...this program was given by theVHP...the whole public was connected with the VHP...whatever we do here

happens in the name of VHP...when we declare it in the name of VHP...

Counter: 10:24

T: hindu itne shantipriya hote hai ki ghr me choori ke alawa koi hatyar nahi milega...kabhi bhi hindu tayar nahi rahta hai musalmanoo ke ghar me apko sab kuchh mil jayega...katta bhi mil jayega...

H: mansikta hai nahi hamari...ladne ki ...

H: thodi der phone band kar deta ho...

T: musalmano ke ghar talwar bhi mil jayeegi...katta bhi mil jayega...bandook bhi mil jayegi...sab kuchh mil jayega...hinduoo ke ghar me kuchh nahi milega...

H: hum log jb mandir me jaate hai na to sabse pahle aankhe band kar lete hai aur bhagwan ki murti ke samne baith ke haath jod lete hai ki aap hamari raksha karo...hum yeh nhi delkhte kiske haath me kya hathiyar hai ...Isliye kabhi prerena hame nahi milti hai ki aapko bhi hathyar rakhna chahiye...**maine Gujarat me bjrang dal jab shuru kiya to sabse pahle trishul diksha ka karyakram kiya aur Gujarat me maine 6 lakh navjawano ko trishul ki diksha di hai ...6 lakh navyuvano ko...aur yeh trishul mera poore desh me bjrng dal me chalaya hai ..yeh trishul mansikta hai...maine trishul banaya aisa jo kayada knoon ke andar koi bhi usko touch nahi kar sakta hai ...**

T: ek mansik majbooti aati hai...

H: trishul banaya 6 inch se kam...

When the Bajrang Dal started in Gujrat then what I first did was the Trident Distribution Program...and in Gujrat I had distributed 6 lakh tridents to the youths...and this trident has cast its shadow everywhere in the country on the Bajrang Dal...This trident is a mentality...I have made the kind of trident which nobody can touch under the law...

T: A kind of mental strength comes...

H: We have made a trident which is less than 6 inches long...

Counter: 12:21

H: dhara ke hisab se jo bhi hathiyar 6 inch ya usse jyada hoti hai to knoonan jurm banta hai...maine 6 inch me ek dohra

kam rakha hai ...taki wohh aithiyar me nahi aata hai aur poore desh me maine yeh trishul bata hai ...aur iske karan jo hai ek mansikta Gujarat me bani hai ki bhai kabhi bhi hum shanty se nahi rahenge ...hume koi chedega to hum usko chodenge nahi ...yeh bhavna yaha bani hai...aur issiliye Gujarat ka mahool ab badla hua hai...ki ab kabhi bhi attack hoga to hum maar nahi khayaenge chahe shastra hai ki nahi hai ...kyuki bahumati samaj hamara hai aur bahumati samaj ek baar sath me nikal jaayega...musalmano ki ek mentality hai...25 saal me maine study kiya hai ki aap yadi dar jaaenge to wohh hawi ho jaate hai ...chahe wohh do bhi musalman ho aur hum saun admi ho...lekin unka saun admi hai aur hamara do admi hai...unke uppar attack karenge to sidhe sidhe bhaag jayenge yeh maine anubhav kiya hai...pratyaksh anubhav hua hai mera ur jab main samna kiya hai aisa to unko bhagna pada hai ...

H: According to IPC, carrying anything bigger than 6 inches is a crime... I have made it slightly smaller than 6 inches and got it distributed in the entire country...And because of this a mentality developed in the Gujrat that we would never be in peace...If anybody would tease us, we would not leave him...this feeling has developed here...That is why the atmosphere in Gujrat is different now that if anybody would attack us we would not be tolerating that whether we have weapon or not..because we are the majority community and if the whole community comes out at once...muslims has a mentality...I have studied in 25 years that if you fear them then they would try to overpower you...it hardly matter if they are just two and we are a hundred people. But if they are hundred and we are two...if we directly attack them then they would run away...I myself has experienced this and when I had faced them then they had to run away...

T: koi kissa bataiye na...

H: aise hi main bata raha ho na ...ab yeh kissa aap isme na daliyega...

T: nahi main nahi dalooonga...

H: kyuki ek baat hai...yaha ek masjid thi ...beech me thi...kabr banayi hui thi raste ke beech me ...hum logo ne tay kiya ...san 86 ki baat kar raha ho ki hume masjid toodni hai ...maine apne karyakartaoo ki meeting liya ...maine bola bhai aaj raat ko jake isski safai karni hai ...maine bola bees admi yaha baithe hai ...uske alawa kissi ko bhi pata nahi chalna chahiye...hum bees admi raat ko ikhtha honge aur raat ko

isko raste se saaf kar denge...baat tay ho gay samay tay ho gaya lekin jab hum gaye waha pe to bees me se hamare 15 kam the lekin amne 50 ka tola tha ...

T: tell me some story...

H: I am telling you just like that...do not put this in the book...

T: No I will not do that

H: Because there is a thing...There is a mosque...it was in the middle...a grave in the middle of the road...We decided...it was in 1986...that we have to destroy that...I had a meeting with my activists...I told them that we have to clean it tonight...I told them that other than the 20 people sitting there nobody should know about this...We twenty people would be gathered in the night and clean that from the way...it was decided...but when we went there then we had 15 persons less than the 20...but we had 50 persons in front of us...

T: unko pata chal gaya tha...

H: yeh hamari kam nasibi thi ki hamari addmi jo hai jis ko kaha tha nhi bolna chahiye wohh sab bol diye the.....aur kaam yeh hua ki itne log saamne hamare uppar hamla karne ke liye aaye ...dar ke mare ladke bhage lekin fir jab humne samna kiya aur hum bhage seedhe lath le ke to apne aap wohh log bhage...mansikta bhagne ki unki...safai to wohh nahi hui lekin humne unko mar ke bhagaya aur kele hi paanch admi ne hamare baki ke dus admi bhg gaye the ...yeh shuru shurur ki bat kar raha ho jab mine bajrang dal ki shurarat ki thi ...86 me...

T: They had come to know...?

H: We were unfortunate that our men who should not have told them...they all informed...what happened is that so many people came to attck us...boys ran away out of fear...but when we confronted with batons in my hands...than they themselves ran away...their mentality is to run...that cleaning could not be done but we made them run...this was in the beginning when I started the Bajrang Dal in 86...

File 3

H: us samay bajrang dal maine khada kiya tha...yaha par me UP me vinay katiyar aur Madhya paradesh me jaipal singh ...yeh teen admi...teeno alag alag prant me kaam kar rahe the...

T: Vinay bhai ka bhaut achhi tarah main jaanta ho...

H: ha vinay mujhe...aaj bhi hum dono bahut achhe dost hai ...to kya hai aaj bhi hum log baat karte rahte hai

T: to masjid kya phir..

H: kabar thi...us samay nahi tooti lekin abhi ke 2002 me sab kuchh saaf ho gaya ...poora road ban gaya hai pakka road ban gaya hai ...us samay to ek hajar se jyada safai kar di humne ...bade bade road ke beecho beech thi wohh saaf kar diya humne ...waha pe aaj bhi road ban gaya hai...

T: majaare jo thi...

H: majare main aap ko bata doonga to aap ko pata nahi lagega ki yaha majaar thi ...aur bilkul beecho beech road ke beech me...main ja bata sakta ho ki yaha thi yaha thi yaha thi ...saari ki saari saf kar di...

T: 2002 ke baad?

H: 2002 me

H: It was a grave... but in 2002 everything was cleaned...a concrete road has been made...we cleaned more than 1000 at that time...we cleaned some of the biggest which were on the middle of the road...a road have been built there...

T: graves?

H: If I would tell you then you will not realize that there was a grave here...absolutely on the middle of the road...I can tell you that it was at this place or that place...we had cleaned them all...

T: After 20002?

H: in 2002

T: achha hua road ka traffic movement achha ho gaya..

H: bilkul ho gaya saaf ho gaya...aur bahut sari uske bad banne nahi diya...jab tak main bajrang dal me raha ho?

T: ab nahi rahe bajrang dal me?

H: nahi ab to nahi ...ab to bhajpa me ho to bajrang dal to chodna hi padega...

T: bhajpa to secular party hai...

H: secular party hai...banna hi padta hai...kyuki godhra kand me....us samay parishad ne mujhe yeh agrah kiya ...

T: abhi main Vishnu pandiyar ji se baat kar raha...Vishnu pandiyar...jaante hai...sadhna chalte hai...wohh bhi kh rahe the ki bhai BJP ab to secular party ho gayi hai ...

H: kyuki secular banna hi padta hai...khada rahna hai...satta hasil karni hai ...

T: nahi wohh lekin bewkoofi kar rahe hai...

H: main samajh raha ho...main godhra me gaya ...ab me apna ek wakyah bata raha ho godhra me ...meri party ke saare log naraz the...mere against me the...kyuki main bhajpa me naya naya aaya tha...jo apna yeh hua train kand hua...feruary me hua tha yeh kand...

T: 27 februaray ko...

H: aur December me election hua tha yaha par...aath mahine ke baad me...dus mahine ke baad me election tha...to bajrang dal me main kaam kar raha tha...train kaand ke karan ...godhra ke andar train jali hui waha hindutva hona chahiye...hindu ke naate se hindu neta ko waha par election ladana chahiye yeh party ki mansikta bani...

Counter: 2:36

H: party ke paas koi hindu neta nahi tha...secular neta sab the...jinke taluqat muslimano se hai...

T: hindu neta koi nahi tha..

H: hindu neta nahi tha...isliye mujhe bajrang dal se utha ke waha pe election ladaya ...

H: And elections here were held in December...after 8 months...elections were held after 10 months...so I was working in the Bajrang Dal...because of the train incident...The train was burnt in Godhra so hindutva should be spread there... a mentality developed that a hindu leader should fight the election from there...

H: Party had no hindu leader...they were all secular...who had relations with the muslims...

T: Party had no Hindu leader?

H: they had no hindu leader...that is why they pick me up from the Bajrang Dal and made me fight the election...

mera native yaha hai...yaha se ek saun do saun kilometer door mujhe election ladne ke liye last din jab form bharni ka akhri din tha us din declaration hua ...15 din ka election tha...mere waha par

TEHELKA

TRANSCRIPT OF DHAWAL PATEL

Dhawal Jayantibhai Patel, VHP Jila Sahyajak, District Sabarkantha

The meeting happened at a stone mining site in village Badagaon, Sabarkantha district, on June 13, 2007. The mining site belongs to Dhawal Patel and was one of the places where bombs were manufactured during the 2002 riots. Dhawal talks about manufacturing of bombs, their supply to Ahmedabad, the role of the police, burning of houses at his and neighbouring villages, etc etc. He finally demonstrates the manufacturing of bomb.

T: I had a long meeting with Anil Bhai who spoke very openly. He told me about the dynamite... is there some mine here?

D: It is here only

T: The bombs were made here only?

D: The supply went from here only... see, our work involves blasting stones

T: with dynamite

D: Meaning, our primary work is blasting stones and it happens with that ...

T: With dynamite? So how many bombs were made at that time (2002)?

D: Lots of bombs... lots of local (desi) bombs were made and sent...

T: 1000, 2000?

D: They were sent to the Hindu areas of Ahmedabad.....juhupura..kalupur...

T: In ahmedabad .. and here in Sabarkantha?

D: Here what had happened was the Muslims had left the area ... In Dhansura, there was a Maulvi...

T: He was killed ...

D: He use to live in Modasa ... In Modasa, there was a fight (between Hindus and Muslims)... here it was one sided
T: One sided...

D: Here, property was burnt... In Modasa, Bayad and Demai, there were clashes... three Muslims were killed... the case is still going on...

T: There is a case against you also?

D: Ya, for loot and arson.... But I was absconding for six months ... Here there are cases against 20 people...

T: You were on the train?

D: When we returned, the entire village had gathered... the riots started soon thereafter ... everyone was very angry... a month later on April 22, Dinesh was killed... the Muslims had cut him up and thrown him into the Sabarmati... then again there was a reaction.... People from the nearby villages gathered...

T: So in April, there were riots again?

D: Yes, again and this time nothing was left... Dinesh's body was found ten days later...

T: The VHP got the villagers together?

D: There was a prayer meeting for Dinesh... everyone had gathered for that and then it was said - No Muslim should be seen here after four o'clock

T: Who was the prominent VHP leader then?

D: three four thousand got together and attacked... even the police could not do anything... they just stood by the side...

T: Did the police support the mob?

D: Yes, the police supported... after the arson they just came and took away the 25 - 30 Muslims who were left ...

T: Took them and left...

D: At that time also, we threw a lot of bombs ...

D: We bombed the houses... there were a total 400 Muslims... now only 100 - 200 are left...

T: The rest?

D: They went away

T: After Godhra when you made bombs and sent them to Ahmedabad, the police didn't stop you on the way?

D: We use to hide from the police... the police also use to let us go... if you say Jai Shri Ram, it matters... as Hindus they also understood

T: Did you also kill the Muslims?

D: Yes, I killed three four in Baroda... The relief train brought us back... the public had gathered in Baroda

T: On February 27?

D: Yes, 27, in the afternoon... then the mood was... spot a Muslim and ...

T: killed in baroda?

D: With a trishul... I was tied in the train... our own workers tied me in the train...

T: you were so agitated?

D: I was in coach S 8 and we had no idea that S 6 was burning wohh dekha tha alsa to...to hum 8 me the S-8 me... there were so many children too

T: Muslims were killed here also?

D: We couldn't lay our hands on them here ... but all their houses were burnt... nobody's house was spared

T: There were some bomb-making experts?

D: Yes yes...amrudh bhai patel kar ke hai...

T: He made the bombs?

D: He taught us... he was in jail earlier... ..

T: Is he from the Sangh...

D: He is from the RSS ... He is quite old... was in jail in 1989 for making bombs only

[Dhawal instructs his men in Gujarati to bring bomb-making material.]

**D: yeh apna paani bhar gaya khadan ...doosri khadan hai
Stones are blasted... the stones are stuffed and blasted. The ground breaks with the impact, so imagine what it will do to human beings....**

D: This is used to drill a hole in the boulders.... Then there is this powder with a RDX base

T: RDX?

D: mixed... some RDX.... There is this white powder ... then you connect a wire.... Then wire the battery ... press it like this and rotate it and the blast takes place ... it can be triggered with a mobile battery ... it needs 20 watt power Now it has become systematic... earlier we use to light it and chuck it... It just blasts everything ... boxes, you know that pan masala boxes... fill them with charras....

T: So, at that time (2002), they were made like this only...

D: They are made like this only ... this material, like RDX...

T: super explosive... how much does this cost...

Dhawal's employee: Eight rupees ...

D: aath rupaiya ka aata hai...yeh nau rupaiy ka aata hai...

T: So a bomb can be assembled for Rs 20?

D: Twenty rupees plus that powder na...

T: Fifty rupees...

D: It costs Rs 40-50 to make ...

29/8/12

1. Tehelka Tape Transcripts at Annexure III File XIII, D-129 of the SIT Papers
2. NHRC Directive Ordering CBI to Authenticate Tehelka Tapes @ Serial Nos 44, Pages 133-136 of the Annexure Volume I of the Protest Petition
3. CBI Authentication Report, @ Annexure III, File XV, D-157 of the SIT Papers
4. Statement of Ashish Khetan, Special Correspondent, Tehelka dated 27.08.09 at Serial Nos 15 at Pages 87-92, Annexure I, Volume I of the SIT Papers

EXCERPTS FROM THE NARODA PATIYA JUDGEMENT DATED 29.8.2012
AUTHENTICATING THE TEHELKA TAPES AND TREATING THEM AS RELIABLE
CORROBORATIVE EVIDENCE

Pages 750-791

CHAPTER -II: STING OPERATION

In this case, 15 DVDs and 5 CDs have been produced on record, which were recorded by PW 322, while taking interview of different persons including the three accused of this case in the Sting Operation shot by him.

(1) Appreciation of DVD & CD :

15 DVDs were shot, from which 5 CDs were prepared selecting certain parts to telecast on 'Aajtak' news channel under the name 'Operation Kalank'. The DVDs were shot in a 'Sting Operation' by Tehelka.

A DVD or CD, to a certain extent, is at par with a document, but for its capacity to store even the visual images apart from the sound it can, for certain purposes, be treated as real evidence and can have more evidentiary value than a mere document. When treated as real evidence, it can be a strong piece of evidence by viewing of which the Court can form its own opinion on the facts in issue or on the relevant facts.

- (a) In the case, the CD or DVDs have been properly and satisfactorily proved. The PW 322 who recorded the interview and who had done the shooting in question, has been examined as a prosecution witness
- (b) The prosecuting agency has obtained the certificates from FSL about its genuineness. The scientist from FSL Jaipur, PW 323, has been examined for the purpose. No

reasonable doubt is created against the genuineness of the CD and the DVD and hence the same have been proved to be beyond reasonable doubt and is an admissible evidence.

- (c) There is no challenge to the evidence, that what the CD and DVD contains is what was shot at the place of interview or not. It is only challenged with respect to the fact that the same was done under some inducement and in the alternative, the accused No.18 whose interview has been recorded, was merely reading the scripts given to him and that too, the defence has only been taken vis-a-vis A-18 and for the other two accused viz. A-21 and A-22 who are seen and heard being interviewed in the DVDs and in the CDs, have not been defended on any ground.
- (d) For A-21 and A-22, the evidence of CD and DVD has remained unchallenged and uncontroverted.
- (e) It may be observed here that though it is an admitted position that certain part has been taken by 'Aaj-Tak' in the CDs made from DVD, but merely that would not create any doubt on the admissibility and relevancy of the CD or DVD as the evidence is what is seen and heard when it is played.
- (f) The DVDs of the interviews recorded by PW 322 were viewed by this Court as one of the CD was certified to have become corrupt at this stage and that in search of truth and to examine the genuineness of the defence raised, it was necessary to view the concerned DVDs to notice the gestures of A-18. It was essential to ascertain as to whether the A-18 was reading a script or was interviewed and that, was he under any inducement or not?
- (g) The judgement at Sr.No.79 produced by the defence is of Hon'ble Punjab & Haryana High Court. This Judgement is relied upon to submit that the extra-judicial confession is a weak piece of evidence and should not be believed. In the facts of the case, page 6 which has been highlighted, reflects the facts of the cited case where the person whose extra-judicial confession was on record, was under the influence of liquor and the same was the outcome of the consumption of liquor, but in the case at hands, the defence has neither submitted nor it is the case of the defence that during the sting operation any of the accused was under the influence of liquor.
- (h) In the very same Judgement, all those sentences which have been highlighted by the defence, are indeed based on the facts of the case and that there is discussion that the extra-judicial confession was not finding any corroboration from any other evidence. But in the instant case, the corroboration is available from the oral evidence of PW 322 Mr.Khetan, PW 323 and the evidences of other prosecution witnesses and even documentary evidence on record.

In another highlighted paragraph, the discussion of the extra-judicial confession is related to the facts of another case, which does not exist in the case on the hand.

Hence, this judgement would not be applicable to the case on the hand, the facts being different.

- (i) Section 17 of The Indian Evidence Act provides that an admission means a statement, may be contents in electronic form, which suggests any inference as to any fact in issue or relevant fact.
- (j) Section 22A helps the PW as it is provided that "When oral admissions as to contents of electronic record are relevant, oral admission in electronic contents are relevant if the genuineness of the electronic record is produced. Here, by a certificate of F.S.L., genuineness has been proved.

(2) RELEVANT CITATIONS :

It is propounded principle that if the extra-judicial confession passes the test of credibility, it can be basic for conviction also. The Judgements discuss hereinbelow highlight the principle.

- (i) AIR 2011 SUPREME COURT 2283
"Sk. Yusuf v. State of West Bengal"

It is held that to act upon extrajudicial confession it must be established to be true and made voluntarily in fit state of mind -Words of witness to whom extra judicial confession was made must be clear, unambiguous and clearly convey that accused is perpetrator of crime - Extra judicial confession can be basis of conviction if it passes test of credibility.

- (ii) AIR 2011 SUPREME COURT 1777
" Kulvinder Singh v. State of Haryana"

(B) Evidence Act (1 of 1872), S.25 -CONFESSION -POLICE OFFICERS -
Extrajudicial confession -Reliability -Accused had gone to Ex-Sarpanch of village and disclosed that they had committed murder of deceased and he should take them to police -Ex-Sarpanch took them to police who arrested them on same date -It is not defence version that they had been arrested earlier -Neither accused have challenged deposition of ex-sarpanch that he did not produce them before police, nor it is their case that they had been arrested from somewhere else -Ex-Sarpanch faced grueling cross-examination but defence could not elucidate anything to discredit him -Deposition of Ex-Sarpanch in respect of extrajudicial confession made to him by accused, is trustworthy piece of evidence. (Para 9)

- (iii) Learned Special Public Prosecutor through citation at Sr.No.22, has submitted

that it is held by Hon'ble The Supreme Court that corroboration for each and every piece of information mentioned in extra judicial confession, is not necessary. It can and will have the corroboration in general. It is held to be sufficient corroboration.

(iv) As has been held at Sr.No.23 of the list of learned Public Prosecutor, the extra-judicial confession was voluntary, not out of threat, inducement or promise in terms of provisions of Section 24 of the Indian Evidence Act. The confession was corroborated by material on record was held to be proper.

(v) The judgement at Sr.No.24 is to the effect that "no-doubt in law the confession of co-accused cannot be treated as substantive to convict other than the maker of it on evidentiary value of it alone, but, it has been often reiterated that if on the basis of the consideration of other evidence on record, the Court is inclined to accept the other evidence, but not prepared to act on such evidence alone, confession of co-accused can be pressed into service to fortify itself to act on it alone.

(vi) At Sr.No.29 in para-29 it has been observed that, "..... no-doubt the extra-judicial confession is held to be of weak type of evidence. But, even extra-judicial confession can be made a basis to convict an accused without any corroboration. This proposition of law had been laid down in the case of State of U.P. Vs. M.K. Anthony, AIR 1985, Supreme Court, 48 : (1985) Cri.L.J., 493); which reads as follows:

"There is neither any rule of law nor of prudence that evidence furnished by extra judicial confession cannot be relied upon unless corroborated by some other credible evidence. The Courts have considered the evidence of extra-judicial confession a weak piece of evidence. If the evidence is about extra-judicial confession comes from the mouth of witness/witnesses who appear to be unbiased, not even remotely inimical to the accused, and in respect of whom nothing is brought out which may tend to indicate that he may have a motive for attributing an untruthful statement to the accused; the words spoken to by the witness are clear, unambiguous and unmistakably convey that the accused is the perpetrator of the crime and nothing is omitted by the witness which may militate against it, then after subjecting the evidence of the witness to a rigorous test on the touchstone of credibility, if it passes the test, the extra-judicial confession can be accepted and can be the basis of a conviction. In such a situation to go in search of corroboration itself tends to cast a shadow of doubt over the evidence. If the evidence of extra-judicial confession is reliable, trustworthy and beyond reproach the same can be relied upon and a conviction can be founded thereon."

(vii) As against the above submissions of the learned Public Prosecutor, learned

advocate for the defence has also produced the citation at Sr.No.62 to submit that the extra-judicial confession was not truthful and was part of hallucination with which the prosecution and its witnesses were suffering. It needs a very special note that these are the facts of the case at Sr.No.62 but then in the case on the hand no such case has been submitted either by suggestions in the cross-examination or by leading oral evidence or even by submitting any documentary evidence that the witnesses or the accused were suffering from hallucination.

According to the meaning given in Oxford Dictionary, hallucination means "delusion, illusion, figment of imagination, etc". In the cited judgement, hallucination was held to have been suffered by the prosecution witnesses. In the instant case that is not the case. As far as accused is concerned, as already discussed herein above, defence has been raised qua the sting operation only for A-18 and that too defence is raised of PW-322 to have induced A-18 and / or A-18 was given a script who was reading the script, both of which have been dealt with in detail. Hence, the repelition has been avoided. Suffice it to say hear that the ground of hallucination is not applicable either to the PW or to A-18, 21 or A-22. Even A-21 and A-22 have not at all raised any defence qua the sting operation either through the cross-examination or while their further statement was recorded. In light of the above discussed facts, the judgement cited by the defence at Sr.No.62 has no application in the facts of the case.

(viii) Another judgement has been cited by the defence at Sr.No.73 wherein the accused had made the statement when he was under the influence of liquor and he was passing by the side of a magical superstitious act, it was held in that fact of the case that, such statements cannot be stated to be truthful and made while in complete senses.

In the case on the hand this situation, as has been discussed herein above in the cited judgement at Sr.No. 73, is not at all applicable and that it is nobody's case that the accused were under the influence of liquor or were not in complete senses when their extra-judicial confession was being recorded. That being the situation, even this judgement does not come to the rescue of the accused.

(3 TO 6) IN GENERAL FROM FACTS AND OPINION:

The Sting Operation carried on A-18, A-21 and A-22 has revealed that the offences were continued for the entire day and that what can be inferred from the conversation

of the three accused is, along with three accused, there were A-2, A-20, A-37, A-41 and A-44 as well. Though for A-2, A-20, A-37, A-41 and A-44 these conversation solely cannot be the foundation to bring home their guilt, but it can be used as corroboration after marshalling all the evidence against the accused, which is capable to provide corroboration to any kind of evidence against the accused. In this Sting Operation, it is stated that A-37 has visited the site of the offence in the morning as well as in the evening on the date.

(3.1) A-18 and A-22 have revealed that they hated the Muslims too much and are very much interested in doing away the Muslims. Even A-18 had collected about 23 firearms on the previous night as preparation for massacre. They are absolutely unable to give any explanation as to for what reason, they came to Muslim locality and remained there for an entire day of the occurrence.

(3.2) This makes it abundantly clear that A-18 has made notable preparation for the massacre to terrorize Muslims, to take revenge of the Godhra incident of the previous day, to do away Muslims in more numbers than the death toll at Godhra Railway (S-6) Carnage. A-18 seems to be very much committed and determined to do horrifying massacre at Naroda Patiya.

(4) The submission of A-18 that what has been recorded in DVD and CD by PW 322 is not genuinely recorded, but is a created recording by PW 322 as A-18 was induced by him to read the script given by PW 322 and what is presented at recorded conversation is, in fact, created.

(5) As mentioned above, this Court has viewed the relevant part of DVD and CD to test the defence raised. Almost all interviews of A-18 were recorded at his personal office where there were his men around, it was his area and the PW 322 has visited as guest. During every episode of the interviews, everything apparently seems to have been done voluntarily. The talks of A-18 with eye contact is not possible if one is merely reading the script. A-18 talks about many things including, his social activities (according to him) of saving Hindu women from Muslim men who were joined with wedlock. A-18 also talks about his firm conviction and his severe disliking and opposition for Muslims and Christians, quoting them as two of his enemies. During the interview, A-18 was sitting on the main revolving chair in the room in a very resting posture, who talks with all vigour and the entire talk looks very natural. A-18 also talks about numerous police cases having been filed against him and that he draws the map of Naroda Patiya and explains to PW 322 as to how on the date of the incident, Muslims were cordoned, surrounded and how race murders were committed. From his talk, violence sounds to be extremely common and routine activity of his life. His association with V.H.P. and Bajrang Dal, according to him, is of 22 years. During the interview, he attends the phone calls, he responds to a caller stating that a reporter from Delhi is sitting in front of him and that even while telling this, nothing looks like he was reading any script. He was not even remotely appearing to have

been talking under some inducement. He was absolutely free and talking voluntarily. There was no element of any compulsion on his talk. His conversation was very natural. The relevant VCD are No. 1, 4, 9, 11, 12 and 14. The gist of the entire conversation recorded in the VCD have been attempted to put in the capsule form herein below which is accused wise.

(6) In the opinion of this Court, extrajudicial confession in this case possesses a high probative value as it emanates from the person who commits a crime, which is free from every doubt. PW-322 before whom the confession was given by A-18, 21 and 22 is an independent and disinterested witness who bore no eminence against any of the accused. This extra judicial confession, in case of all the three accused is relevant and admissible in law under Sec.24 of the Indian Evidence Act. Law does not require that the evidence of an extra judicial confession should in all cases be corroborated. In the instant case, PW-322 is not a person in Governmental authority or in any manner an authority. There is no ambiguity in the version given. As emerges on record, more particularly from the oral evidence of PW-322 he has developed cordial relationship with the accused. Not only that, but he has also established link with the accused creating the base of institutional organization and he has projected himself to be a dedicated worker of Hindu Organization. The Hindutva in the three accused has been linked by PW-322 with his identity which he has assumed for the purpose of recording the sting operation. It is this identity and cordial relationship has created tremendous high level of faith and confidence in the mind of the accused where they felt that PW-322 is their own person and their interest is same. The extra judicial confession of all the three accused does not lack plausibility and inspires confidence of the Court. This Court is therefore, of the opinion that, though extra judicial confession in the very nature of things a weak piece of evidence, but, in the instant case, in a very peculiar facts and circumstances, this extra judicial confession needs absolutely no corroboration. It stands proved with the substantial evidence of PW-322, the C.D., V.C.D. and the oral evidence of F.S.L. scientist, etc. Hence, this extra judicial confession considering the foregoing discussion on its own merits is found very dependable, reliable, having the contents full of probability and that it is absolutely found safe to convict the accused on this extra judicial confession.

(7) Summary of C.D., D.V.D., Exh.2259 and from the deposition of PW-322

(a) Exh.2259 is the excerpts of the CDs and DVDs sent to F.S.L., Jaipur for its scientific examination. This has been prepared by F.S.L., Jaipur.

(b) PW-322 is the person who has interviewed and recorded the Sting Operation of the three accused viz. A-18, A-21 and A-22. PW 322 has also reproduced the gist of the conversation he had with the three -A-18, A-21 and A-22 in his testimony. At para-30 to 46, the conversation is with A-18, para-48 is the conversation with A-21, para-49 to 50 is the conversation with A-22, para-51 and 53 is the conversation with A-21 and A-22 and para-54 to 57 is the conversation with A-22. The gist of the conversation is testified by the PW 322, which is part of the substantial evidence before this Court.

(c) ABSTRACT OF THE CONVERSATION OF PW 322 WITH A-18, A-21, A-22
WHICH HAS BEEN TESTIFIED BY PW 322 :

(c-1) Para-30 to 46 of the testimony of PW 322 is from the interview of A-21 by PW-322.

(c-2) Para-48 of the testimony of PW 322 is from the interview of A-21 by PW-322.

(c-3) Para-49 and 50 of the testimony of PW 322 is from the interview of A-22 by PW-322.

(c-4) Para-51 and 53 of the testimony of PW 322 are from the combined interview of A-21 and A-22 taken by PW-322.

(c-5) Para-54 to 57 of the testimony of PW-322 are from the interview of A-22 (mainly) and some part of interview of A-21 taken by PW-322.

(8) To satisfy the judicial conscience, this Court also thought it fit to view the muddamal DVDs as one of the CD was certified to have become corrupt. This Court has also viewed the relevant DVDs and CDs and more particularly the parts concerning the three accused. It is observed by this Court that PW 322 through his testimony before this Court has testified certain glimpses of the entire conversation. While the DVDs were viewed, following points have been found worth producing on record which is again the gist and substance of the conversation in the words of the three accused. The summary of which is as under :

(9) From the interview recorded by PW 322 with A-18 (D.V.D.):

PW-322 has also deposed that the interview of A-18 was recorded in the office of Babu Bajrangi near Galaxy Cinema. The gist of the revelation of A-18 is as under:

- Once we were in V.H.P., now in Shiv Sena; we (saying for Hindus) are not feeble - minded people (Kadi, Khichadiwale nahi hai).
- The abdomen of the pregnant woman was slit with the sword, a large number of people were done away at Naroda Patiya by him. They were charged by fanaticism, They have slaughtered the Muslims, they killed them. Ravan's Lanka was destroyed. Hinduism is within them.
- They were equipped with sword, bombs. Petrol bombs were flung.
- "The moment I was noticed by the police, they immediately realized that now it would all be over (Meaning thereby police was afraid of him). Had I not been in Naroda, nobody would have dared to come out.

- 23 revolvers were collected at night. (talks for intervening night of 27/02/2002 and 28/02/2002). I shall not stop working for Hinduism until I die. I have personal notions about Hinduism. I have no fear even if I am hanged.
- The CHHARA tribe has long been indulged into stealing. They are powerful enough to overcome the Muslims. Now, there won't live any Muslims in India. The moment I saw corpses lying in Godhra, that very night I had decided and challenged that, 'There would be four times more slaughter in PATIYA than that of GODHRA.'
- I have two enemies, the Muslims and the Christians. I had been to Godhra. I have pretty good rapport with the police agency.
- There were 80 to 90 dead bodies lying in Naroda Patiya, which were burnt to ashes with kerosene. They used to kill whoever came in their hand, they used to attack from all the sides.
- I am accused of murdering many people. The *Chharas* were with me. We went to Godhra where at night, I had challenged saying, "they will face the consequences tomorrow". My name is enough to bewilder the Muslims.
- Mayaben (A-37) had arrived at the Patiya at 04:00 p.m.

If I am hanged, my last wish is to get two days' leave to blow all Muslims with grenades. I have too much hatred for Muslims. I would incite rioters to start ravaging their (Muslim's) buildings and properties.

- Bipin Panchal (A-44) and Manoj Videowala (A-41) were there. That day, it was Haldighati battle fought vigorously.
- We were besieged. It was decided to slash them whosoever comes out. I had killed a lot of Muslims. The *Chharas* have slaughtered them.
- Mayaben kept wondering throughout the day in a car. I was a leader that day. We slaughtered Muslims, Patiya is half kilometer away from my house. I and the local public were there to do the massacre at Patiya. If one would go to Godhara, one would be provoked and would determine to kill all the Muslims then and there. We retaliated at Patiya. In Patiya, we had secured the highest death toll. Naroda village is at distance of half kilometer only.
- I would go to Juhapura and slit 500 Muslims by the evening. I would resort to shelling if Hinduism – so demands. They (Muslims) started dying after we reached there. One cannot withstand the sight of Godhra massacre and might feel the urge to retaliate. One would feel of taking revenge then and there.

- I had gathered a team of 29 to 30 volunteers at night itself (talking about the intervening night of 27 and 28) and collected 23 revolvers on the previous night. It was the befitting response.
- We and the *Chharas* executed the Patiya carnage. Not a single shop was spared in Naroda Patiya – Everything was burnt to ashes. The Muslims were slaughtered. We used their gas cylinders lying in their houses.
- A pig was tied over the mosque. A tanker full of diesel was smashed into Nurani and the tanker was dashed with the mosque. We could dash into mosque and all was set afire under our leadership.
- At night, we got free petrol from the petrol pump. Then the massacre followed and everything was set ablaze. Any Muslim who dares to speak against me can no longer remain or reside in Patiya. The firearms were secretly placed elsewhere. I even did not use my licensed revolver.
- The Muslims were dazed with our valour. The men, women even the children were slit and burnt to death. Some Muslims could escape saying Jay Shri Ram and Jay Mataji. The carnage had occurred just behind the S.R.P. On return from Patiya massacre, we felt very elevated as if we were 'King Pratap. There were 50 -60 Policemen. We were co-operated by Police."

The above are the abstract of the interview of A-18. This Court is to discuss the depositions of the victims at Part-5 of this Judgement. It is sufficient to mention here that the record of 'C-Summary' brought from the Court of Learned Metropolitan Magistrate, has a complaint at Exh.1776/22. It has been discussed in the chapter of R&P of C-Summaries that Exh.1776/22 is strong supporting circumstance on the part of the truthfulness of extra-judicial confession of slitting a stomach of Muslim pregnant woman which is noticed to be truthful while appreciating the evidence. As such, extra-judicial confession itself is sufficient and satisfactory evidence to convince this Court that A-18 has slit stomach of pregnant woman. Nobody has heard or seen the Muslim woman mentioned in complaint Exh.1776/22 or that Muslim woman to have survived till the date, which is beyond seven years. Hence, question does not arise to doubt on happening of the occurrence. It is therefore, inferred by the Court that the said Muslim pregnant woman died on that day of riot.

In fact, in the case at the hand, there is charge of slitting the stomach, of pregnant Kausharbanu, by A-18. It was forcefully submitted that the story of Kausharbanu is the development after the Sting Operation and is entirely fabricated. No such incident has happened. Exh.1776/22 is not tried and proved fact but it indicates that such occurrence was complained of right in 2002 even before Sting Operation. The other evidences are to be discussed at an appropriate part of the Judgement.

(10) From the interview recorded by PW 322 with A-21:

- One word from Babu Bajrangi (A-18) and there would be crowds thronging. The entire Chhara Nagar would be out at his single call (for A-18). Babu Bajrangi is the lion – incarnated of the Hindus. Even today, we would just blindly follow Babu Bajrangi.
- Bursting many gas cylinders, but the mosque was not much shaken. Firstly, they dashed into the Muslim chawl, second time also, 12 Muslims were killed."
- Tiniyo Marathi (A-55) was there. Mayaben (A-37) was there where the occurrence took place. She said, "Kill, them. I am and will be with you always. You will always have my backing." Mayaben was there for 30-45 minutes." He was in riotous activities. Used baton, stick, sword and trident. Had weapons which they had used on that day of riots.
- "A-22 has all kinds of weapons except revolver. Guddu Chhara was very bold, he also killed many Muslims. His owe was too much. Suresh (A-22), Guddu (dead), Naresh (A-1) were not tired. They did very well.
- I had cut off hands and legs of many. I was not going inside (Muslim chawl). All other Chharas went inside. I was outside and who ever was coming out I was beating that person and made him turned back inside the chawl where other Chharas were there.
- Bipin Panchal (A-44) came along with his team men at the Muslim Chawl. They all went inside. Since Hindus were killed, they also needed to be taught lesson. Suresh (A-22) has strong enmity with the Muslims, he has kept a Muslim woman (as mistress of A-22) in tussle with some Muslim. In fact, he was to marry with the elder sister of this woman but only before a day of that marriage, he ran away with this woman. He ate, slept everything with the elder sister of this woman. After this, Muslim did not do anything because Muslims are afraid of Suresh (A-22); even certain policemen are also afraid of Suresh.
- Mayaben assured us, "I am with you." Babu Bajrangi is our God, we will obey his orders. Mayaben said, "I will always be with you and stand by you." Babu Bajrangi would secure release of anyone from the police custody with only one phone call. Babubhai (Ref. A-18) had arranged from within the Jail for Rs.1000/= to be paid to each of their family at their doorstep.
- Vishwa Hindu Parishad was known by the name of Babu Bajrangi (A-18). Tiniyo Marathi (A-55) was also there, a Nepali and another Marathi were also there. Mayaben delivered a speech there (at Patiya)."

(11) From the interview recorded by PW 322 with A-22:

- "Manoj (A-41), Mayaben (A-37), Kishan Korani (A-20), Bhavani (dead), Babu Bajrangi (A-18) were the main leaders who were present there. Kishan (A-20) and Manoj (A-41), are closed aide of Mayaben (A-37). They are left and right hands of Mayaben.

- Truck loads of weapons, pouches of water and snacks were brought in. Gas cylinders were used in the occurrence. We were helped (talks with reference to fiscal help) by Babu Bajrangji (A-18) only. Pipes, batons were taken from our home. I had participated in riots. I had no repentance for whatever I had done.
- Had Chharas not been there, then this RSS, VHP and Shivsena people could not have done to death the Muslims on that day. Mayaben was there at the site on the date of occurrence for the whole day up to 8 p.m., in her car taking round and on every round, she was telling us "You are doing proper deed, go ahead."
- After torching started, certain Muslims were killed and were thrown inside (in Muslim Chawl). Some Muslims were hidden in gutter. They closed the lid of gutter and put heavy brick on it. Dead bodies were found from there. The riot continued upto 8.30 p.m., because of doing stone pelting, giving knife blow, giving pipe blow, etc. we were tired. I was inside (Muslim Chawl).
- Mayaben was taking round in her car for whole day. Mayaben was telling "Continue, doing all these deeds, I am at your back". She wore white saree and put on saffron belt. We were doing slogan shouting and had saffron bend. We were throwing gas cylinder. I had killed one sleeping pig by giving spear blow. We tied that pig on mosque and unfurled the saffron flag. We had broken minarets of mosque. Some 8-10 boys did all these. Even we dashed tanker with the mosque, by taking it in reverse direction often. That tanker was of a Muslim. One of them brought it taking away from Muslim. We could damage mosque with this tanker. The tanker was of kerosene or petrol. After sprinkling kerosene and petrol like fire brigade sprinkles water, we had burnt Muslim Chawl. We had broken the wall of mosque by reversing the tanker often. Some were also killed there. The Chawls were set ablaze using petrol."
- Rape was committed by 2-4 of them. About 2000 of Chhara went inside the Muslim Chawl, some drunkard or hungry men might have committed rape. If fruits (saying for girls) were lying, the hungry would eat it. In any case, she (the Muslim girl) was to be burnt, hence somebody might have ate the fruit.
- "2 to 4 rapes or may be more, might have been committed. Who would not eat fruit ? In whatever number Muslims are killed, it is still less. I would not leave them. I have too much of rancor (malice) against them (Muslims). Even I had also raped one girl, who was daughter of a scrap man (one who is in business of scrap) -named Nasimo, she was fat. I raped her on roof and then thrown her from there. I smashed her, cut her to pieces like 'achar' (pickle)."
- He speaks in interview to explain PW 322 what kind of pain he gave to parents "If

our child is thrown in fire by him and if we see him thereafter our heart would burn." Hence after the occurrence, being secured, they(Muslims) said "here is that langada who had thrown my child in fire."

- (On that day), Muslim did Tilak of blood, said Jai Shree Ram and saved themselves on that day but some of them were known to him (A-22), I had killed them. Mayaben told police that, "do not do anything today."
- According to PW-322, Sajan, the nephew of Ganpat (A-4) was sitting there with Suresh who told that 'had our tribe *chhara* been not there to help, the success of this riot was not possible'.
- No one has done as much as the Chharas have done. They (Muslims) had settled for sixty to seventy years – in Naroda Patiya. They were rescued by S.R.P. in 1969 riots.

OPINION :

(12) The above are abstract of the interview of A-22. If depositions of several eyewitnesses like PW 158 are appreciated, if the deposition of victim of gang rape, Zarinabanu (PW 205 and wife of PW 158) is perused, if deposition of PW 142 is perused and while noting that the extra-judicial confession of A-22 to have raped a Muslim girl named Nasimo, it becomes doubtless that the occurrence of rape has also taken place at the site of the offence and on the date of the occurrence. The probability of outraging the modesty of Muslim women is also on record.

(13) The interview of some of the victims have also been found recorded in the DVD wherein also they have named some of the accused who have played lead role.

(14) CD and DVD are video and audio document wherein voice as well as gestures have been recorded. Since vide Exh. 2259, the F S.L. Report is on record, which certifies that the CD and DVD produced are genuine, not tampered with and not got up in any manner, this certificate makes the DVD and CD admissible in evidence. It is relevant since it contains the details about the incident and the interviews taken of A-18, A-21, A-22 and of other persons concerned with the crime by PW 322.

(15) The CD which is prepared from the VCD has also been certified by FSL for its genuineness and not having been tampered with. Hence the genuineness and even the evidentiary value of the said cassettes have not been affected.

As discussed, the cassette and VCD are not merely a document, but it is more akin to real evidence. Hence the Court can take cognizance of what is seen and heard in this DVD and VCD.

(16) It is very much on record, no new facts, not initially forming part of the case is now put up by the prosecution. PW 322 has prepared a script of three interviews which was given to the defence and those scripts are also produced on record by PW 322. PW 322 has kept these scripts in his hand and he has testified some of the parts of it. Even the copy of the CD has also been given to the defence.

(a) Moreover, the 15 DVD from which CDs were prepared were in fact on record and certified copy, prepared from Gujarat FSL were made part of record of muddamal of this case. In fact, SIT ought to have done that. The point here is that, sufficient fair and reasonable opportunities were given to the defence and even PW 322 was also extensively cross-examined by the defence. Putting the defence of A-21 and A-22, it can only be stated that in fact, their conversation has not been offered any substantial challenge at all and that the conversation placed on record by PW 322 and proved to be genuine by the scientist of FSL, Jaipur have all remained uncontroverted and unchallenged. Unsuccessful attempts have been made to put defence of A-18 qua the conversation which all has been discussed hereinbelow.

(b) Since the accused have information right from the beginning as to what they have revealed in their interviews and that the accused also have been given full opportunity to know the contents of the CD and DVD and even the PW who has recorded the CD and DVD has also testified on conversation who was also extensively crossed by the defence, no doubt whatsoever is created against the prosecution case put up through this CD and DVD and the oral evidence of PW 322 and other concerned witnesses.

(c) At para-13, hereinbelow the appreciation of evidence of PW 322 has been done at length hence that topic need not be discussed over here.

(17) PW 314, Exh.2213 to 2216 :-

(a) PW 314 was the then Director of All India Radio/ Akashwani, Ahmedabad. He received Exh.2213, a request of SIT to take voice sample of A-18, 21 and 22. He undertook necessary correspondence with SIT vide Exh.2213 after receiving sanction of the competent authority to record the voice sample, the recording was done.

Exh.2215 and 2216 are orders of Director General, Prasar Bharati, New Delhi, granting permission for voice sample recording. This witness through his staff, did record the voice sample of all the three and has also collected necessary documents to confirm the identity of the accused, necessary formalities like certificate, sealing the CD and giving it to SIT, the panchnama was drawn for it which is at Exh.2203.

(b) CROSS EXAMINATION OF PW 314 :-

PW 314 was cross examined on many aspects, but none of the aspect is such, the revelation of which has created any doubt in the mind of the Court about the official act done by the PW 314 through his officers to have been irregularly performed. At the cost of repetition, this being official act, is presumed to have been done in accordance with drawn procedure, rules and regulations. The sample voice recording of A-18, A-21 and A-22 has been proved to have been done quite properly beyond reasonable doubt.

(c) FINDING OF PW 314 :

Hence, it is held that through this PW the prosecution has proved beyond reasonable doubt that the voice samples of A-18, A-21 and A-22 has been recorded absolutely in accordance with law and proper procedure was adopted for the same. No doubt is created on propriety of that act.

(18) PW 320, Exh.2258 and 2259.

(a) During 2002 to 2009, this witness was at C.B.I., Bombay who received the order to carry out preliminary inquiry registered on account of the order of National Human Rights Commission. The inquiry was to the effect that in News Channel known as 'Aaj-Tak', operation 'Kalank' was telecast on 25/10/2007 in which programme, CD and DVD were used and that by carrying out the inquiry, the genuineness or truthfulness of those CD and DVD were to be examined.

(b) The witness did carry out the inquiry, recorded necessary statements like that of reporter of Tehelka, Shri Ashish Khetan (PW 322) as from Tehelka, the news Channel known as 'Aaj-Tak' has purchased the CD and DVD.

(c) According to PW 322, Shri Khetan, has prepared 15 DVD of the 'Sting Operation' (done on different persons including the three accused herein). It is from this DVD, 5 CD of the 'Sting Operation' were made. The witness has also interrogated A-18, A-21 and A-22; he has also seized camera, recorder, laptop, hard disk etc. and has sent all the *muddamals* to FSL, Jaipur (Rajasthan) to scientifically decide its genuineness. The FSL has given the report that these are genuine DVD and CD wherein no tampering has been done.

(d) The statement of the scientific officers of FSL were also recorded and ultimately, a report was given to N.H.R.C. by the C.B.I. The witness has kept DVDs and CDs from the *muddamal* and other *muddamals* were returned to Tehelka. The witness has then handed over those DVDs and CDs to the representative of SIT.

(e) The correspondence of the witness to FSL, Jaipur is Exh. 2258 along with parcels. The receipt, the opinion, the script made out of DVD and CD sent to FSL etc., from page No.1 to 138, viz. Exh.2259 were received by this witness from FSL, Jaipur.

PW 320 wrote Exh.2258 to FSL, Jaipur with request to examine the exhibit, to opine about its authenticity, opine as to, is there any editing or tampering in the 15 DVDs or not, whether there was shooting by the *muddamal* instrument, are the 5 CDs the excerpts of recording of the Sting Operation and whether any addition was made in the 5 CDs of Operation Kalank or not. The parcels were sealed and sent.

(f) Exh.2259 is receipt to have received the *muddamal* sent by the FSL, Jaipur; report admissible under Section 293 of Cr.P.C. from FSL; Jaipur – result of the examination which were favourable for all the questions, certifying the credibility, the genuineness and authenticity of recording DVD, CD which were found without any tampering. The speech, utterances, laughter, body language of the persons appearing in the recorded event were matching with video signals.

The script of the glimpses of the interview of PW 322 with A-18 and A-22 have been in written script in the document in Hindi which is of programme 'Operation Kalank' telecast in Aaj-Tak.

(g) CROSS-EXAMINATION OF PW 320 :

During the course of the cross-examination, the questions related to proprietary of the procedure were raised, but in light of Section 114 (Illustration-e) it is presumed that the acts have been regularly performed which is not found rebutted by the defence. All other questions are not material since the witness was only to decide the genuineness of CD and DVD.

An important aspect is clear when paragraph 31 of the testimony is read wherein the witness has stated that the persons including A-18, A-21 and A-22 have stated before this witness that the persons shown in the 'Sting Operation' are they themselves. The fact that the witness has admitted that A-18 has told before him that in the 'Sting Operation', he was given a script and the voice in the 'Sting Operation' is of him and that A-18 spoke according to the script.

(h) FINDING OF PW 320 :

Through this witness and Exh.2258 and 2259, it is clear that this witness has obtained the opinion of FSL about the genuineness of DVD and CD, about the fact that it has not been

tampered with and that the recorded voice are that of the three accused. No doubt is raised about the genuineness and propriety of the recording, the concerned recording in the voice of the three accused and CD and DVD are without any tampering whatsoever.

(19) PW 322, Exh.2273 :

(a) The witness was employed at Tehelka in 2007 at which point of time he had an assignment for which he was in Gujarat. Thereafter he was assigned the task to investigate about the communal riots of 2002. The witness was therefore at Ahmedabad where he met different persons of R.S.S., V.H.P. etc. He was given lot of information about the communal riots of 2002 and about Hindutva. It was also informed to him that the strongest organization of V.H.P. is in the Naroda area because of which the massacre at Naroda Patiya could take place. Having learnt the telephone numbers of different persons connected with V.H.P. he telephoned people, he also met many persons by inter-se references.

(b) The witness met A-18 on 14/06/2007, where he was called upon at the office of A-18. The witness introduced himself as a Research Scholar on the subject of Hinduism. The witness has transcript about the conversation with all the three accused and he has recorded all his meetings with the three accused with spy camera, and diary camera which he then used to save those talk in his laptop.

(c) The witness has produced transcript of the recording of the meetings and interviews of all the three accused.

The witness has also reproduced line to line the important aspects according to him of the conversation he had with the three accused. The witness identifies all the three accused with whom he had conversation, whom he had interviewed and on whom he did the 'Sting Operation'. All the *muddamals* including the ear phone, micro chip, battery, tape recorder, both the cameras used for the 'Sting Operation' were produced before the Court. This Court has seen all these *muddamals* produced here. The copies prepared by F.S.L. on D.V.D. & C.D. have been retained in the record of this case.

(d) CROSS-EXAMINATION OF PW 322 :

(d-1) During the course of the cross-examination, nothing has been elicited which attacked the very heart of the entire prosecution case related to the 'Sting Operation'. On the contrary, it stands confirmed that the 'Sting Operation' was done by this witness, which was for 50 hours or for more than that. The appointment letter of the witness was sought during the cross-examination which was then produced by the witness on demand of the defence, which is on record at Exh.2273, which confirms the case of the prosecution about the 'Sting Operation' having been done by the witness while he was employed with Tehelka. This proves that the PW

has not acted with any personal malice for the accused but, has acted as 'PRESS'.

(d-2) The witness has specified and clarified that he has duty to report for the truth which is in the public interest and in the interest of justice. He adds that all that has been recorded is truth. This fact is also supported by the FSL opinion and deposition of PW 323.

(d-3) The witness was crossed on the fact that he assumed a false identity by introducing himself as Shri Piyush Agrawal and thus with the help of falsehood, he has done the 'Sting Operation'.

In the opinion of this Court, this is the age of aggressive and investigative journalism and the pivotal point of central importance is not the fake identity assumed by the witness, but it is whether the 'Sting Operation' of the three accused and others was done and whether can it be termed to be voluntary, truthful and reliable or not.

(d-4) As has already been discussed about the gestures and place of the 'Sting Operation', it was residence of A-22 at Chhara Nagar for A-21 and for A-18, it was his own office near Galaxy Cinema. There does not seem any compulsion, mistake, misrepresentation or inducement or undue influence applied on anyone of the three accused. They spoke voluntarily. It absolutely seems to be voluntary and it is quite truthful, reliable and dependable. No element has been noticed because of which it can even be doubted that it was not voluntary. It is clear, unambiguous revelation made in fit state of mind. It seems to have been recorded while the accused were free from any element which can create a doubt against its voluntariness, complete free involvement of three accused is too apparent. No doubt is created whatsoever about this central point of consideration for this Court. There is absolutely no contradiction to have highlighted and all the omissions are not material and relevant as well as nothing is related to the three accused of this case.

(d-5) The gist of the revelations by all the three accused in the DVD and CD has been placed in capsule form in the beginning of this topic. Even the relevant part of testimony of PW 322 involving the three accused has also been highlighted herein above, hence the same has been not repeated here. Suffice it to say here that all the three accused gave their interview quite voluntarily and there was no element of either inducement or any other such hindering elements.

(d-6) It is also notable that the defence only qua A-18 only has been raised stating that A-18 was reading the script in employment of the inducement offered by PW 322 but this defence is found to be totally baseless defence when this Court has viewed the 15 DVDs and the 4 CDs (concerned part for this case). This Court found that A-18 was in full mood to tell all his horrifying deeds on the date of riot. At the cost of repetition, it is to be noted that this Court keenly observed that throughout his interview, he had eye contact with this PW and not even once he was seen to have been reading and then speaking.

(d-7) As far as A-21 and A-22 are concerned, no defence by way of any suggestion has been put forth for them. Hence for them, the 'Sting Operation' and the admissions made therein have remained unchallenged and uncontroverted. The 'Sting Operation' of the remaining two is held to be voluntary and absolutely reliable and deemed to have been admitted during the trial.

(d-8) As far as the revelations are concerned, it clearly involves A-18, A-21 and A-22 as they themselves admit by way of the extra-judicial confession before PW 322 about their involvement in the crime of Naroda Patiya massacre. The confession by the three accused is found to be most dependable, clear, unambiguous and is very clearly conveying that the three accused and the co-accused are perpetrators of charged crimes. It passes with distinction the test of credibility.

(d-9) Moreover, the extra-judicial confession made by the three accused before PW 322 is absolutely clear, cogent and appeared to have been made in normal course without any pressure, inducement etc. and sounds to be absolutely voluntary and reliable. Hence the said extra-judicial confession cannot be discarded and should be given due importance which itself can be the basis of conviction as laid down in AIR 2011 SC 2283. Here, it needs a note that A-18, 21 and 22 are makers of the confession hence, they stand on different footing than, the co-accused to whom also they involve.

(d-10) PW 322 has no malafide and if the DVDs and CDs viewed, he has not prompted or induced any of the accused to confess but, the accused themselves in their natural free flow, have entered into conversation with PW 322 who has not played any other role except to nod his head by expression of one or two words. The confession made by the accused was certainly not for any threat or promise given by PW 322 as it is also not because of any inducement. Hence the extra-judicial confession made by the three accused before PW 322 is most relevant evidence and needs to be considered in a right perspective, keeping in mind the facts and

circumstances of the case.

(d-11) By the submission of the defence, this Court is called upon to just ignore the DVD and CD which would be clearly impermissible.

A-18 has throughout the revelation, expressed his then clear intention to damage and destroy properties of Muslims and to do away Muslims four times more in numbers than the death toll in Godhra Carnage. He has revealed that when he saw Hindu dead bodies at Godhra, there itself he had given challenge on the previous day viz. 27/02/2002 that he would raise the death toll of Muslims at Naroda which would be four times more than at Godhra. He has further stated in the DVD that he has collected 23 firearms during the night. He has also said that his enemies are only two and that is Muslims and Christians. The conversation also reveals that A-37 came at morning, even at 04:00 p.m., there were A-44, A-41 etc. and that he himself has collected the team of 29 to 30 persons on the previous night.

(d-12) The 'Sting Operation' of A-21 is also interesting wherein he reveals that A-18 is lion of Hindus and on his call, entire Chhara Nagar would come out. He states that A-55 was there, A-22 was there, A-18 was there, A-37 has instigated and has assured that, "she is with them", A-37 waited for half an hour to 45 minutes, there was Nepali and another Marathi (both the absconding accused) etc.

(d-13) The interview of A-22 is also quite interesting wherein he makes the confession of having committed rape on a Muslim girl named as Nasimo. A-22 has revealed that more than 2 to 4 rapes must have been committed on that day. He states to have a sense of vengeance on seeing any Muslim. He makes revelation that there were A-16, A-4, Savan Didawala and A-37.

(d-14) As has been held in the judgement reported at AIR 1968 Supreme Court 147 in the matter of Yousafalli Esmail Nagree v. State of Maharashtra while holding that the tape record was an admissible evidence, it must be proved beyond reasonable doubt that the record was not tampered with. In the instant case, the doubt of tampering has absolutely been ruled out by obtaining the certificate of FSL to the effect that the DVD and the CDs produced are not tampered with and are genuine.

This is the age of technology. One cannot shut one's eyes to hard reality that use of technology is very common these days and that when there is even picture along with voice it becomes more reliable as it is said that voice may be manipulated on the Audio Tape but it is

technically nearly impossible to manipulate the picture without getting noticed. In the wake of I.T. Act, the electronic magnetic tape devices can be termed as valid documentary evidence and that when there is no reason to disbelieve the VCD and CD produced on record, the same become most reliable.

(e) EFFECTS OF THE EXTRA-JUDICIAL CONFESSION OF THE THREE ACCUSED.

(e-1) Sec.30 of the Indian Evidence Act needs to be held to be in operation in this case as its ingredients stand satisfied in the facts of the case. The base of Sec.30 is when an accused makes a confession implicating himself that may suggest that the maker of the confession is speaking the truth. It is not likely that the maker of the confessional statement would implicate himself untruly. This is not a weak type of evidence against the maker himself. A-18, 21 and 22 are themselves makers of the confession. Hence, the Court needs to consider the said confession.

As and when it comes to be applied in case of co-accused it is essential to first of all marshal the evidence already emerging against the said accused and that if, the conscience of the Court is satisfied of having sufficient evidence, then, if the accused are tried jointly as are being tried in this case, the confession of the co-accused can certainly be called into aid.

(e-2) The trial is being jointly held against all the 61 accused and that all of them are being tried for the same offence. By way of confession, the three accused have proved presence, involvement and participation of the many other accused as mentioned herein above.

In light of Section 30 of the Indian Evidence Act, since the proved confession is also affecting certain co-accused, the said confession can be taken into consideration even for the co-accused who have been referred as discussed above by the three accused who have made the confession.

(e-3) This Court is conscious that the confession of the co-accused is not a substantial evidence against the co-accused, but it can certainly be used to fortify the prosecution case, if other evidence is available on record. Therefore, it is held that if any other evidence is available against A-1, A-4, A-37, A-41, A-44 and A-55 and deceased Guddu, then, the confession can very well be used against the accused. As has already been discussed while discussing issue No.1 that there is cogent, credible and positive evidence against A-37, A-41, A-44 and A-55, A-18, A-22 to have hatched conspiracy and to have executed or got it executed through co-accused (for A-37), for the charged offences of race murders etc. The evidence of extra-judicial

confession is therefore, held to be corroborating the case of having hatched the criminal conspiracy against all these co-accused. It is quite useful to remember an important part of the Judgement of Hon'ble Apex Court for application of S.30 of Indian Evidence Act in the cited judgment. It is reported at 2002 Law Suit (SC) 826 pronounced in the matter of Mohd. Khalid v. State of West Bengal, which has been discussed in Chapter-1 of this part.

(e-4) In light of Section 10, it is important that anything said or done by anyone of the conspirator with reference to their common intention after such intention was first entertained by anyone of them is a relevant fact against each of the persons believed to have conspired and it is also for proving the existence of conspiracy.

(e-5) The fact said by A-18 as challenge at Godhra of rising the death toll four times more is obviously after the intention to take revenge with Muslims, hence, this is relevant fact and that was with reference to the common intention. Moreover, as has already been narrated above while noting the gist of the DVD and CD and his act of making the team of many persons at night and collecting 23 revolvers, are all clearly proving the existence of conspiracy and to have hatched the conspiracy and it was then after executed by the accused mentioned in discussion of issue No.1 under the leadership of A-37.

(e-6) Thus, the finding of having hatched the conspiracy, of existence of the conspiracy at that point of time and on that day, and about the execution of the conspiracy is clearly and strongly fortified by the above points.

(f) FINDING OF PW 322 :

(f-1) It is therefore, held that A-18, A-21 and A-22 have made extra-judicial confession before PW 322 which has been proved by PW 322 and which can be viewed in CDs and DVDs, which is most reliable and the Court can safely depend on the same.

(f-2) From the revelation of all the three accused, they also involve, proved presence and participation of many other accused in the crime through their extra-judicial confession. These accused are A-37, A-4, A-16, A-55, A-41, A-44, Marathi (not ascertained the exact name of Marathi since in all the three lists viz. live, dead and absconding accused, there are in all four

to five Marathis who are charged with the offence) and Nepali (absconding accused). If any other reliable evidence against these accused would be held to be available on the record then the extra-judicial confession of the co-accused, A-18, A-21, A-22 can be used to fortify the prosecution case against them.

(20) PW 312, Exh.- 2201 to 2203 :

PW-312 is an unarmed Head Constable of Navrangpura Police Station, who was PSO then, who had issued the Muddamal receipt for the C.D. received of the sample voice recording of the three accused. The order from PW-327, which he received to carry out the task is at Exh.2201 whereas the Muddamal Pavti is at Exh.-2202. This C.D. of voice sample wherein the sample voice of A-18, A-21 and A-22 were recorded, was seized by drawing a Panchnama on 07/04/2010 which was sealed there. This Panchnama is on record vide Exh. 2203.

In the opinion of this Court, the witness and three documents very clearly established proprietary and regularity of the official act done by PW-327 of collecting the C.D. containing sample voice of the three Accused.

(21) PW 323 - Exh.2275, 2276, 2277 (DEFENCE):

(21.1) This witness is a scientist from F.S.L., Jaipur. Along with Dr.Vishwas Bhardwaj and Dr.Mukesh Sharma, this witness has examined all the *muddamal* sent to the F.S.L., Jaipur by the C.B.I. and given the opinion about the recording, C.D., D.V.D., etc. to be genuine and without any tempering. Exh.2275 is a receipt of the C.D. of the voice sample of the three accused. Exh.2276 is the opinion of this scientist to the effect that the conversation of the three accused recorded in C.D. and D.V.D. are of the three accused respectively, as is confirmed upon comparison of the voice and similarity in frequency, intonation pattern, phonetic, etc. with the voice sample C.D. It has been opined that the speakers respectively A-18, A-21 and A-22 are the same whose interviews have been recorded.

(21.2) Defence has sought Exh.2277, which was a letter by PW-327 to the F.S.L., Jaipur with a request to give report comparing the voice recorded in sting operation and recorded in the C.D. of voice sample.

(21.3) During the course of the cross-examination, nothing has been focused and or proved which can create any doubt in the mind of the Court about the genuineness of the opinion given by F.S.L., Jaipur.

(21.4) The witness also confirmed the opinion having been given for the C.D. and D.V.D. on record vide Exh.2259.

(21.5) It is also clear that Sec.10 of the Indian Evidence Act is based on principle of 'Agency', hence, thing said, done or written while the conspiracy was on-going, is all receivable in evidence and that in the case what A-18, A-21 and A-22 have talked was of before the conspiracy was hatched and during the execution of the conspiracy and there is nothing on record brought by the three accused after the conspiracy was ceased hence, Sec.10 is applicable. As a result, the statement made, anything said or done, etc. shall be admissible against another conspirator.

(22) FINAL FINDING ON STING OPERATION :

While concluding this topic, following points emerged on screen very clear.

(a) The extrajudicial confession of A-18, A-21 and A-22 is held to have been proved voluntary, free from every doubt and it passes test of credibility thoroughly. As such, no corroboration is required to the extrajudicial confession of the kind but, since there are ample corroborations available from the record of the case, the same needs to be recorded here as, finding of the Court.

Oral evidence of PW-312, 314, 320, 322 and 323 r/w. documentary evidence at EXH.2201 to 2203, 2258, 2259, 2213 to 2216, 2273, etc. further viewing it with 15 D.V.Ds. shot by PW-322 and further hearing it from 5 C.Ds. of operation 'Kalank' it is clear and confirm that the extrajudicial confessions can safely be acted upon qua the three accused which are held to be relevant, admissible and safe to convict the three accused on this confession also.

(b) In the facts of the case on hand, the extrajudicial confession given by A-18, A-21 and A-22 have been held to be truthful, voluntary and a genuine confession which is held to be admissible and relevant, free from every doubt and is safe to act upon.

That against the non-maker co-accused, who are being jointly tried with the three accused, whose confessions have been held to be safe to be acted upon, also it cannot be treated as evidence but, if from the evidence otherwise available against the co-accused, which can be marshaled from the record of the case and then, from that if the co-accused are found connected with the crime, then the extra judicial confession has corroborative value. These co-accused are A-1, A-4, A-16, A-20, A-37, A-41, A-44, A-55 and others. At the cost of repetition, be it noted that if the evidence on record is found to be capable enough to point their guilt, then only, the confession of the co-accused viz. of A-18, A-21 and A-22 can be used to corroborate the finding of this Court against the said co-accused.

X ... X ...

April 21, 2011

To,
Shri AK Malhotra
Special Investigation Team (SIT)
Gandhinagar

Reference: 161 Statement in SLP 1088/2008

Dear Shri Malhotra,

Pursuant to the recording of my 161 statement in the SLP 1088/2008 following the directives of the Hon'ble Supreme Court on 15.3.2011, the SIT had recorded my statement which was an unsigned statement in Mumbai at my residence on Monday, 11.4. 2011. There are certain points that I wish to place on record following this aspects to be considered as part of the 161 statement. I urge that this letter is read with my 161 statement or attached to it as have been the detailed materials placed by us before the Hon'ble Supreme Court on 10.8.2010.

- I. As has been pointed out in **point 15 in the attached NOTE annexed herein** --- that I had handed over to you on 11.4.2011 -- the highest criminal culpability of the higher echelons of the Gujarat especially Ahmedabad Police/Political Class relates to the **destruction of vital records related to the 2002 violence**. This destruction appears to have found mention in your report submitted to the Hon'ble Supreme Court on 14.5.2010 as revealed by subsequent developments and has thereafter also led to applications and legal moves to get criminally prosecuted whosoever may be responsible for this destruction. (Possibilities are that the higher level of police officials, IAS officials in the Home Department as maybe also the chief executive of the state who is also himself Home Minister, may have a role in this methodical destruction). This also applies to the near immediate destruction of details of phone calls of the landline of former Parliamentarian Shri Ahsan Jafri.

While I was on the verge of elaborating this point about destruction of these vital records in my statement under section 161, I was informed by you suddenly that now after nearly two years of the SIT believing (and saying so to the Hon'ble SC Court as also the Trial Court hearing the carnage cases) that these records have been destroyed, that **one of these high ranking officials, Shri P.C. Pande (who is also Accused No. 28 in our complaint before the Hon'ble Court) is presenting an entirely fresh version of facts before the SIT and now stating that these records were never actually destroyed by him at all but carefully scanned and saved!** He has now presented this CD of scanned PCR (Police Control

Room and other Vital Documentary records) before you. We presume that this change of heart is post 15.3.2011 when the Hon'ble Court directed SIT to go into the report filed by the Amicus Curiae, that Shri Pande has in a flash of memory now produced the entire documentary record that he had scanned and kept aside before they were destroyed!!) You also mentioned that there were 3,500 pages of such evidence which SIT is now, after nearly 2 years of the Inquiry commencing, examining.

We wish to express as co petitioners and our distress and consternation at what we believe is a belated attempt by Shri Pande to save his skin or those of his political bosses. All this while – including according to all reports, in the report submitted by yourself and Shri Raghavan to the Hon'ble Supreme Court, you have maintained that these records have been destroyed. Shri PC Pande has, we have been given to understand, twice before been examined by the SIT in the Zakia SLP 1088/2008 in the period between May 2009 and May 2010. Surely in the twelve month period he ought to have produced this voluminous record that he had so carefully scanned and preserved? His producing it now belatedly, albeit only after the Hon'ble SC has asked SIT to inquire further into its "inferences" and "evidences" is both mysterious and suspicious. In a senior official accused of criminal conduct this in no way frees him from allegations of suppression of evidence.

It may be assumed that if the Inquiry had not reached this stage, i.e. if the Hon'ble Supreme Court had not impelled or compelled the SIT to go further, for the victims and the public Shri PC Pande's sudden and generous manoeuvre may have never happened, that is the "destroyed" records would have remained buried!

Sir, we were particularly disturbed by your interpretation at these actions of Shri Pande. The belated production of the records appears to being interpreted by you and the SIT as Shri PC Pande's astute generosity.

The following questions arise that we wish to place specifically before you:

- a) The timing of the "destroyed" records "reappearing" in the action of Shri PC Pande suddenly handing over the scanned CD of all destroyed documents to you post 15.3.2011, i.e. *after* the last directions of the Hon'ble Supreme Court.
- b) Since Shri Pande's role of collusion in the conspiracy has been specifically alleged we at least cannot see this either as a stray or innocent act and would therefore urge that a hard, objective inquiry into **the previous evasion and suppression of evidence and thereafter the circumstances behind the sudden disclosure actually takes place and offences under Shri PC Pande are also registered for the earlier suppression and subsequent belated disclosure of evidence. Being a public servant who was in a commandeering**

position when the worst incidents took place, his role is critical and therefore even more suspicious.

- c) When a senior officer like Shri Pande states that records are destroyed in the PE and thereafter turns up with the vanished documents what are we to make of this? Similarly we may reasonably believe that Video Recordings that we have until now been told just did not exist, may or will turn up as will certain crucial other evidence.
- d) Shri Pande's role in the overall conspiracy and his subsequently being rewarded by the government of Gujarat for his silence and suppression (with profitable postings) make him liable to be inquired into. His personal assets and accounts as those of his family members as also the assets and accounts of other IPS and IAS officials who have been favoured by the GOG need to be part of the inquiry.
- e) We thought it imperative that this matter be placed on record.
- f) Finally we are by no means convinced that the records being produced by Shri PC Pande belatedly are in any way genuine or the complete records. We trust that the SIT will also inquire rigorously into the authenticity and completeness of these records.

II. We would also like to place on record our concern, expressed in the attached note at SIT's failure to look at the Tehelka extra judicial confessions seriously especially when related to the build up of arms and ammunition into Gujarat prior to the Godhra incident of 27.2.2002. This is backed by Gujarat SIB's own reports and the SIT's failure to look into this appears surprising.

III. We would also like to draw attention to the following specific page nos from *Rights and Wrongs*, a Report of the Editor's Guild, 2002 that was handed over to you by me before May 2010:

- a) The Zee TV programme excerpted transcript pg 38; annexure 4;
- b) Telecast of Gujarat Chief Minister Narendra Modi from Ahmedabad Door Darshan on 28.2.2002 ; Annexure 4A
- c) Broadcast of CM Modi's Akashwani speech of 27.2.2002
- d) Central Government's Collaborative Role; Annexure 24 (IE 28.2.2002)
- e) Video Footage on Gujarat Violence Throws Up Vital Evidence; Annexure 21
- f) Memorandum from Victim Community(Memorandum Regarding Provocation and Instigation of Violence During February and March 2002 by Print Media in Gujarat) ;Annexure 14;
- g) Samples of Narendra Modi's Fan Mail; pg 165
- h) Brief Note on Electronic Media on Vadodara; pg 164
- i) Samples of Media Coverage (Sandesh Newspaper); pgs 174-175
- j) Meeting with Narendra Modi; page 10 onwards
- k) Congratulatory letters by CM to newspapers; pg 8

- IV. I attach the article handed over to you the day my 161 statement was recorded (*Indian Express*, 9.4.2002) that concurrently reported on the VHP's hand in bringing arms and ammunition from Rajasthan and other places into Gujarat before the Godhra incident on 27.2.2002.
- V. I attach also a press clipping that appeared in Divya Bhaskar dated 15.4.2011 that appears to suggest that SIT has yet again, arrived at the conclusion that the chief minister displayed no partisan or communal mindset. This has caused much consternation given the timing of the article.
- VI. I urge also that apart from contemporaneous television coverage of various private channels that should be seized by SIT (much of this is available) the testimonies and footage of film makers Gopal Menon, Pankaj Sharma and Rakesh Sharma be also recorded.
- VII. I had omitted mentioning Major Zahiruddin Shah who was in charge of the Army battalions who's statement should also be recorded.
- VIII. Among the many other seizures we believe are crucial to get to the roots of the conspiracy to commit mass murder and destroy evidence are the video recordings of the scenes and sites of the mass carnages that were made available by the IO in the Best Bakery case *only after the case was transferred to Mumbai*. We believe that unless SIT attempts to link all the 32 allegations made in the complaint that reveal a systematic attempt not simply to allow the commission of offences but thereafter to influence the prosecution and obstruct the course of justice, the matter will be long drawn out and painful.
- IX. In this specific connection we wish to draw attention to discussions related to unaccounted money going from BJP MLA Madhu Srivastava's account to a witness Ms Zahira Shaikh who turned hostile. (Income Tax Inquiry). This IT Inquiry was pursuant to the order of the Hon'ble Supreme Court. This was not a stray incident. But an attempt by the elected representatives of the Gujarat government to influence witnesses and ensure the guilty are not punished. We were also perturbed at your observations about me and our group, CJP on this matter especially since it was the CJP who had approached the Hon'ble Supreme Court for an inquiry into the matter. Since the Registrar General's report had cleared our organisation completely, we would urge that you go through this report since propaganda and misconceptions are rampant.. In case you do not have access to it, the report is available at <http://www.cjponline.org/SCreport.pdf>.
- X. I would like to conclude with, for the umpteenth time, expressing my discomfiture with Gujarat police officers still being part of the SLP 1088/2008 Smt Zakia Ahsan Jafri inquiry. I say this because both Mr Himanshu Shukla and Mr Ashutosh Parmar were present in Mumbai when my statement was recorded. I would like to place on record the dangers of such porosity in the SIT team, given the vindictiveness of the mindset of the Gujarat political

leadership and police administration against both victims and human rights groups. Worse the possibilities that any leakages from the inquiry could lead to witnesses being coerced and critical evidence being destroyed. We fear that our statements and leads are leaked to those who are named as accused allowing ample opportunity for them to cover up/destroy or construct evidence. This also impinges on the physical security of victims, complainants and us as also our families.

- XI. I would like to end by stating that the fresh revelations by Shri PC Pande amount to an effort by a highly placed officer of not merely attempting a cover up of his suppression of crucial records for nine plus years; his subverting the inquiries into various cases by not making available these records in the individual trials and thereby committing grave contempt of the judicial process. We would like to state that though partial records in the Gulberg cases (PCR and Fire Brigade etc) were made available this happened ***only after applications under 173(8) were filed by witnesses and did not logically form part of the charge sheet as they should have done from the very beginning.*** Why were Shri Pande and other senior officials suppressing these records? Allegations of high level involvement and complicity have been made by victim survivors since immediately after the incidents. Was this suppression related to protection of the mighty and powerful?

Given the peculiar circumstances of the case and the turn of events over past months, we are also making a copy of this communication to our advocates as also the Amicus Curiae.

Yours Sincerely,



Teesta Setalvad
Secretary

List of Annexures:

1. Note on Points that need to be Investigated given to SIT
2. Indian Express, 9.4.2002
3. Divya Bhaskar, 15.4.2011

CC: ~~Shri~~ Raju Ramachandran, Amicus Curiae in SLP 1088/2008.

Following documents need to be examined:

- (1) The police wireless messages for the year 2002 that are with the GOG though in some official statements they have said they have been destroyed. Information that they are all available.
- (2) Records / documentation / minutes of the crucial law & order meetings held by Government, their follow up and monitoring by concerned authorities.
- (3) Records of police exchanges
- (4) Phone call records of fixed land lines of crucial persons (which apparently were not maintained by the telephone exchanges)
- (5) Detailed analysis of even the mobile phone records of the crucial persons which gradually became available to the SIT during the course of inquiry.
- (6) The directories of the Mobile phone Companies (AT & T and Cellforce).
- (7) The recordings of television channels of the critical events – especially Civil Sola hospital Ahmedabad on 28-2-2002 and from 27.2.2002, especially coverage of Godhra mass arson, transportation of dead bodies to Ahmedabad, funeral processions, interviews of political functionaries, heads as also senior members of the administration and police. These are available and ought to have been formally seized by the SIT to independently corroborate events of nine plus years ago.
- (8) Log books / Case diaries maintained by Police Officers Investigating Violence/Riots / Case diaries of beat constables

- (9) Government Files relating to appointments of public prosecutors as also Statements of DMs/ Committees that are responsible for these appointments since partisan PPs were appointed\
- (10) Files relating to transfers of relevant police officers during the period
- (11) Documents and records of intelligence inputs of the State and Central Intelligence of that period (27.2.2001-31.5.2002) and Study of Reports/Comments of MHA. The Intelligence wing of government provides an independent assessment of political decisions and conduct that are particularly crucial when mass violence of the kind experienced in Gujarat 2002 takes place and serious evidence and examples of high level complicity are alleged. Specifically C/Dir/Shamshan Yatra/176/2002 dtd 2002 marked to the chief minister's office and senior police officers. Also SIB Reports of bodies dumped in the Well in Naroda Patiya and investigation allegations (Chara in Tehelka, 2007) of CP PC Pande's scattering of the bodies dumped in this well, all over Ahmedabad.
- (12) Security logs of the CM and other relevant senior officials of the relevant period showing their movements.
- (13) The records of the Army and Central Paramilitary forces showing not just their deployment but their permissions from civil authorities to use force and firearms. The Statement in this regard of the head of the Armed Forces which were reportedly deployed in Ahmedabad and the rest of the State.
- (14) The Statement of Shir KPS Gill who was sent by the Central Government on 4th May 2002 and who played a key role in ordering the reshuffle of key police officers deployed in the State, after which the riots appeared to have subsided.

- (15) One of the stated reasons why some of these notes could not be accessed was the claim of the Gujarat Government that the records relating to meetings, police log books, wireless messages etc. were destroyed or were not kept. Official searches and seizures for this records / documents are vital as also prosecution of those senior or junior responsible for evidence destruction while the Supreme Court was monitoring this case!
- (16) Examination of Documents on Communication between the chief minister's office, Home department, DGP office, offices of the Commissioners of Police Ahmedabad, Vadodara and others.
- (17) Examination of documents on Communication between DGP's State Control Room Gandhinagar with Commissionates all over Gujarat, SPs of districts and ADGP Intelligence.
- (18) Procurement of all data and representations/memorandum sent by riot affected persons to Central and State statutory authorities including the office of the Governor and President between 27.2.2002 onwards that will reveal the depth and gravity of the violence and the brazen subversion.
- (19) Examination of all official records related to preventive detention in all cities and districts on the crucial dates of 27.2.2002 (Refer Addl CP Shivanand Jha cross examination before the Nanavati Shah Commission para 3.08 and CP Pande's affidavit and deposition (paras 5.11, 5.8, 6.5 and 6.43). Also SIB document C/Prevention/177/2002 dated 28.2.2002 that records HP/BJP men in Mobs and attacking innocent members of the minority community.

- (20) Why as Videography either not done or not made available to the investigators?
- (21) Sanghis as PPs... Dilip Trivedi's evidence... easy granting of bail is evidence
- (22) Why was the CD given by Rahul Sharma in 2004 either authenticated or discarded by the Government of Gujarat and the Gujarat Police?
- (23) That the bodies of the persons who had been burnt in the Godhra train fire were handed over to the VHP State Secretary Dr. Jaideep Patel who is an accused in Naroda Patiya and Naroda Gaam massacre in violation of normal rules and procedure.
- (24) The two ministers Shri Ashok Bhatt and Shri I.K. Jadeja were positioned by the Government in the morning of 28th February 2002 in the Ahmedabad City Police Control Room and the State Police Control Room respectively. They were thus positioned there by the Government though they had no professional connection with the law and order on precisely the day that large scale riots began in the State. (Contradictions in CM statements to the Guild and what has been reported)
- (25) Requisition or seize the records and filed relating to the transfer of these and other officers.
- (26) Distress about delay of action against Joint Commissioner of Police Shri M. K. Tandon and another police officer Shri P.B. Gondia with regard to their acts of omission in the carnage at Gulberg Society and the Naroda Patiya case.

- (27) Rs 18 lakhs unaccounted disbursements for Madhu Srivastava account (IT Inquiry) why no question of him or higher up about it.
- (28) Discriminatory attitude of the Chief Minister as much as he went to Godhra traveling 300 km for that purpose but failed to go to local areas.
- (29) Failure of the Gujarat Government to act against the print media making communally inciting reports, though such action was recommended by some field officers as well as the State Intelligence Bureau. (The Editor's Guild which had been provided to the SIT which mentioned that the CM had in fact issued selective congratulatory letters to those papers which had carried inflammatory coverage of the riots. Such letters were not sent those Gujarat newspapers which had acted responsibly. Why no penal consequences? (Indian Express of April 9 2002 and Editor's Guild excerpts. Pg 27). Need to study comparatively the coverage of Sandesh and Gujarat Samachar that functioned as arms of the government (inflaming passions) and other publications like Sambhav (four editions), Prabhat (Ahmedabad and Mehsana) and Gujarat Today that were more balanced. Need to record statements of RE TOI Kingshuk Nag, RE Indian Express Virendra Kumar, Prabhat's Director Ashish Kothari who had told the Guild that swords and liquor had been distributed in areas on February 27.
- (30) Assessment of the government supporting the bandh
- (31) Partisan PPs Best Bakery Case where the courts says, "The prosecutor who does not act fairly and acts more like the counsel for defence is a liability to the fair judicial system and courts should not also play into the hands of such prosecuting agency showing indifference or adopting an attitude of total

aloofness." Similarly the Gujarat High Court has ordered the replacement of Public Prosecutors in the Sardarpura case.

- (32) No penal action against of officers who subverted investigation did not name accused in 2002 and until 2008 when SIT was appointed
- (33) Serious: Destruction of Records while SC watching: The explanation of the State officials that these were routinely destroyed after 5 years is too facile to accepted in the light of the fact that several investigations / inquiries relating to these records were in progress, including the pendency of these very cases before this court. In these investigations coercive measures like searches and seizures may be required.
- (34) Investigation of the mobilization of arms and ammunition allegedly by individuals of the Hindu right wing groups before the Godhra incident. These have been mentioned by persons belonging to these organizations to Tehelka in the sting operations. The Tehelka tapes are said to have been authenticated by the CBI when they were asked to do so by the NHRC. The SIT does not appear to have given due weight to the extra judicial confessions of the Hindu extremist groups in these tapes. (Haresh Bhatt etc) Even the Fax allegedly send from the ADGP SIB's office to the Ahmedabad police commissioner saying that their intelligence shows that Sabarkantha unit of the VHP had supplied weapons to their Ahmedabad unit which led to an inquiry and arrest (Indian Express April (**Editor's Guild Report...pg 27**))
- (35) Non arraignment of those complicit (SRP in Naroda Patiya), KK Mysorewala etc.

(36) Adding of names of accused that get revealed during investigations.

(37) All those public servants who were given reward postings and extensions after retirement, and have been accused of failing in their statutory and Constitutional duty, and are therefore logically, obliged to the State government and the present Chief Minister should be carefully probed including their financial assets/bank accounts as also those of their close relatives;

<http://www.indianexpress.com/oldStory/627/>

Indian Express, 09 April 2002

VHP 'hand' in Gujarat's murder weapons

JOYDEEP RAY

AHMEDABAD, APRIL 9:

One of the representative images of the carnage in Gujarat was that of a young man in a sleeveless T-shirt, saffron band across his forehead, brandishing a sword.

After several hauls of such weapons and more than a month of violence, police officers say they believe there was an organised distribution of swords, in some cases possibly within a few days of the Godhra carnage.

Almost all the swords seized were brand new, and bore the same marking, indicating manufacture in the Sirohi district of Rajasthan.

And, while their leaders remain vague on details, Bajrang Dal activists told The Indian Express distribution was on till at least 10 days ago.

Police officers who made the seizures in the Vejalpur, Shahpur, Maninagar, Vatva, Kalupur and Gomtipur police station areas of Ahmedabad said rioters could have obtained the swords through two sources: at diksha samaroh functions organised from August-December 2001 by the VHP and the Bajrang Dal; and from workers of the two organisations in the first few days of the post-Godhra violence.

IAS officers call off meet Gandhinagar: The Gujarat IAS Officers' Association which had scheduled a meeting here today called it off amid reports that was pressure from the state government. The meeting was called to "discuss the present scenario in the state and do introspection into the role of bureaucracy in the trying times." Association chief and senior IAS officer Vijay Ranchan said it was postponed and would be convened some other day. Some officers said they believed that swords were still being distributed in Hindu areas "for protection of life and property against Muslim attacks." Carrying of swords "capable of being used for carrying out physical violence" is prohibited under Section 37 of the Bombay Police Act. Convictions could lead to jail terms ranging from four months to a year.

VHP joint secretary Jaideep Patel denies any distribution of swords "in the last few days", but admits that swords and trishuls are routinely distributed to volunteers.

"We've been distributing these weapons since 1985; trishul diksha samarohs and Bharatiya abhyans are a constant process," he said. "Nobody has objected, not even the police."

Patel said the weapons "were not for creating terror or causing injury".

Haresh Bhatt, VHP vice-president for Gujarat, said, they are meant to be used "purely in self-defence against Muslim attacks. Do you think when they attack, we want our men to stand empty-handed and get killed?"

Bhatt refused to say if sword distribution was still on for fear of "alerting Muslims".

"But," he said, "there is nothing wrong. Swords and trishuls are not weapons, these are divine instruments used by our gods."

Police officers have a different view of the tempered, well-sharpened steel. Holding up one confiscated sword, a police officer said, "Look, most of them are more than four feet long. They slice through flesh on touch. Just touch the edge to a man's throat and he will die."

Requesting anonymity, an officer said there was no doubt the distribution was well-organised. "Some of the men arrested during seizures said that during the trishul diksha samaroh last November, swords were given to any volunteer who paid Rs 200," he said.

Senior officers are unwilling to come on record about the extent of the seizures and the arrests made. All Deputy Commissioners V.M. Parghi and B.S. Jebaliya, whose areas saw much violence, would say was that seizures and arrests were made but they did not have details.

In contrast, lower-level VHP and Bajrang Dal leaders are ready to speak about weapons distribution. Prakash Shivnani, a Bajrang Dal leader of the Naroda area — where the Naroda Patia carnage took place — boasted, "In the last 10 days I have distributed more than a thousand swords to Hindus. I don't find anything wrong. Now, Muslims may retaliate, and we have to be ready."

Asked where he got the swords from, Shivnani said, "Earlier we used to get it from the Dudheswar area in Ahmedabad, but now we get it from Rajasthan."

He also said that now the organisation did not charge volunteers for the swords.

In the Karanj area in the heart of the city, too, swords were distributed just a few days ago.

Said a resident of Marwadi Ni Dhel, "Just three days back our VHP leader distributed 200 swords."

He said he took three: "One for me, one for my father, and one is in reserve."

DIVYA BHASKAR, APRIL 15, 2011

અમરભાઈની આ આમી સવાળા દાખીલાટ રમણપીતાના અઠવાલ રમણ
રમણાણામાં મોદીને કલ્પીનચીટ
પાણીના સિંકના આંખવાયિક : સીટ

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