

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

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

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A

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ISSUES NOT DEALT WITH BY THE MAGISTRATE AND THE GUJARAT

HIGH COURT:

MASS MOB MOBILISATIONS FROM 27.02.2002 ONWARDS

Issues not dealt with by the Magistrate and the Gujarat High Court

A. Provocative Behaviour was followed up by Mass Mobilisations & Hate Speech on 27.02.2002 as part of the wider conspiracy. As early as 12:30 p.m. on 27.2.2002, an SIB officer communicated to the headquarters that there were reports that some dead bodies of Godhra victims would be brought to Kalupur Station in Ahmedabad and incidents will occur in Ahmedabad city and preventive action had to be taken. Home Department at Gandhinagar receives more than 8 messages intimating about the Godhra incident, the VHP call for a bandh and about violence taking place in Valsad and other places.

B

- B. Detailed Documentary Evidence from the SIT Investigation papers pieced together meticulously in the Protest Petition reveals that SIB (State Intelligence Bureau) Messages reveal systematic and violent mobilisations all over the state on 27.2.2002 within minutes of the Godhra tragedy. Despite these warnings neither the Home Department nor the Law and Order machinery make preventive arrests or protect Innocent lives. Kar Sevaks with saffron Scarves continue shouting Anti-Muslim Slogans after incident; More VHP Workers gather at spot and even after curfew is declared at 10 a.m. (an SRP and Railway police reinforcements are deployed) Attempts to burn Muslim shops take place at Godhra. Since the investigation of the Godhra incident was by the Railway Police, it was their responsibility to deal with dead bodies
- C. By about 1 p.m. on the afternoon violent and murderous attacks at Vadodara and Anand have taken place and by the evening these have spread far and wide across the state.
- D. VHP Press Release carries exaggerated accounts of the Godhra incident. By the evening and late night of 27.2.2002, SIB messages from Godhra to Bhavnagar, Mehsana to Viramgam (far flung districts of Gujarat) record aggressive mobilisations and provocative speeches being made exhorting the mob/citizens to attacks Muslims.
- E. An Analysis of Phone Call Records officially procured by former IPS Officer Rahul Sharma and presented to the Nanavaty-Shah Commission has been analysed and evidence of elected representatives talking to some of the

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accused etc was presented to the SIT. These were not substantively investigated. For example:

- a) The mobile phone records show that Mr Bhatt, named in the Zakia Jafri Complaint dated 8.6.2006, was in touch with doctors from outside the Godhra city, after which post mortems of the Godhra Victims were carried out in the Open in the Railway Yard. (*Pages 580-583 of Volume V of Protest Petition of the SC SLP Record*)
- b) The mobile phone records also have illustrative details of the Phone Call Records of then Additional CP, Shivanand Jha that have not been investigated (*No.870-875 at Pages 580-583 of Volume V of Protest Petition and SC Record*)
- c) Similarly, the mobile phone call records of Dinesh Togadia etc of the Vishwa Hindu Parishad and other functionaries have been mentioned and remain un-investigated. (*Para 204 of Protest Petition at (Pages 295-296 of Volume V of SLP and Para 927 of Protest Petition at Pages 626-627 of Volume V of the SLP SC Record)*)
- d) The mobile phone call records dated 27.02.2002 of Praveen Togadia, International General Secretary, Vishwa Hindu Parishad (VHP) similarly need investigating (*Para 599 of the Protest Petition, Page 458, Volume IV of the SC SLP Record*).
- e) Ahmedabad city records 14 Incidents of targeted Violence even as the VHP and its members continue making incendiary and inflammatory speeches

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- f) The Gujarat Police Manual and Booklet to Prevent Communal Violence (specific to Gujarat) lay down meticulous SOPs (Standard Operating Procedures) that are not followed at all in the wake of the Gujarat tragedy.
- g) Despite the SIT papers containing documentary evidence of such more instances of attacks and aggression including hate speech, the SIT has concealed these in its final report and deliberately avoided any conclusions.

S. No.	Facts/Details	Supporting Documents/Evidence	Page No. & References
1.	<p>Mass Mobilisations & Hate Speech on 27.2.2002 as Part of the Wider Conspiracy;</p> <p>a) Provocative/aggressive Behaviour of those returning from Ayodhya/Kar Sevaks</p> <p>b) Attacks on Minority Property and Hate Speech from the afternoon of 27/02.2002 onwards.</p> <p>c) Absence of</p>	<p>1) Fax from Jayanti Ravi, DM, Godhra on 27.2.2002 mentioning provocative behaviour of karsevaks at Godhra Police station. The Fax message of the incident was sent by DM Smt. Jayanti Ravi to the Home Department & Revenue Department, Gandhinagar which was received at 9 a.m. of 27.2.2002. In the said message, it was clearly mentioned that the karsevaks were shouting provocative, anti-Muslim slogans. This intimation of Provocative</p>	<p>1. Volume XIII, Page 798 of the SC Record and Listed at Annexure III, File XLI at Serial Nos 1 of the SIT Papers</p> <p>2. Listed at Volume XIII, Page 829 of the SC Record and Annexure IV, File IX , Sr Nos 241 of the SIT Record/Investigation</p> <p>3. References:</p> <p>a. Para 973-982 at Page 642-644,</p>

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	<p>Preventive Measures or arrests</p> <p>d) Aggressive Mobs not acted again not arms collection stopped</p> <p>Hate Speech on 27.2.2002</p> <p>a) Widespread meetings and Mobilisations by the VHP/RSS/Bajrang Dal exhorting Violence against religious minorities (Audiences were told to Cut the hands and legs of our enemies) in revenge for Godhra.</p> <p><i>"Muslims who live in India with sincerity and patriotism, we don't have any agitation against them. But we have objections against those who live in India and favoured Pakistan and carried out</i></p>	<p>Sloganeering by Kar Sevaks pre and post Godhra on 27.2.2002 when violence broke out in Vadodara, Anand and Ahmedabad apart from other districts was Concealed from the Public by Bureaucracy, Police & Political Executive</p> <p>(PAGE NO. 1-2)</p> <p>2) SIB Messages (Sanjiv Bhatt-DCP Communal Int) to Home Dept, Gandhinagar dated 27.2.2002 warning of a communal Conflagration post the Godhra Incident if strict and adequate preventive measures not taken</p> <p>(PAGE NO. 3-4)</p>	<p>Volume V of SC Record</p> <p>b. Para 983-984 at Pages 644-645, Volume V of the SC Record</p> <p>c. Protest Petition- Paras 962-963 at Pages 638-639 of Volume V of the SC Record</p> <p>4. References from SIT Record:</p> <p>a. Listed at Page 791, Volume XIII of the SC Record at Page 188 in Annexure III, File XVIII, D-160 (Copies of Fax Message sent by Regional Officer of State IB to Addl DGP, Gujarat(Int) – February 2002, Volume I) in SIT Record/Investigation.</p> <p>b. Listed at Page Nos 791 at Volume XIII of SC Record at Page 345, Annexure III File XIX, D-161 of the SIT</p>
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	<p><i>activities against the country. Anti- national activities are being done in the Madrasas. We have objections against it. We do not have any kind of objection against spiritual religious education for the children. Pooja prarthna at the temple and praying at the Masjid is all right but Pakistan Zindabad is not right. Above mentioned ideas were expressed by them.”</i></p> <p>Inflammatory speeches in Various Parts of Gujarat by different sections of the VHP/Bajrang Dal leadership that were recorded by the State Intelligence Bureau. The SIT completely ignores this detailed documentarr evidence.</p>		<p>Record/Investigation (Copies of Fax message sent by the Regional Officer of the State IB to ADdI DGP (Int) Gujarat for the month of February 2002, Volume II)((the message titled Vardhi No.</p> <p>c. Para 978/Protest Petition message Listed at Page Nos 791, Volume XIII of SC Record and Listed at Annexure III, File XVIII (D-160) at Page No. 19 Message No. 531 of the SIT Record/Investigation</p> <p>d. Protest petition Page 643 at Volume XIII of the SC Record</p> <p>e. Para 979 of Protest Petition</p> <p>f. Page 644 of Volume XIII, Para 980 of Protest Petition</p>
2.	Second Component		

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<p>of Conspiracy includes Inaction of Policemen/Administrator/ elected representatives Accused after Intimation of Godhra Incident & Mob Mobilisations all over Gujarat on 27.2.2002</p> <p>The Mob Mobilization after the tragic Godhra mass arson & subsequent Outbreak of Violence and Failure Statewide to Take Preventive Measures is and was for the State Police & Bureaucracy a direct Violation of the law, Constitution and Standard Operating Procedure (SOP) as laid down in the Gujarat Police Manual. The concerted acts and omissions by the Accused leading up to the train burning at Godhra and throughout 27.02.2002 leading up to the breakout of large scale violence on 28.02.2002 betrays the narrative of spontaneous acts of violence. These</p>	<p>1. As early as 12:30 p.m. on 27.2.2002, an SIB officer communicated to the headquarters that there were reports that some dead bodies of Godhra victims would be brought to Kalupur Station in Ahmedabad incidents will occur in Ahmedabad city. So take preventive action."</p> <p>2. This SIB message that can be read as Annexure III File No.XIX D-161, Part II Pages Nos.356 to 360 is a long message that records that the dead bodies reached Kalupur railway station at 3 to 3:30 hrs, were sent to Dhanwantari hospital at Bapu Nagar where a</p>	<p>i)Protest Petition at Para 983-984 at Pages 642-645, Volume V of the SC Record</p> <p>ii)Protest Petition- Paras 962-963 at Pages 638-639 of Volume V of the SC Record</p> <p><u>References from SIT Record:</u></p> <p>i) SIT Index of Investigation Papers: Listed at Page 791, Volume XIII of the SC Record at Page 188 in Annexure III, File XVIII, D-160 (Copies of Fax Message sent by Regional Officer of State IB to Addl DGP, Gujarat(Int) –February 2002, Volume I) in SIT Record/Investigation.</p> <p>ii) SIT Index of Investigation Papers: Listed at Pages 841-</p>
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	<p>documentary evidences reveal a larger conspiracy afoot leading up to the breakout of largescale violence on 28.02.2002.</p>	<p>condolence meeting was to be held by Bajrang Dal workers. This message also records that at 15:00 hrs on 27.2.2002 a mob had attacked the AMTS and ST buses at Bapu Nagar and breaking down the windows of buses and shops. At the end of this message the field officer of the SIB states that Sabarmati express train finally arrived at platform no.1 at 16:13 hrs with Kar Sevaks shouting <i>Jai Sriram, Bharat Mata Ki Jai and KhoonKaBandla Khoon</i>. No dead bodies came on the train. The SIB message records that an interview was given to the ETV stating that “for</p>	<p>842, Volume XIII of the SC Record (From Tabular format in SIT Papers Annexed here <u>Annexure IV File XX</u> Message Date 27/02/2002)</p> <p>iii) SIT Index of Investigation Papers: Page 791, Volume XIII of the SC SLP Record lists Annexure III File No.XIX D-161, Part II Pages Nos.356 to 360 which contains a long message that records that the dead bodies reached Kalupur railway station at 3 to3:30 hrs, were sent to Dhanwantari hospital at Bapu Nagar where a condolence meeting was to be held by Bajrang Dal workers.</p> <p>12) Referenc es: SIT Investigation Record: Pages 8288, 8289, 8291, 8292,8296, 8297 of Annexure IV, File XX of the SIT Papers)</p> <p>13) Protest</p>
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		<p>those who have been treated against at, those Muslims, we will attack without mercy, cut all Muslims". The SIT has not bothered to seize these or to to analyse the evidence.</p> <p>3. 27.2.2002 Message of 27:53 hours from AIO IntKodinar (Mehsana district) to Guj State IB, Gandhinagar that VHP Bajrang Dal, Hindu Dharm Raksha Samiti, Shiv Sena leaders, VHP President GemubhaiHitpar a will meet BHP (RSS) office at 17:00 to 18:00 hrs at Dhruv complex, Una town about Godhra incident</p> <p>4) At dated 27.2.2002 of the SIT</p>	<p>Petition: Paras 506 to 510 Volume IV-V of the SC SLP Precord</p>
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		<p>papers, sent from D.O., Ahmedabad to the Intelligence Office at Virangam (Virangam is in the rural district of Ahmedabad) stated that 50 to 75 members of the VHP and Bajrang Dal had gathered at Virangam town Chali and in the Golwada area and the situation was very tense.</p> <p>5)SIB Message at 27.2.02 10:12 am from Junagadh, Bhavnagar to IG, Guj, State Intelligence, Gandhinagar stating clearly that the Sadhu Samaj president Gopalnandji give agitated speech at Junagadh Kadva chowk, on dt. 27.2.02 at 19:30 to 21:00. The message then goes on to name specific local VHP leaders and says that they expressed their condolences to Karsevaks and then delivered hate speeches and called to unite all Hindus and told the audience to cut the hands and legs</p>	
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		<p>of our enemies. They said in their speech that the incident occurred at Godhra in the morning at 7:30 a.m. but yet no reaction was seen from the Hindus, which was very unfortunate. <i>“Muslims who live in India with sincerity and patriotism, we don’t have any agitation against them. But we have objections against those who live in India and favoured Pakistan and carried out activities against the country. Anti-national activities are being done in the Madrasas. We have objections against it. We do not have any kind of objection against spiritual religious education for the children. Pooja prarthna at the temple and praying at the Masjid is all right but Pakistan Zindabad is not right. Above mentioned ideas were expressed by them.”</i></p> <p>6) SIB Int Gandhinagar receives a</p>	
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		<p>message on 27.02.2002 to the effect that 50 Karsevak came to Modasa centre Taluka Dhansura Village Vadagam, from Ahmedabad in a special train on 27.2.02 time 18:30 hours and as a result of a provocative speech made by them the mob gathered burnt vehicles of Muslims. At Kalol centre Taluka Kadi, Bavlu PS Village Kalyanpur; the shop of YasinbhaiMultan i was burnt by mob.</p> <p>Details of the Message in the Protest Petition: Para 980 of Protest Petition: Fax Message Com/HM/550/ 02 Dt. 27.2.02 23:59 Out No 398 from ACP, Int. Gandhinagar Region to IG,</p>	
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		<p>Gujarat. State IB, Gandhinagar says that 50 Karsevaks travelling by a special bus from Ahmedabad reached Modasa centre in village Vadagam at Taluka Dhansura at around 18:30 p.m. on 27.2.2002.</p> <p>“They were received by a mob of 500 people and these karsevaks addressed the mob and told the people how the comartment of Sabarmati Express was attacked. People present in the mob got excited and 21:30 hours people from around the village gathered and the mob swelled to a huge size. To maintain order the force was not sufficient and about 10</p>	
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		<p>paan bidi shops were set on fire. Vehicles like the Jeep, Maruti and Ambassador were set on fire. These vehicles and shops seemed to belong to Muslims. One Mr. YasinbhaiMullan's shop at Kalol centre Tal. Kadi and Bavlu PS village Kalyanpur was burnt down by the mob.</p> <p>7) A Fax Message from Junagadh to the IG, Guj State Intelligence, Gandhinagar states that the nephew of a person who had filed a complaint, Salim Habib had been assaulted by Bajrang Dal's worker Kamalbhai by sharp knife on stomach</p>	
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		<p>8) A message of the SIB dated. 28.2.2002 12:25 hrs from the ACP, State IB Vadodara Region to IG, Guj. State IB, Gandhi Nagar states that provocative behaviour was being attempted at Dabhol by VHP workers who had gathered organized Ramdhun .</p> <p>9) 28.2.2002SIB Message from ACP, State IB Vadodara Region to IG, Guj, State IB, Gandhi Nagar saying that 1 Muslim person stabbed with knife on neck and chest and death. Kareli baug police station.</p> <p>10) Dt. 28.2.02 10:23 hrs from ACP, State IB</p>	
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		<p>Vadodara Region to IG, Guj. State IB, Gandhi Nagar of mobilisations by BJP and other leaders at Baroda</p> <p>11) Similar messages on the morning of 28.02.2002, an SIB message, Message No. Com/538/28/2/0 2 says that a funeral procession was allowed to take place at Khedbrahma, a town in Sabarkantha district. The message cited above states that soon after the funeral procession, 2 Muslims on their way to Khedbrahma were stabbed and the situation had become very tense.</p> <p>12) Several of these</p>	
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		<p>messages from State Intelligence Bureau including the one sent from District Police at Narmada to the police station of Raj Pimpla, Sagwada, Kediapada, Tilkwadi, Kewadia provide internal documentation and proof of the aggressive behaviour and mobilisations around the funeral processions by the so called Kar Sevaks from 27.2.2002 itself. The SIT has deliberately not further explored why no adequate steps were taken nor has the SIT tried to recover similar documents of the SIB from all the districts of Gujarat.</p>	
3.	<p>VIOLENT ATTACKS ON MINORITIES FROM AFTERNOON OF 27.2.2002 ITSELF: Baroda (Vadodara), Anand and then as many as 14 attacks in Ahmedabad</p> <p>Not only were no</p>	<p>1) On 27.02.2002 at 15:00 hours a SIB Message from the SIT Records states that one person named Abdul Rashid Kalubhai Mashita was assaulted by some karsevaks at platform No 2 & 3</p>	<p>References:</p> <p>1) Protest Petition at Pages 384-390, Volume IV of SC SLP Record;</p> <p>2) Also in Annexure IV, File IV listed in SIT Index at</p>

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	<p>preventive measures taken and no Curfew declared in Ahmedabad till post 12.45 p.m. on 28.2.2002 despite the attacks on lives and property but widespread Mob Mobilisation was allowed</p>	<p>Baroda station as a result of which he died and another 2 persons were injured. The karsevaks shouting provocative slogans.</p> <p>2. On 27.02.02 at 15:51 hrs another SIB message from ACB, State IB Vadodara Region to IG, Guj, State IB, Gandhi Nagar says that BJP and VHP leaders arrived at Baroda Rly Stn at 1.30 p.m., shouted slogans, destroyed property; One person was killed at 14:10 hours as a result. Forcible closure of shops was attempted . The message was sent in warning to Anand. Thereafter one 60 year old Ibrahimbhai was killed due to assault by Karsevaks caused by head injury. Another person was injured by a sharp knife</p> <p>This message also from the SIB mentions that BJP's Maya Bhartiben Vyas, BJP leader Jitendra</p>	<p>Page 818, Volume XIII of SC Record;</p> <p>3) Also in Annexure III, Volume XIX ie D-161 in SIT Index at Page 791, Volume XIII of SC Record</p> <p>4) Also at Annexure III, File XXXIV, ie D-176 in SIT Index at Page 795, Volume XIII of SC Record</p> <p>5)</p>
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		<p>Sukhadev and many other VHP and Bajrang dal workers were behaving in a provocative manner and another person 60 year old Ibbrahimbhai died after being assaulted by the Kar Sevaks(Paras 449 and 450 at Volume V of the SC Record: Protest Petition). It is evident therefore that by afternoon of 27.2.2002 this part of the conspiracy was put in place, and many of the co accused administrators and policemen had already decided to not take protective measures or preventive measures following the Godhra incident. SIT has completely ignored this evidence and even tried to withhold the investigation papers.</p> <p>3. Mob Attacks on the Muslim Minority in Ahmedabad city from about 2.30 p.m.</p>	
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		<p>onwards on 27.02.2002. There is a tabular record of these from the Police Control Room Records from the SIT Record/Investigation. These attacks are annexed hereto in Tabular format from the SIT record..</p> <p>They include:</p> <ol style="list-style-type: none"> Bapunagar, Ahmedabad, 27.2.2002: Between 14:30 to 15:00 a mob of 200 persons was pelting stones and set fire to a bus & shop. A mob attacked a rickshaw and injured 4 persons near Ratnasagar Cross Road, Meghaninagar, Ahmedabad, at 22:00 on dt. 27/2/02. A mob injured one Muslim with sharp weapons near the 	
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		<p>Express Highway at 21:45 on 27/2/02 and TaushifShaeb Ali Saiyed has died.</p> <p>d. Unknown persons burnt a rickshaw and injured one Muslim with sharp weapons near C.T.M., Ramol, Amraiwadi, Ahmedabad at 21:45 on dt. 27/2/02.</p> <p>e. A mob attacked and injured one Muslim near Mahalaxmi Cross Road, Paldi, at 20:30 on dt. 27/2/02.</p> <p>f. A mob attacked and injured one Muslim near Law Garden at 20:15 on dt. 27/2/02.</p> <p>g. Unknown persons attacked and injured one</p>	
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		<p>Muslim near Kathwada Road, Naroda, at 19.30 on dt. 27/2/02.</p> <p>h. Jafarbai who was injured near Rameshwar Cross Road at 13:10 yesterday died at 18:45 yesterday i.e. on dt. 27/2/02.</p>	
	<p>Standard Operating Procedures in the Gujarat Police Manual and 'Preventive Measures In Case of Threatened Communal Riots' not followed. Excerpts from the Gujarat Police Manual (Chapter II and III) on the Maintenance of Order where at Page 770 there is a Section on 'Preventive Measures In Case of Threatened Communal Riots'</p>	<p>2) Excerpt from the Gujarat Police Manual (Chapters II and III) on the Maintenance of Order where at Page 770 there is a Section on 'Preventive Measures In Case of Threatened Communal Riots'</p> <p>These standard operating procedures are extremely clear-cut and well laid down: to be followed to both anticipate and prevent the escalation of communal violence</p> <p><u>(PAGE NO. 23-73)</u></p>	<p>References: SIT Index of Investigation Papers Page 797, Volume XIII of the SC SLP Record (File - XL D-191 D-195)</p>
	<p>Statements to SIT by then Collector/DM, Godhra, MS Jayanti</p>	<p>1) DM Jayanthi Ravi's Statetement to SIT</p>	<p>References: 1) Index of SIT Investigation Record</p>

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	<p>Ravi &Superintendant of Police, Raju Bhargava</p> <p>SP states that Kar Sevaks with saffron Scarves continue shouting Anti-Muslim Slogans after incident; More VHP Workers gather at spot and even after Curfew is declared at 10 a.m. (an SRP and Railway police reinforcements are deployed) attempts to burn Muslim shops take place at Godhra. Investigation by Railway Police so their responsibility to deal with dead bodies</p>	<p>dtd 15.09.2009 & 26.10.2009 &03.11.2009 (PAGE NO. 74-76) (PAGE NO. 77-78)</p> <p>2) SP Godhra, Raju Bhargava Statement to SIT dated 26.10.2009 &03.11.2009 (PAGE NO. 79-81) (PAGE NO. 82-83)</p>	<p>at Pages 764, 764 & 771 of Volume XIII of the SC SLP Record;</p> <p>2)Index of SIT Investigation Record at Pages 764 of Volume XIII of the SC SLP Record</p>
	<p>A-21 Jaideep Patel says in his statement to the SIT on 15.2.2010 that he received information about the burning of the railway coach of Sabarmati express at Godhra over telephone on 27.2.2002 by 7.30 am from the Kar Sevaks who were aboard the Sabarmati express. Immediately after</p>	<p>SIT completely ignores all the above listed evidence. No action is taken against Jaideep Patel and Hasmukh Patel for such exaggerated statements</p> <p>Statement of Jaideep Patel - (PAGE NO. 84-88)</p> <p>Statement of Kaushik J. Mehta - (PAGE NO. 89-91)</p>	<p>References:</p> <p>1) Protest Petition: Paras 209 at Page 798-799 of Volume IV of SC SLP Record</p> <p>2) SIT Investigation Record: Page 767 of Volume XIII of SC SLP Record</p>

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	<p>receiving the information he rushed to the VHP office at Paldi, Ahmedabad. He and other office bearers of the VHP decided that he should go to Godhra and thereafter accompanied by Hasmukh Patel also of the VHP he left for Godhra and reached by 12.40 hrs.</p> <p>A-21 Jaideep Patel and A-19 Kaushik Mehta, also a senior functionary of VHP and Dilip Trivedi, another general secretary of VHP, issues a joint statement dated 27.2.2002 in which they declare that "Hundreds of Ram Sevaks have been attacked in a pre-planned conspiratorial attack in which compartments have been set on fire and women molested."</p>	<p>VHP Press Release from SIT Papers <u>(PAGE NO. 92-93)</u></p>	<p>References: SIT Investigation Papers: at Pages 791 at Annexure III File XVIII-D-160 and Page 793 Annexure III, File XXVI, D-168 of the SIT papers is the Press Release of the VHP. <u>(Sr Nos 189, D-160, ANNEXURE III, File XVIII SIT INVESTIGATION RECORD (FAX MESSAGES FROM REGIONAL OFFICES OF THE STATE IB))</u></p>
	TEHELKA	1. Transcript of	References:

Y

	<p>TRANSCRIPTS ON MASS MOBILISATIONS FROM 27.2.2002 ONWARDS</p>	<p>Haresh Bhat, National Vice President of Bajrang Dal & President of Gujarat, MLA after Dec 2002 elections</p> <p>2. Rajendra Vyas, VHP Ahmedabad City Vice President (PAGE NO. 94-101)</p> <p>3. Dhimant Bhatt, Accountant with the MS University Vadodara and also a VHP/Bajrang Dal functionary (PAGE NO. 102-105)</p>	<p>Pages 788-789 of Volume XIII of the Supreme Court SLP Volumes (Index of SIT Investigation Record): D-129, File III, Annexure XIII, Reference</p>
5.	<p><u>PHONE CALL RECORDS</u></p> <p>An analysis of the phone call records reveals that various accused were in constant touch with one another and overlap with acts of omission and dereliction of duty and it appears that illegal instructions were disseminated through these telephone conversations. In 2004, then DCP Control Room, ahmedabad and</p>	<p>1. Rahul Sharma, ex IPS statement before the SIT dated 2.7.2009 before the SIT and presented to the Magistrate and HC <u>(PAGE NO. 106-114)</u></p>	<p>References:</p> <p>1. Listed at Page 764, Volume 13 in the SC Record, Annexure I, Volume I, Sr Nos 4 of the SIT papers (Rahul Sharma's statement before SIT dtd 2.7.2009) CD containing tower details of Ahmedabad and Godhra of AT&T And Cell Force Cellular service providers, earlier collected by Shri Rahul Sharma, IPS: Part-I & CD containing tower</p>

Z

<p>former SP Bhavnagar, Rahul Sharma presented a set of CDs annexed to his affidavit to the Nanavaty Commission and later the Banerjee Committee. This data of Mobile Phone records for the whole city of Ahmedabad and state of Gujarat for the crucial period between February 27, 2002 and March 3, 2002 when mass violence broke out has been analysed to show prima facie contacts between accused, errant officers and bureaucrats: The CDs accessed by then DCP Rahul Sharma were annexed to and submitted with his affidavit before the Nanavaty-Shah Commission in 2004.</p> <p>These CDs were analysed by Jan SangharshMorchha and Citizens for Justice and Peace (CJP) and these analyses were filed before this Hon'ble Court in September 2010 (in SLP 1088/2008) and</p>	<p>a. Phone Call Records between those named in complaint and other offenders and or officials</p> <p>Phone Calls Made from Accused to one Another and to official functionaries not dealt with by Magistrate</p> <p><u>(PAGE NO. 130-139)</u></p>	<p>details of Ahmedabad and Godhra of .AT&T and Cell Force Cellular service providers, earlier collected by Shri Rahul Sharma, IPS: Part-II Listed at Serial Nos 12 & 13, Page 845, Volume XIII of the SC Record at Annexure-IV (List of Documents Collected during Inquiry/ Investigation)</p> <p>3.Protest Petition: Para 926 (36)-927 at Pages 625, Volume V of SC Record contains analysis of Rahul Sharma's CD presented to Nanavati Commission</p> <p>4. Protest Petition: Paras 473-475, Pages 405-406 of Volume IV of SLP have not been dealt with/investigated (Ashok Bhatt with Doctors)</p> <p>5. References</p>
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AA

	<p>also submitted to the SIT with the statement recorded by CJP before the SIT and subsequent correspondence with SIT (27/28.06.2009)</p>	<p>i) For example, accused minister Ashok Bhatt (now deceased calling doctors from outside Godhra city to Godhra on 27/2/2002)</p> <p>ii) MOS Home, accused no 5, Mr. GordhanZadaphiya call records indicate that he was in close touch with Dr. Jaideep Patel (12 calls were exchanged between them on 28.2.2002), two calls with Dr.. Maya Kodnani and 26 calls with Mr. R.J. Sawani, then DCP, Zone V, and 7 calls with Mr. Bipin Panchal. Mr. Bipin Panchal and Dr. Jaideep Patel have been accused and charged for fomenting rioting.</p> <p>iii) Phone call records of Mr. Dinesh Togadia, brother of Accused No. 20 Dr. Praveen Togadia, international</p>	<p>Protest Petition also at No.870-875 at Pages 580-583 of Volume V of Protest Petition and SC Record have illustrative details of the Phone Call Records of then Additional CP that have not been investigated (Shivanand Jha)</p> <p>6. Para 204 of Protest Petition at Pages 295-296 of Volume V of SLP (Praveen Togadia)</p> <p>7. Para 927 OF PROTEST PETITION AT PAGES 626-627 OF VOLUME V OF SLP</p> <p>Reference Note: Detailed Tabular Phone Call records were submitted by the Petitioners in SLP 1088/2008 to the SIT and form part of the Investigation Record:</p>
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BB

		<p>general secretary of the VHP show that of the 48 call records available for that day, he is in touch with DCP, RJ Savani and also with Accused No. 16 Dr. Maya Kodnani,</p> <p>Phone call record show police officers were in constant contact with elected officials and private organisations/individual who have subsequently been convicted.</p> <p>b. Then CP PC Pande's Phone Call Records detailed in the Protest petition and Annexures to it show that of the 309 calls made and received by him on 28.2.2002, he had dialed 39 numbers from his Mobile Phone</p> <p><u>(PAGE NO. 115-127)</u></p> <p><u>(PAGE NO. 128-129)</u></p>	<p>1. At Annexure IV, File V (List of Documents collected during Further Investigation under section 173(8) of the CRPC, Sr Nos 106 (Letter dated 06.04.2011 sent by Smt. Teesta Setalvad forwarding therewith an application for permission to place on record additional documents along with Annexures - A & B containing records analysis, locational analysis and Control Room analysis and editor's guild report, Annexure-C containing 44 graphs of individual phone call records.</p> <p>2. At Annexure IV, File VI (List of Documents</p>
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CC

		<p>These Indicators were not Investigated in any depth by SIT</p>	<p>collected during Further Investigation under section 173(8) of the CRPC, Sr Nos 107 find “Annexures D to O of letter dated 06.04.2011 sent by Smt Teesta Setalvad, containing graphs showing locations of import& persons on 27.02.2002 and 28.02.2002 different areas in Ahmedabad City etc.”</p> <p>These had also been filed by the Petitioners in SLP 1088/2008 before this Hon’ble Court in September 2010.</p> <p><u>Reference: Page 821, Volume XIII of the Supreme Court Record</u></p>
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True and translated copy of fax message dated 27.02.2002 sent by Jayanti Ravi,
DM, Godhra

TRANSLATION OF DM GODHRA'S FAX MESSAGE

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

SIT Record Reference: Sr Nos 1, File XLI, Annexure III, Annexure 'B' Colly,

Page 3071

Date: 27.02.2002

Time: 07.20 hours

Copy of first information received by Home Dept/Home Control Rgdg Fire Incident
in Sabarmati Express at Godhra, 27-2-2002

TRANSLATION

Fax Message dated 27.2.2002 sent by DM Janati Ravi (which according to SIT
Repoert, AK Malhotra, 12.5.2010) to Chief Minister's Office, Home Department and
Revenue Department. It states that in the train which left Godhra at 7.20
a.m., the Kar Sevaks were shouting provocative slogans. Since the area around railway
station is a Muslim area, hearing these slogans, crowds of Muslims gathered and
started throwing stones. Thereafter the train stopped again and was set on fire.

SR. No 1 FILE XL, ANNEX III ANNEXURE B Copy
SIT PAPERS

3071

ગૃહ વિભાગ, હોમ કંટ્રોલ

ગોધરા જીલ્લામાં ગોધરા રેલ્વે સ્ટેશન પાછી દિલ્લી-કોલકાતાથી અમદાવાદ આવતી સાબરમતી એક્સપ્રેસ ટ્રેનને આગ લગાડવાની બનાવની પ્રાથમિક માહિતી.

આજરોજ તા. ૨૭-૨-૨૦૦૨ના રોજ સાબરમતી એક્સપ્રેસ ટ્રેન દિલ્લી તરફથી આવી અમદાવાદ જતી હતી. તે કલાક ૭.૧૫ મિનિટે ગોધરા રેલ્વે સ્ટેશનને ટ્રેન આવેલ. આ ટ્રેનમાં કાર એવો આયોજાથી પરત આવતા હતા. આ ટ્રેન કલાક-૭.૨૦ મિનિટે ગોધરા રેલ્વે સ્ટેશનથી રવાના થયેલ. ટ્રેનમાં કાર-ચેલકી સુનોચાર કરતા હતા.

રેલ્વે સ્ટેશનથી આજુબાજુનો સમગ્ર વિસ્તાર મુસ્લીમ વિસ્તાર હોઈ સુનોચાર સાંભળી મુસ્લીમોના ટોળાંભેગા થઈ ગયેલ અને ટ્રેન ઉપર પથારમારો કરેલ. આ રેલ્વે સ્ટેશનથી વડોદરા તરફ જતા અર્ધી હિ.મી. આગળ સિંગલટ્રેકની વિસ્તાર પાસે ટ્રેનને ચોકવામાં આવેલ અને ટ્રેનને આગ લગાડેલ છે. સ્થળ ઉપર એસ.પી.ગોધરા તથા એસ.આર.પી. તેમજ સ્થાનિક રેલ્વે પોલીસના મારાસી તથા ફાયરબ્રિગેડના મારાસી પહોંચી ગયેલ છે. પોલીસ બંદોબસ્ત ચાલુ છે.

નીચે પ્રમાણે પ્રાથમિક વિગતો મળેલ છે.

૧. ટ્રેનમાં ચાર કબ્બા (બોગી) નિઆગ લગાડેલ છે.
૨. આગ લાગવાથી પ્રાથમિક માહિતી પ્રમાણે પાંચ વ્યક્તિઓના ઢાળી જવાથી મૃત્યુ થવાનો સંભવ છે.
૩. ટ્રેનમાં આગ લાગેલ કબ્બાને બાકીની ટ્રેનથી અલગ કરી દેવામાં આવેલ છે.
૪. જીલ્લા મેજીસ્ટ્રેટ અને પોલીસ અધિકારી બનાવેનાં સ્થળે તાકીદીક પહોંચી ગયેલ છે.
૫. એસ.આર.પી./પોલીસ બંદોબસ્ત ગોધરા રેલ્વેમાં આવેલ છે.
૬. જરૂરી વાહનો/બસો મેળવીને ગણાવ/રહતની, હોમનીરી શરૂ કરી દેવામાં આવેલ છે.
૭. ક્રિકેટરોની ટીમે ૧૮ ઢાળી ગયેલ મુસાફરોની સારવાર શરૂ કરી દીધેલ છે. જેમાં અમદાવાદનાં આત, મહેસાણાનાં સાત, વડોદરાનાં ત્રણ અને સોજીત્રાનાં એક એમ કુલ ૧૮ ને સિવિલ હોસ્પિટલમાં ગોધરામાં સારવાર અર્થે દાખલ કરેલ છે.
૮. સ્થળ ઉપરની આગ ફાયરબ્રિગેડની મદદથી કાબુમાં લેવામાં આવેલ છે.

COPY OF FIRST INFORMATION BY
HOME DEPT/HOME CONTROL REGARD FIRE
INCIDENT IN DABATMAT
EXPRESS AT GODHRA, 27/02/2002

True and translated copy of SIB message dated 27.02.2002 sent by Sanjiv Bhatt.

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 3072

TRANSLATION OF SIB MESSAGE

SIT Record Reference: SrNos11, File XLI, Annexure III,

To : Addl. Chief Secretary Home Dept. Guj Govt. Secretariat,
 Gandhinagar
 --- : Police Gandhinagar
 P. S. -- C.M. Secretariat, Gandhinagar
 P. S. ----- Gandhinagar
 Sender : Addl. Director General of Police (Int.) G.R, Gandhinagar
 Number : D-2/2 ---/ Godhra/Incident/70/2002 Date:27.02.2002

Sanjiv Bhatt, an officer with the State Intelligence, deputing as DCP-Communal on 27.2.2002 sends a message to the Chief Secretary, Home Secretariat and Chief Minister, MOS Home and DGP Gandhinagar. The message states that on 27.2.2002 the Sabarmati Express travelling from Ayodhya to Ahmedabad reached Godhra at 7.15 a.m. At that time in the train the KarSevaks coming from Ayodhya were shouting slogans. Since the area is dominated by Muslims, the crowd started throwing stones and Coach Nos 6 was set on fire. At 10.55 a.m. in chowkeynos 1-7 ares of Godhra town, curfew has been imposed. KarSevaks are members of VHP.

3072

Sr.no.11, File XL1

Annex III

પ્રતિ : મહિત્વ મુજબ સચિવશ્રી, ડી.સી. બિનામ, ગુજરાત સરકાર સચિવાલય,
ત્રિશીનગર.
ચાલુ કારુ : પોલીસ મહાનિદેશકશ્રી, ત્રિશીનગર.
ધી.સી.સી. ડી.સી. બિનામ, ત્રિશીનગર.
પો.સી.સી. ડી.સી. બિનામ, ત્રિશીનગર.
પ્રેસ : મહિત્વ મુજબ મહાનિદેશકશ્રી (ઈ-ટે) મુ.રા. ત્રિશીનગર.
ક્રમ : ડી-૨/૨ કોમ્પ્યુટર મેનિયર, ૨૦૦૨, તા.૨૭-૨-૨૦૦૨.
વિષય :-

તા.૨૭-૨-૨૦૦૨ ના રોજ ડી.સી. બિનામ દ્વારા મળેલા તરબી
માવી અપાવાદ લેઈ શાખાની હાલ સંદર્ભમાં ક. ૦૭.૫૫ વાગે મોબરા રેલવે
સ્ટેશન ટ્રેકન આવેલ. ટ્રેકના કાર-સેક્ટર જે મથોબાવાળી પરત આવતા ક ઉતા,
અને તેમાં સુધારા કરતા કતા તે સંબંધમાં સાચુ બાકુનો સમગ્ર વિસ્તાર પુરબીપો
ને હોઈ તેમાંના ટ્રેકના સેક્ટરોમાં ટ્રેક ઉપર પથ્થરમારો કરેલ. તમા ટ્રેક
ને માત્ર હવા-માનો પરીવહન માટે જ સુધારા પામેલ છે. જેમાં હવાનો જોર
મેઠેલ મારેક માફક લોખી સમાવેલ થયેલ છે. જે લોકોને સારવાર માટે
મોબરા સિવિલ હોસ્પિટલમાં ઈ-સેક્ટર-૬ તરફ લાવેલ છે. તેમજ માફક
ખોલ માફકની ગુજારત સ્થિતિમાં કમરોડ થયેલ છે. હાલમાં ચાર.પી.સેક.
સરેલે પ્રોટેક્શન કોમ્પેક્સના કાર-સેક્ટર-૬ માં ચાર ૨૫-૩ કોમ્પેક્સ કરવામાં આવેલ
અને મેશન જેવ ઓડિયો આવેલ છે.

મા બનાવનાર મથોબાવાળી મથોબા ડી-૬-મુલકીય કોમ્પેક્સ વચ્ચે
સામા સામે પથ્થરમારો થતા કાર-સેક્ટર-૬ માં જાળવવાના હેતુસર ક. ૧૦.૫૫ વાગે
પોલીસ ત્રિશીનગર ની વિસ્તારમાં કાર-સેક્ટર-૬ માં કરવામાં આવેલ છે. પોલીસ
પ્રેસેન્ટ થાય છે. કોમ્પેક્સના વિસ્તારમાં માફક છે. જેમાં મથોબાવાળી
અપાવાદ પરત આવતા ક ઉતા.

(સચીવ બદ્)

સચીવ ત્રિશીનગર (સી.)

મહિત્વ મુજબ મહાનિદેશકશ્રી (ઈ-ટે)
મુ.રા. ત્રિશીનગર.

True and typed excerpts of relevant SIB messages sent on 27.02.2002 and 28.02.2002 with regard to mob mobilization along with true copy of complete table of said messages from SIT records. TEAM A

ANNEXURE III FILE XIX

D-161 PART I

EXCERPTED MESSAGES

67-68

FIR Dt. 27.2.02

15:00 hrs

One person named Abdul Rashid Kalubhai Mashita was assaulted by some kar sevaks came from Baroda train at the platform no. 2 & 3. Abdul Rashid bhai was died and another 2 person was injured. The karsevaks shouting the slogans.

92

Fax Message IB/Com/Sankhya/281/02 Dt. 27.2.02 15:51 hrs

ACP, State IB Vadodara Region

IG, Guj, State IB, Gandhi Nagar

Bjp Mayer Bhartiben Vyas, BJP Leader Jitendra Sukhdiya, VHP and Bajarangdal workers will come at Baroda Rly, stn. At 13:30 at Platform no. 1 and supplied food packets and water to karsevak. Train came at Baroda 13 to 45 and them slogans shouted and damaged the property 1 person was died at 14:10. VHP Bajrangdal workers came out in the Market and try to close shops'. Due to this reasons send the message to dispol Anand. According to the incident 60 years old Ibrahimhai was died by assaulting by Karsevak on his head injury. The other one is injured by Shark Knife.

176

Fax Message D-9/HA/VHP/23/2002 Dt. 27.2.02 10:53 hrs

AIO Int. Kodinar

IG, Guj. State IB, Gandhi Nagar

VHP, Bajrang Dal, Hindu Dharm Raksha Samiti, Shiv Sena leaders, VHP President Gemubhai Hitpara will meet BHP (RSS) office at 17:00 to 18:00 hrs at Dhruv complex, Una town about Godhra incident

180

Fax Message CID/D-9/HA/VHP/Guj. Bandh/66/02 Dt. 27.2.02 18:59 hrs
K.K. Charan ID Int. Por bandar
IG, Guj. State IB, Gandhi Nagar

In the leadership of VHP president Shantilal Rudhani, BJP President Ramjibhai Pandaliya was meet at RSS office at 17:45 hrs. This meeting attend by BJP Sangathan Mantri Mahendra Mukhi, Yuva Bhajap Ketan Parekh, Shiv Sena & VHP workers.

218

Fax Message D-1/HA/Jaher Sabha/Junagadh/311/02 Dt. 27.2.02 10:12 am
Out No. 136 PI, CID, Int, Bhavnagar
IG, Guj. State IB Gandhi Nagar

Sadhu Ssamaj president Gopalnandji give agitated speech at Junagadh Kadva chowk, on dt. 27.2.02 at 19:30 to 21:00

237-238

Fax Message Com/HM/550/02 Dt. 27.2.02 23:59 Out No. 398
ACP, Int. Gandhi Nagar
IG, Guj. State IB, Gandhi Nagar

50 Karsevak came to Modasa centre Taluka Dhansura Village Vadagam, From Ahmedabad in Special but on 27.2.02 time 18:30. At that time some speech made by them and the reaction of this speech the mob burnt vehicles of Muslims. Kalol centre Ta Kadi, Bavlu PS Village Kalyanpur the shop owner Yasinbhai MUltani's shop burnt by mob.

200

Fax Message D-2/HA/Bandh/Banav/318/02 Dt. 28.2.02 6:51 am Out No. 142
ACP, Int. Junagadh Region
IG, Guj. State IB, Gandhi Nagar

Complainant nephew Salim Habib assaulted by Bajrang Dal's worker Kamalbhai by sharp knife on stomach

99

Fax Message IB/D-2/Com/291/2002/ Dt. 28.2.2002 12:25 hrs
ACP, State IB Vadodara Region
IG, Guj. State IB, Gandhi Nagar

VHP workers gathered at Dabhol and organized Ramdhun at trying to Irritation.

114

Fax Message SIB/D-2/Com/289/2002/ Dt. 28.2.02 10:23 hrs
ACP, State IB Vadodara Region
IG, Guj, State IB, Gandhi Nagar

1 Muslim person stabbed with knife on neck and chest and death. Kareli baug po. Sta. ICR No. 42/02

6. 116

Fax Message D-2/Com/288/2002/ Dt. 28.2.02 10:23 hrs
ACP, State IB Vadodara Region
IG, Guj. State IB, Gandhi Nagar

Leader of BJP Rajesh Parikh Balu and other cam at Lahripura Baroda

Team A
Annexure III File XIX
D-161 Part I

Sl. No.	Page no.	Message no.	From	Sent to Whom	Details	Remarks
1.	47	Fax. Mes. IB/D-2/Com/Info/Patrika/Vadodara/974/02 Dt. 6.03.02	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Patrika distribution by VHP in Vadodara by and district	
2.	48	Fax. Mes. SB/Patrika/1247/02 Dt. 6.03.02 .1pm	APC, State IB Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Some patrika distribute by without mention name of press and Editor	Typed Patrika is send by fax
3.	49	Fax. Mes. IB/Com Banav/390/02 dt. 07.03.02 2:54	ACP, State IB Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Today CM came at Circuit House Vadodara city at 15:15 hrs to 15:30 hrs some 50 to 60 Muslim leader came their but they did not want to meet CM. They shouted slogans, Hindustan Jindabad Pakistan Murdabad	
4.	53	Fax. Mes. IB/Com/387/02 dt. 07.03.02 13:08 hrs	ACP State IB Vadodara Region	IG, Guj. State IB, Gandhi Nagar	(3) 8 persons (mulims) burnt alive by accused and they destroy the evidence	Santram Po. St. ICR No. 43/02 IPC 302, 307, 143, 120
5.	58	Fax. Mes. IB/Mahiti/383/02 dt. 7.03.02 11:30 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	1) Muslims of Tandalja area, Vadodara boycott the Sandes & Gujarat Samachar News paper because they printed exiting news about hindus. 2) today CM came at Vadodara and no one meet him for their submitting.	
6.	59	Fax. Mes. IB/Dahod/Comi/3404/2002 Dt. 01.03.02	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	1) district of Dahot, limkheda P.S. village Vankadi at one church burnt by accused and they kidnapped the childrens	

		17:34 hrs			2) Vadodara City, Makarba P.S. Andhutangar Soci. Mob surrounded Muslims house and they burnt 5 persons	
7.	62 & 63	Fax. Mes. IB/Com/D-2/15HM/285/02 Dt. 27.02.02 22:09 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	On dt. 28.02.02 Dahod city bandh called by BJP Yuva Morcha president and dt. 28.02.02 at 16:00 hrs VHP President Hukamchand Bilaori gave the condolence programme at Dahod Nagarpalika Chowk . (3) S/6 dath details Female 26 male-20 children -12	
8.	67-68	FIR dt. 27.2.02 15:00 hrs			One person named Abdul Rashid Kalubhai Mashita was assaulted by some kar sevaks came from Baroda train at the place from no. 2 & 3 Abdul Rashid bhai was died and another 2 person was injured. The karsevaks shouting the slogans	Ahmedabad Rly. Stat. Western Rly. Stat. ICR no. 1/02 this incident occurred by Kar Sevaks they was come from Godhra by train
9.	71-72	Fax. Mes. IB/A/02 Dt. 27.02.02 14:52 hrs Out No. 376	ACP, State IB, Camp Godhra	IG, Guj. State IB, Gandhi Nagar	Incident occurred on dt. 27.02.02 at the Godhra Rly. Stat. and their after imposed the curfew at chowky no. 1 to 7 area and train no. 2032 departure on 12:00 hrs with passengers and injured passengers	
10.	73	Fax. Mes. D-2/Com/Banav/295/2002 Dt.28.02.02	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	In baroda city exceptional of Jawaharnagar Po. Stat. other P.S. Gorva, Fateh Gunj, Chani, JP Road, Makarpura imposed the curfew on 17:30 hrs.	

					<p>2) Kar sevaks of Dahod Dist. Came back at Dahod Rly. Stat. on 28.02.02 at 3:00 at night. So put the sufficient police bandobast.</p> <p>3) VHP Pramukh of Dahod Dist. Mr. Jogeshbhai Vyas gave the condolence programme of Kar sevaks on dt. 28.2.02 at 17:05 to 17:15 hrs at Ganpati Mandir</p> <p>4) In Kalol town 2 female and one male death by police firing at 15:30 to 16:30 hrs</p>	
11.	78	Fax. Mes. IB/D-5/Com/294/2002/dt. 28.02.02 17:14 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	<p>1) funeral of Punjiben Dipakbhai Deshpande at Jyoti Society was complete on dt. 28.02.02 at 10:00 hrs</p> <p>4) mob attacked on mosque at Makarpura P.S. Police is present their but did not take any steps.</p> <p>5) curfew imposed at limdi village on 13:00 hrs at Dahod district</p>	Check the Punjiben Deshpande Details Karseval or not
12.	81	Fax. Mes. IB/D-2/Com/Banav/2002/ dt. 28.02.02 14:18 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	At Chhota Udepur Bajarang Dal Leader Manojbhai Sharma and Vastubhai have given memorandum to collector after a morn of 2 mins in the evening at 19:30 there was a program of Ramdhun in the tent Masjid burnt at Makarpura 12:30 not any offence register Islami trust house burnt at 13:44 at Panigate Po. Sta. of Azwa road. 125 children present at Trust house. For cabin s burnt at Pandu Po, sta. Rural Baroda. No offence registered.	
13.	82	Fax. Mes. IB/D-2/Com/306/2002/ dt. 01.03.02	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	At Ambica Soc. Halol 7 Muslims were burnt by Hindu s with carosin and petrol	
14.	86	Fax. Mes. IB/Info/278/2002/ dt.	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi	RPF fired 4 rounds and gas cell at Godhra Railway Station	

		27.2.02 10:24 hrs		Nagar		
15.	87	Fax. Mes. IB/D-1-2/15/Com/284/2002/ Dt. 27.02.02 19:12 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	CM visited the incident place at 17:15 to 17:45. Presence of Godhra carnage some shifted from Baroda to Ahmedabad for further treatment.	
16.	90	Fax. Mes. IB/Info/262/2002/Dt. 27.2.02 17:12 hrs Patrika/Vadodara/974/02 Dt. 6.03.02	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Evry 15 mints deadbodys find out and other 10 to 20 dead bodies will be find out. Dead bodies cannot identified because of abnormal condition of them. For this subject Baroda city BJP Office meeting at 21:00 hrs, Gujarat Bandh called by VHP on dated 28.02.02.	
17.	92	Fax. Mes. IB/Com/Sankhya/281/02 Dt. 27.02.02 15 51 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	BJP Mayer Bhartiben Vyas, BJP Leader Jitendra Sukhdiya, VHP and Bajarangdal workers will come at Baroda Rly Sta. at 13:30 at Platform no. 1 and supplied food packets and water to carsevak. Train came at Baroda 13 to 45 and them sloguns shouted and damaged the property 1 person was died at 14:10 VHP Bajarandal workers came out in the Market and try to close shops. Due to this reasons send the message to disposal Anand. According to the incident 60 years old Ibbrahimhai was died by assaulting by carsevak on his head injury. The other one is injured by Shark knife.	
18.	99	Fax. Mes. IB/D-2/Com/291/2002/ Dt. 28.2.02 10:23 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	VHP workers gathered at Dabhoi and organized Ramdhun at trying to irritation.	
19.	114	Fax. Mes. IB/D-2/Com/289/2002/ Dt. 28.02.02	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	1 Muslim person stabbed with knife on neck and chest and death. Kareli baug po. Sta. ICR No. 42/02.	

		10:23 hrs				
20.	116	Fax. Mes. IB/D-2/Com/288/2002/ Dt. 28.02.02 10:23 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Leader of BJP Rajesh Parikh Balu and other cam at Lahripura Baroda.	
21.	121	Fax. Mes. IB/D-2/Com/Banav/2002/ dt. 28.02.02 20:52 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Bharat band called by VHP and BJP on 01.03.02	
22.	135-136	Fax. Mes. IB/D-2/Com/Banav/295/2002/ Dt. 28.02.02 12:47 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Police not strict in application of curfew. Negligence in duty. Karjan main highway blocked by Karjan VHP President Gajanand Ambalal Gandhi and other workers on dt. 28.02.02 at 10:00 to 10.30 hrs	
23.	158-159	Fax. Mes. IB/D-2/15/HM/285/2002/Dt. 28.02.02 00:51 hrs	ACP, State IB, Vadodara Region	IG, Guj. State IB, Gandhi Nagar	Patrika circulated by VHP in Vadodara city and also Gujarat band called by VHP on dt. 28.02.02 incident occurred at Vadodara Rly stat. pl. no. 1, one muslim killed by kar sevaks. meeting arranged by Vadodara city BHP president Shabda Sharan Brahmabhatt at BJP office on dt. 27.02.02 at 21: 00 to 22.00 hrs.	Vadodara Rly. Po. ICR No. 32/02
24.	16847	Fax. Mes. Com/567/2002/ dt. 28.02.02 12:14 hrs	ACP, CID, State IB Gandhi Nagar	IG, Guj. State IB, Gandhi Nagar	One muslim lady Bismilaben Sabirbhai muslim male assaulted by hindu mob at Chanasma bus stop. On dt. 28.02.02 at 10.00 hrs curfew imposed at patan city at 11.45 hrs	
25.	176	Fax. Mes. D-9/HA/VHP/23/2002/ Dt. 27.02.02 10:53 am	AIO Int. Kodinar	IG, Guj. State IB, Gandhi Nagar	VHP, Bajrang Dal, Hindu Dharm Raksha Samiti, Shiv Shena leader, VHP President Gemubhai Hitpara will meet BJP (RSS) office at 17:00 to 18:00 hrs at Dhruv complx, Una town about Godhra incident.	
26.	180	Fax. Mes. CID/D-9/HA/VHP/ Guj. Bandh/66/2002 dt.	K.K. Charan ID Int. Por bandar	IG, Guj. State IB, Gandhi Nagar	In the leadership of VHP president Shantilal Rudhani, BJP President Ramjibhai Padaliya was meet at RSS office at 17:45 hrs, this meeting	

		27.02.02 18:59 hrs out no. 689			attend by BJP Sangathan Mantri Mahendra Mukhi, Yuva Bhajap Ketan Parekh, Shiv Shena & VHP workers	
27.	183	Fax. Mes. /D-7/HA/VHP/Guj. Bandh/Rally/ 69/02 Dt. 28.02.02 Out No. 702	K.K. Charan ID Int. Por Bandar	IG, Guj. State IB, Gandhi Nagar	In the leadership of VHP President Shantilal Rudhani, BJP President Ramjibhai Padaliya was meet at 16:30 hrs and memorandum given to Collector of porbandar and organized mourn rally.	
28.	184	Fax. Mes. IB/VHP/HA/08/02 Dt. 27.02.02 7:15 am	IO Int. Mangrol.	IG, Guj. State IB, Gandhi Nagar	In the leadership of Kantibhai Kagrana, Sureshbhai Solanki, Veljibhai Masani together at old bus stand Mangrol and decided to bandh called by VHP on dt. 28.02.02. They try to contact with business persons at 18:00 hrs	
29.	200	Fax. Mes. D-2/HA /Bandh/Banav /318/02 Dt. 28.02.02 6:51 am Out No. 142	ACP, Int Juagadh Region	IG, Guj. State IB, Gandhi Nagar	Complainant nephew Salim Habib assaulted by Bajrang Dal s worker Kamalbhai by sharp knife on stomach	
30.	210	Fax. Mes. D-2 /Bandh /312/02 Dt. 28.02.02 10:23 pm Out No. 137	ACP, Int Juagadh Region	IG, Guj. State IB, Gandhi Nagar	Sadhu samaj president Gopalnandji and Mukundbhai Dave gave the interview to Alfa tv and give the statement about step by VHP worker Kamalbhai	
31.	216	Fax. Mes. D-2/HA /Bandh/315/02 Dt. 28.02.02 3:01 pm Out No. 134	ACP, Int Juagadh Region	IG, Guj. State IB, Gandhi Nagar	Rally organized by leadership of Gopalnandji and members are as under Lalit Suhagiya, VHP President Chandeshbhai Herma Bajrangdal Prabhari K.K. Parekhiya, VHP President, Junagadh City Harjivan Dholalya VHP President; Junagadh Rural Pradeepbhai Khemani, President BJP, Junagadh City Jitubhai Bhindi, RSS Sangh Chalak, Junagadh	

32.	218	Fax. Mes. D-1/HA/Jaher Sabha/ Junagadh/311/02 Dt. 27.02.02 10.12 am out no. 136	PI, CID, Int. Bhavnagar	IG, Guj. State IB, Gandhi Nagar	Sadhu samaj president Gopalnandji given agitated speech at Junagadh Kadva chowk, on dt. 27.02.02 at 19.30 hrs to 21.00 hrs	
33.	222	Fax. Mes. D-G/HA/VHP/Bandh/291/02 Dt. 28.02.02 12:52 pm Out No. 205	IB, CID, Int. Bhavnagar	IG, Guj. State IB, Gandhi Nagar	VHP worker Shambhu Prashad Daya Shankar Jani Advocate Bhupendra Ashtik Advocate Parulben Trivedi, Corporator together and surround to shut down the market at 8:30 am, ghogha gate, Bhavnagar	
34.	224	Fax. Mes. D-16/HA/VHP/21/02 Dt. 27.02.02 20:22 hrs	PI, CID, Int. Botad	IG, Guj. State IB, Gandhi Nagar	VHP president of Botad Kanti Dahya Patel. Jivanbhai Vitthalbhai Chavda, they arranged the auto rickshaw to announce bandh called on 28.02.02	
35.	226	Fax. Mes. D-9/HA/VHP/415/02 Dt. 27.02.02 1:00 pm Out No. 300	PI, Cid, Int. Bhuj	IG, Guj. State IB, Gandhi Nagar	Kutch Bandh called by VHP district Maha Mantri Shashikant Patel	
36.	228	Fax. Mes. D-2/Com/Bandh/424/02 Dt. 28.02.02 1:00 pm Out No. 300	PI, CID, Int. Bhuj	IG, Guj. State IB, Gandhi Nagar	District Megi, imposed the curfew at Palanpur town, Disha, Dhanera, Bhabhar, Tharad and Bhildi at 11:50 hrs on dt. 28.02.02	
37.	230	Fax. Mes. D-2/com/takedari/426/02 Dt. 28.02.02 1:45 pm Out No. 142	PI, CID, Int. Bhuj	IG, Guj. State IB, Gandhi Nagar	Kutch VHP president Dr. K.G. Vaidh, BJP Bajrang Dal to arrange the rally. And shut down the market and damages the Shimla Doodh Dairy, Fish Market and advocates office.	
38.	230	Fax. Mes. Bhuj/D-2/Com/Takedari/Bandh/430/02	ACP, Int. Bhuj	IG, Guj. State IB, Gandhi Nagar	Suresh Gupta President of Banaskatha and other worker come out and shut the market at disha city and damaged the shops, garage and	

		Dt. 28.02.02 Out No. 307			bakery at 11.30 to 13.00 hrs and assaulted one muslim one muslims dead bodie find out from dhanera rly crossing	
39.	237 238	Fax. Mes. Com/HM/550/02 Dt. 27.02.02 23:59 Out No. 392	ACP, Int G nagar Region Region	IG, Guj. State IB, Gandhi Nagar	5 Karsevak came to Modasa center Taluka Dhansura Village Vadagam, From Ahmedabad in Special bus on 27.02.02 time 18.30. At that time some speech made by them and the reaction of this speech the mob burnt vehicles of Muslim s Kalol center Ta. Kadi, Bavlu PS village Kalyanpur the shop owner Yasinbhai Multani s shop burnt by mob.	
40.	239 240 241	Fax. Mes. Com/Guj.band/583/02 Dt. 28.02.02	ACP, Int G nagar, Region	IG, Guj. State IB, Gandhi Nagar	6. Prantij PS village Tajpur kui, 1 Tata Sumo burnt by mob. There was no any casualty. Vijaynagar PS Village Antarsuba. 1 Muslim shop burnt by mob on 27.02.02. Complaint file at Vijaynagar PS first CR No. 12/12/2002 Dead body PM done at the offence place. Kadi town village Jaydevpura two Karsevak namely patel manguben harjivandas and patel lalitben karamsinhbhai s funnel completed peace fully.	British Nationalize case How PM done at offence place by police? About Karsevak
41.	243	Fax. Mes. Com/553/02 Dt. 28.02.02 03:20 am Out No. 401	ACP, Int G nagar Region	IG, Guj. State IB, Gandhi Nagar	At the village of Laxmipura 1 muslim s lbhrambhai Alibhai mansuri s home burnt by unknown person on 27.02.02 time 20:45.	Incident occurred on 27.02.2002.

SIB Message

True and translated copy of SIB message dated 27.02.2002 substantiating the factum of slogans such as “khoon ka badlakhoon se” (Blood for blood...)

Annexure III File No.XIX D-161, Part II Pages Nos.356 to 360

This is a long message that records that the dead bodies reached Kalupur railway station at 3 to 3:30 hrs, were sent to Dhanwantari hospital at Bapu Nagar where a condolence meeting was to be held by Bajrang Dal workers. This message also records that at 15:00 hrs on 27.2.2002 a mob had attacked the AMTS and ST buses at Bapu Nagar and breaking down the windows of buses and shops.

At the end of this message the field officer of the SIB states that Sabarmati express train finally arrived at platform no.1 at 16:13 hrs with Kar Sevaks shouting ***Jai Sriram, Bharat Mata Ki Jai and Khoon Ka Bandla Khoon.***

No dead bodies came on the train. The SIB message records that an interview was given to the ETV stating that “for those who have been treated against at, those Muslims, we will attack without mercy, cut all Muslims”.

True and typed copy of table containing warning messages sent by SIB regarding mass mobilization and the possibility of outbreaks of Violence all over the State of Gujarat

Annexure IV File XX Message Date 27/02/2002

	Message Date/ Page No./ Time	Message No.	From	Sent to Whom	Message Instruction	Remarks
1	27/2/02 8288 17:50 18:00	LIB/Gujarat bandh/Home Guard/2002	D.Pol Narmada	D	Gujarat bandh called by VHP so maintain law & order situation & allocate 50 home guards	Without format , Time not shown
2	27/2/02 8289 17:55 18:05	LIB/Gujarat bandh/Home Guard/2002	D.Pol Narmada	C.Pol Dediya pada, AB-Shakha Narmada	Gujarat bandh called so maintain law & order situation	Without format, Time not shown
3	27/2/02 8291 19:45 19:55	LIB/Gujarat bandh/Home Guard/2002	D.Pol Narmada	PI, Rajpipla, C.Pol Tilakwada, Unit Commander, Home Guard	Gujarat bandh called by VHP so maintain law & order situation	Without format, Time not shown
4	27/2/02 8292 20:20 20:25	LIB/ Gujarat bandh/2002	D.Pol Narmada	C.Pol Rajpipla, Dediya para All PI, Unit Commander, Home Guard	Gujarat bandh called by VHP so maintain law & order situation. To inform by telephone if any incident occurs	Format, Time not shown
5	27/2/02 8296 18:10		D.Pol Narmada	PS, Rajpipla, Sagwada, Kediyapada, Tilakwad, Kevadiya Garudi	As per incident occurred at Godhra train, dead bodies of VHP workers reached through train at 3:00 from Godhra to Ahmedabad and then procession of funeral at the areas of workers. So, necessary action should be taken. Gujarat bandh called on dt. 28.2.02 by VHP so maintain law & order situation	Telephone Vardhi/ Without Format
6	27/2/02 8297 01:20 01:50	LIB/Gujarat bandh/ Takedari/2002	D.Pol Narmada	All PI Dist. Narmada SD PO. Rajpipla,	Gujarat bandh called by VHP so maintain law & order situation	Without format, Time not shown, Wireless

				Kevadiya DySP, Narmada		
7	27/2/02 8394 03:10 p.m.	D-2/2 com/ takedari/ 71/2002	Sanjiv Bhatt Addl. DGP Gandhi- nagar	All CP, All ACP with Western Railway, All DGP Range, Police Gandhi- nagar, PS to MoS Home, Gandhi- nagar	After incident of 27/2/02 Godhra train burning. Procession of funeral at the areas of workers. So, necessary action should be taken - Gujarat bandh called on dt. 28.2.02 by VHP so maintain law & order situation	Fax message Confidential Message
8	27/2/02 8395 19:25 20:00	Log Message	Police Gandhi- nagar	All D.Pol, All CP	On dt. 28.2.02 at 8:00 a.m. Reporting every 2 hrs to Home control room on tele no. 3252957, 3221476 and Fax No. 3221008 and if any incident occurs report first.	Format, Log Message
9	27/2/02 8396 10:40 a.m.	C/D-2/ Takedari/ 173/ 02	Add. DIG (Int.) Gandhi- nagar	All CP, All ACP, All West Pol., Vadodara Police, Gandhi- nagar, SIB, All Pol (Int.) Vision,	They were shouting slogans in the train during travel from Ayodhya to Ahmedabad. After incident of 27/2/02 Godhra train burning keep police bandobast.	Fax message
10	27/2/02 8397 11:42 p.m.	C/D-2/Com/ Takedari/ /02	Sanjiv Bhatt Add. DGP Gandhi- nagar	All CP, All ACP with Western Railway, All DGP Range, Police Gandhi- Nagar, PS to MOS Home, Gandhi- nagar	Gujarat bandh called on dt. 28.2.02 by VHP so maintain law & order situation	Fax message Confidential urgent
11	27/2/02 8413	LIB/326/2002/	D.Pol Surat Rural	PI, Bardoli All C.Pol	All staff alert with lathis, weapons, helmets with uniform for bandobast	Wireless message, Without format
12	27/2/02	LIB/ Bandobast/	D.Pol	PI, Bardoli	Gujarat bandh called on dt.	Wireless

	8417 /2002	Surat Rural	All C.Pol, PI LCB, C.Pol traffic, All D.Pol, All CPI	28.2.02 by VHP so maintain law & order situation, guidelines.	Message
13	27/2/02 8441	SCR/623/ 2002/ 27/2/02		All CP All D.Pol West Pol. Vadodara Circle, All Range PI	Regarding incidents of 27/2/02 made detailed register about offence occurred with Hindu- Muslim's murder and injuries reported in FIR. Assembly started then send information immediately.	Time not shown

Annexure IV File XXI : Message Date 27/02/2002

Sr	Message Date/ Page No./ Time	Message No.	From	Sent to Whom	Message Instruction	Remarks
1	27/2/02 8737 20:25	Log message	Police Gandhi- nagar	All CP All Dis Pol.	Preventive action to be taken so no communal reflection takes place and also take preventive action so no serious incident occurs. Reporting every 2 hrs to Home control room on tele no. 3252957, 3221476 and Fax No. 3221008 and if any incident occurs report first.	Format, Log message
2	27/2/02 8750-8752	LIB/326/2002		-Dy.P.O, Ahwa -H.D. Ahwa -P.C.I. Ahwa - Dy.SP Ahwa -CPI, Ahwa	Godhra communal train burning incident in Dang district does not have any reaction following the instruction given mainly for - Madarsa in both the police station, mosque, built on the	Time not shown, Format

					armed police - 28.2.02 5:00 o'clock in the morning of the continuous mobile patrols to keep - VHP, Bajrang staff, kar sevaks from a reaction to be sufficient to alert- All district police men stand to in public and be alert - Both pol. Stat. and LCB have to keep watch on communal-minded peoples and take action if any doubt.	
3	27/2/02 8753-8754	LIB/Guj. Bandh/ 329/2002	Dis.Pol. Dang, Ahwa	-C. Pol Ahwa, Vadhai -S.P.O. Ahwa, Dang -CPI, Ahwa - Dy.SP Ahwa -CPI, Ahwa	- The law and order situation remains tense, any unwanted incident should be watched for, additional policemen beware, it is not required to immediately report to be sent to office -Between 8:00 p.m. on 28.2.02 kheriyat about every 2 hrs from reporting to the police control room should Ahwa	Time not shown, Format
4	27/2/02 8805 14:50	-	PI/ LIB/ Por- bandar	DYSP City, DYSP Rural, DYSP HQ, CPI Ranawav, All Po. Sta.	The law and order situation remains sustained any unwanted incident and additional policemen beware.	Without Format
5	27/2/02 8806 Confidential	LIB/bandh/ 535/02	DYSP Por- Bandar	All DYSP, All PI Porbandar, PSI traffic, Control	Maintain law & order situation, guidelines. Keep patrolling and take action against antisocial elements.	-

				In-charge		
6	27/2/02 8832 19:25 21:15	NR/46	Police Gandhi- nagar	All CP, All Dis Pol.	Maintain law & order situation.	
7	27/2/02 8885 11:36 11:50	SCR/89/02	Police Gandhi- nagar	All CP, All Dis Pol. West Pol. Vadodara	Maintain law & order situation.	Without format
8	27/2/02 8886 21:55	LIB/ control room	Police Gandhi- nagar	All CP, All Dis Pol.	Between 8.00 p.m. on 28.2.02 kheriyat about every 2 hrs from reporting to the police control room should be sent	Log message, Without format
9	27/2/02 8889 00:05 00:15	SCR/624/02	Police Gandhi- nagar	All CP, All Dis Pol., All Range In- charge	Preventive action to be taken so no communal reflection take place and also take preventive action so no serious incident occurs.	Without format, Wireless message
10	27/2/02 9009 11:30 12:55	SCR/589/02	Police Gandhi- nagar	All CP, DSP, All Dis Pol.,	To take preventive action in your areas against a reaction to kar sevaks being injured at Godhra who are from Ahmedabad city, Mehsana, Vadodara, Sojitra, Anand.	Without format, Wireless message
11	27/2/02 9057 Fax message 11:15	SCR/588/02	Police Gandhi- nagar	Police Commi. Ahmedabad, Vadodara, SP Western Railway Vadodara, Vadodara Rural, Anand, Kheda, Ahmedabad Rural	Keep police bandobast at your areas' railway stations where the Sabarmati train arrives en route from Godhra to Ahmedabad and take preventive action.	Without format, Wireless message

Excerpt from the Gujarat Police Manual (Chapter II) on the Maintenance of Order and Prevention of Violence.

CHAPTER II

MAINTENANCE OF ORDER

44. District Magistrate's Responsibility.—The District Magistrate is responsible for the peace of his district, and he should report any serious interruption of it to Government. A copy of every such report should be sent to the Inspector-General of Police.

(G. R., J. D., No. 6577, dated 27th September 1900 and G.L., H. D., No. 87/3-I, dated 30th June 1954)

45. Prompt reports to Government relating to riots.—(1) In order that Government may have the fullest and earliest intimation of the occurrence of any serious riots, District Magistrates should immediately report any such occurrence within their districts by telegram to the Government of Gujarat, Home Department (Special), and in doing so, should give information, as far as possible, on the following points :—

- (i) The origin or cause of the riot.
- (ii) The persons or class of persons who began it.
- (iii) The course of the riot.
- (iv) How it terminated or was suppressed.
- (v) If suppressed by force, by what force and how; and if resort was had to fire-arms for its suppression, what cartridges were used; and particularly whether the orders of Government against the use of blank cartridges were observed.
- (vi) If military force was used, how many soldiers of the Indian Army were called out and whether to disperse the rioters or to arrest and confine any of them or to maintain order after the riot.
- (vii) The condition of the place and the feeling of the population on the termination of the riot, whether further disturbances are expected and whether adequate precautions have been taken.
- (viii) The number of killed and wounded.

(G. C., J. D., No. 8423, dated 4th December 1895)

(2) While submitting report as above on main incidents, reports on connected or ancillary incidents should also be furnished. As an example, if a person arrested in a riot happens to sustain injury due to whatever reasons while in Police custody, report on the circumstances under which the injury was sustained, action taken if any, and likely repercussions of the incident, if any, should also be furnished.

(I. G. P.'s Cir. No. G/1909/1609 dated 30th October, 1972)

46. Special reports of important events.—(1) (a) All matters of the kind specified below should be immediately reported to Government in the Home Department by "priority" signal or telegram :—

- (i) Riots which involve a serious breach of the public peace. (In reporting, the instructions issued in the preceding Rule should be closely followed).
- (ii) All collisions between Foreigners of all classes and Indians, including shooting accidents but excluding alleged assault of any kind regarding which there is no confirmation and assaults of a positively insignificant character.
- (iii) Outrages which have a political aspect, including any act of violence or attempted violence directed against persons in authority or connected in any way with factious associations or class agitation.
- (iv) Every serious encounter with dacoits in which the Police or other persons in authority are wounded or killed, even though the case is being dealt with by the ordinary Police force and does not indicate any likelihood of any dangerous outbreak of crime.

(v) All other events which have a political or administrative importance, such as strikes.

(b) All wireless messages or telegrams about any agitations, riots, communal disturbances, Police firings, cane charges, Gharaos, students unrest, etc., addressed to HOMSEC, should also be repeated to the Minister (Home) and the Deputy Minister (Home).

(G. L., H. D. (Spl), No. SB. I/POI. 1068, dated 23rd September 1968)

(c) Whenever any offence is likely to attract attention of the press/public, all relevant details should invariably be furnished as precisely as possible in a signal so that fairly correct idea of the available facts can be gathered by the Inspector-General of Police. When the motive for the commission of any offence is not known at the time of the despatch of such a signal, the same should be intimated by a further signal as soon as it is disclosed.

(I. G.'s Cir. No. G/1909/73/1659, dated 24th April, 1973)

(2) The preliminary signal/telegraphic report should invariably be followed by a further report by post, supplementing or correcting the former, as fuller information becomes available. If all details have been sent in the telegraphic report or signal, it is not necessary to follow it up by a postal report.

(3) In cases which come under the head of "Outrages which have a political aspect", the local civil officer should, even when no military officer, soldier or follower is concerned, send an intimation of the occurrence to the Officer Commanding the station, if troops are stationed there, or to the General Officer Commanding the district if no troops are so stationed, even though the co-operation of the military authorities is not required. The detailed report addressed to Government upon any such occurrence need not be communicated by the local civil officer to the local military authorities, unless the co-operation of the latter is sought.

(4) The duty of sending reports under sub-rule (1), except para (c), devolves on the District Magistrates, who as being generally responsible for the peace and well-being of their districts, are or should be at once placed in possession of information of such occurrences.

(5) Any occurrences of the nature specified above should be reported at once to the District Magistrate, who will be the ordinary channel for conveying the information to Government; but in urgent cases and when the District Magistrate cannot at once be communicated, with, officers must use their discretion as to reporting direct to Government in the Home Department, endorsing copies to the concerned Deputy Inspector-General and the Inspector-General of Police.

(G. Rs., J. D., No. 4810, dated 13th July, 1898 and 2159 dated 23rd March 1899, G. R., G. D., No. 1987 dated 9th May 1899, G. Rs., H. D. No. 4403, dated 25th June, 1900; 6123 dated 7th September, 1900; 223, dated 10th January, 1901; 1594, dated 11th March 1901; 48, dated 4th January 1902 and I. G.'s No. 2334-A, dated 27th February 1920 and G/1927/72/1188, dated 28th September 1972)

(6) (i) As long as the disorder or the likelihood of it persists, Superintendents of Police should send to the District Magistrate a daily report regarding matters mentioned in Sub-rule (1) above. Copies of such reports should be despatched simultaneously to the Inspector-General of Police, the Range Deputy Inspector-General of Police, the Deputy Inspector-General of Police, Criminal Investigation Department (Intelligence) and the Superintendents of Police of neighbouring districts and railways and with regard to incidents mentioned in clause (iii) of sub-rule (1) to the Officer Commanding the station where troops are stationed or to the General Officer Commanding the district when there are no troops so stationed. Copies of important reports should be endorsed direct to the Secretary to the Government of Gujarat, Home Department, and in case of doubt as to its importance, an additional copy should be endorsed to the Inspector-General of Police, who will forward it to Government, if necessary.

(I. G.'s No. 2355 dated 29th April 1947, and 20th May 1948, No. 6 dated 20th February 1930 and No. 2355 dated 6th September, 1946 and 29th April 1947)

(ii) In order, however, to keep Government promptly informed of the situation in districts and to avoid unnecessary duplication of work, Superintendents of Police should consult their District Magistrates and if they consent, address direct to the Secretary to the Government of Gujarat, Home Department, and to other officers mentioned above copies of their daily reports to the District Magistrates. If the District Magistrate or other officers have any remarks to make on the Superintendent's reports they may do so by a separate reference to Government and send copies thereof to all concerned. Superintendent of Railway Police should address the report direct to the Secretary to Government, Home Department, and send copies to the Inspector-General, the Deputy Inspector-General, Criminal Investigation Department (Crime and Railways) and the Range Deputy Inspector-General concerned.

(I. G.'s No. 2355 dated 20th May 1948)

(7) The orders in sub-rules (1) to (6) above do not relieve Superintendent of Police of the responsibility of reporting by telegram or wireless such occurrences of the kind as require the immediate attention of higher authority.

(8) It is as important to report the imminence of riots, strikes or other forms of disorder as their actual occurrence.

(9) As regards calamities such as an earthquake, flood, fire, frost, etc., the Village Talati-cum-mantri should submit his report regarding such a calamity simultaneously to the Mamlatdar, the Deputy Collector and the Collector immediately after it occurs. In villages in which there is no Talati-cum-mantri or from which the Talati-cum-Mantri is absent on the date of occurrence of the calamity the Police Patel of the village should submit the report regarding the calamity in the same way as the Talati-cum-Mantri. If the calamity occurs in a city, the local Sub-Inspector of Police in the city should submit the report regarding its occurrence to the Mamlatdar and the Collector simultaneously.

(I. G.'s No. 8787-A dated 26th June 1916 and A. C. dated 12th May 1921 and G.C., P. & S.D., No. 2266/34, dated 6th February 1941).

(10) If there is a doubt as to which of two officers should report an incident, both should send such information as may be available, in order that the risk of delay may be avoided. For instance, if the Magistrate of a district where troops are stationed should receive intelligence of an affray in which they were concerned even beyond the limits of his jurisdiction, he should acquaint Government without loss of time with the facts as brought to his knowledge, though the responsibility of the local authority for compliance with the standing orders will not be affected thereby.

(G. C., H. D. No. 924-29-Conf., dated 25th January 1921).

47. **Strikes and lockouts.**—(1) All District Magistrates, the Commissioner of Police, Ahmedabad City and the Superintendent of Police, Western Railway, Baroda, should submit to the Secretary to Government, Education and Labour Department, Sachivalaya, Gandhinagar, a report in Form No. 1 of Appendix I (with a separate report for each strike or lockout) immediately on the occurrence of the strike or lockout within their respective jurisdiction.

(2) Wherever the situation is likely to become serious, the District Magistrate concerned or the Commissioner of Police, Ahmedabad City, should send a report to the Minister of Labour, Government of Gujarat, as also Secretary to Government, Education and Labour Department, Gandhinagar, by telegram.

(3) The Commissioner of Police, Ahmedabad City, should send daily reports to the Minister of Labour direct in case of every strike/lockout in his jurisdiction and during the pendency of the strike/lockout. Post copies of these reports should be sent to the Secretary to Government, Education and Labour Department, unless the case falls under sub-rule (2) in which case telegraphic reports should be sent to him.

(4) Similar reports should be sent about any apprehended or threatened strike/lockout affecting 100 or more workers.

An apprehended strike means a situation in which the Government authority, the employers or the employees' organisation in an industrial area has reason to believe that a strike would, in all probability, materialise. A threatened strike means a situation in which the employees either through their organisation or acting by themselves, make their intention to go on strike known to the appropriate authority either by giving a notice of strike or by oral intimation.

(5) The reports mentioned in sub-rules (1) and (4) above, should be sent confidentially and should be followed by subsequent daily reports showing the trend of events until the strike or lockout is ended. The end of every strike or lockout other than one involving less than ten workers should be communicated by telegram.

(6) Copies of the reports sent to the Secretary, Education and Labour Department, in the prescribed form, should be sent to the Minister of Labour with the least possible delay and also to :—

The Secretary to Government, Home Department (Special);

The Commissioner of Labour.

The Deputy Commissioner of Labour, C/o Office of the Commissioner of Labour.

The concerned Assistant Commissioner Labour, Ahmedabad/Baroda/Surat/Rajkot/Bhavnagar (in whose jurisdiction the strike/lockout has occurred).

(7) Copies of reports of strikes/lockouts in respect of organised industries in public or private sector should also be sent to the Industries Commissioner.

(8) Copies of reports of strikes and lockouts which involve 1000 or more workmen may be sent direct to the Secretary to the Government of India, Ministry of Labour Employment and Rehabilitation, New Delhi, and the Director, Labour Bureau, Simla, in the prescribed form. Information by telegram may be sent to the Government of India, in cases where intervention by the Government of India may be possible or necessary.

(9) In case of a railway strike, the Superintendent of Police, Western Railway, should send a copy of his report also to the Inspector-General of Police, Gujarat State.

(G. C., E. & L. D. No. IDA-1070/C/287-JH, dated November 1972).

(10) All Superintendents of Police should report at once to the District Magistrate any occurrence of the nature specified above. The District Magistrate will be the ordinary channel for conveying the information to Government; but in urgent cases and when the District Magistrate cannot at once be communicated with, Superintendents of Police must use their discretion as to reporting to Government direct.

(11) A copy of the report submitted by the Superintendent of Police to the District Magistrate should be despatched immediately to the Inspector-General of Police, the Range Deputy Inspector-General of Police and the Deputy Inspector-General of Police Criminal Investigation Department (Intelligence).

48. Reports regarding hunger-strikes of prisoners.—(1) Information regarding prisoners (including under-trial prisoners) and detenus, whether political or otherwise, going on hunger strike, should be communicated to Government by District Magistrates or Superintendents of Police *immediately* by wireless.

(G. C., H. D., No. S/90-C, 3484, dated 13th August 1948).

(2) Refusal to take food or "congee" or other nourishment by prisoners (including under-trials and detenus) for less than 24 hours should not be treated as hunger strike and in such cases no report need be sent to Government. If, however, the prisoners continue to refuse to take food etc., after 24 hours, such refusal should be treated as hunger-strike and the usual reports should be sent to Government immediately by wireless.

(G. L., H. D., No. S/90/C-3765-C, dated 29th September 1952).

49. Police action during industrial unrest.—The following orders should be followed by the District Police on the occurrence of trouble among the labouring classes which tends to or may eventuate in a strike :—

(1) As a general rule, trouble among the labouring classes is due to economic causes and when a strike actually occurs, it is the primary duty of the Police to preserve law and order and not to interfere in or arbitrate on the economic issues which may be involved.

(2) In particular, it is the duty of the Police, (a) to prevent breaches of the peace, (b) to secure the safety of property, (c) to secure the safety of non-strikers; (d) to deal with any cognizable cases of which they may obtain information, and (e) to obtain information on the points referred to in Sub Rule (5) below.

(3) With a view to carry out the first three of these objects the Sub-Inspector or, if the city is in charge of an Inspector or Sub-Divisional Officer that officer shall give the earliest possible warning to his Superintendent of the likelihood of a strike in his charge and the earliest possible intimation of its occurrence, should it eventuate. The report should supply details of the number of men affected, the causes of the strike and the extent of disorder anticipated. The Superintendent will then take such steps, as may be necessary to secure the objects set forth in clauses (a), (b) and (c) of Sub-Rule (2) above. Should the Police of the district be insufficient to cope with the situation, the Superintendent should apply to the Inspector-General for drafts from other districts or, in emergency, direct to the Superintendent of the nearest district Headquarters for assistance.

(4) With reference to clause (c) of Sub-Rule (2) above, it is to be remembered that peaceful picketing to prevent by persuasion, as distinct from force or intimidation to non-strikers from resuming work, is not an offence, unless the persons prevented from their work are public servants within the legal definition of the words.

(5) With reference to clause (e) of Sub-Rule (2) above it is the duty of the Police to ascertain the political issues which may underlie or possibly dominate the economic causes of the strike. Information on the following points should be carefully collected :—

- (a) The names of any instigators of the strike not directly interested in its avowed economic objects.
- (b) The extent to which such instigation is responsible for the strike.
- (c) Communication and concert of action with the leaders of other strikes.
- (d) The fullest possible information regarding the direct and indirect causes of strikes that may be avowedly political.
- (e) The existence of literature inciting to strike.
- (f) The probable local political effects of the strike.
- (g) The numbers of strikers and the classes to which they belong.

(G. L., H. D. SD 62, Dated 14 January 1921.)

(6) On the occurrence and during the continuance of a strike, the Superintendent of Police will submit to the District Magistrate daily a report on all developments, containing all available information on the foregoing points. Copies of the report should be sent to the Inspector-General of Police, the Deputy Inspector-General of Police, Criminal Investigation Department (Intelligence) and the Range Deputy Inspector-General of Police.

(G. L., H. D. No. SD 62, dated 14th January, 1921 and I. G.'s No. 2334-A, dated 27th February 1920).

50. Police action during railway strike and other eventualities on railway.—Schemes for different occasions including strikes have been incorporated in the (i) Police Railway Security Scheme, (ii) Western Railway (Strike Scheme) and (iii) Police Railway Strike Scheme, which are being revised and brought up-to-date from time to time. All Police Officers should get themselves conversant with all the instructions contained in these schemes so far as their limits are concerned and should be ready to face any eventualities likely to occur in any part of the Western Railway without loss of time.

51. Maintenance of law-order during general Elections.—It is necessary to make sure that all candidates are able to hold their Election meetings peacefully. Necessary Police arrangements should be made to ensure that Election meetings are not broken up by mischievous and rowdy elements and those who indulge in the mischief should be tactfully but firmly segregated and advised not to cause further disturbance under pain of being proceeded against the relevant Sections of Bombay Police Act, Indian Penal Code, and/or the Representation of the People Act, 1951. If there is likelihood of parties, which do not hope to get much support, trying their best to create disturbances before the Election, it should be for the Police force to make sure that they do not succeed in this. It should be seen that the minorities which may be harassed in the exercise of their freedom of vote are given full protection. It is necessary to make thorough arrangements for peaceful voting on the day of General Elections. The Commissioner of Police and the Superintendents of Police should contact the Returning Officers in their areas and obtain information of the places where polling booths are to be erected, and then decide what Police arrangements are necessary. All shouting of slogans in or near the polling booths should be prohibited. It should be seen that each person is able to vote as he likes and he is not interfered with in any way by persons working for any of the candidates or parties. The Police have the power to search voters to make sure that they do not take away the voting paper with them, and this power should be used in suitable cases as it is one of the commonest election mal-practices to take away the voting paper and to sell it to representatives of the candidates. A few judicious searches of persons leaving the polling booths should set the matter right.

(G. C. L., H. D. No. SD-1053, dated 20th November 1957 and G. C., H. D. No. SBI/RAF-1057, dated 14th December 1957).

52. Instructions for the guidance of officers in regard to communal disputes about processions on public roads or at public places.—(1) The public have a right to pass in procession with music along public roads and places. This right is, however, subject to the known rights of any community or individuals and to the exigencies of law and order.

(2) When the respective rights of the parties concerned are the subject of a judgment of a competent Court, or of an award of a recorded compromise, these should be strictly respected and enforced. In the absence of such clearly defined rights, the practice prevailing over a number of years should be upheld; any orders regularly passed by authorities over a

period of over seven years should not be departed from in such cases, except where there is clear and unambiguous evidence of a contrary practice in the past. In regard to religious processions like Moharrum, Ganapati, Dasara, Rath-yatra, etc., unless any requirements of decree of legal order are to be complied with, they should try and adhere, as far as possible, to the customs with regard to routes, etc., and not make any departure except with the previous sanction of Government.

(3) Where the record of the past gives no certain guide or where it is necessary to regulate a new procession, in order to respect the sentiment of Muslims, no music or loud noise should be permitted in front of a mosque and for about 45 meters on either side of it *only during prayer time*. Such prohibition is not necessary with respect to Hindu temples, because Hindu sentiment does not require it.

(4) The fundamental need is to see that the rights and long-standing practices clearly recognizable are allowed to be exercised without being affected by any threats of force or intimidation. All communities must be clearly made aware of this position and should be given no impression that anything could be gained from officers, by insistence or by the show of force, or that the officers are siding with any particular party on the merits of a dispute. Officers should refrain from any conduct which may possibly be construed as a departure from this policy. Thus officers should not discuss the merits of a dispute with the parties, either separately or jointly, with a view to arriving at a settlement thereof. There is, however, no objection to making all parties aware that any settlement or compromise arrived at by themselves would be respected.

(5) If it is apprehended that the enforcement of the approved practice, with respect to any procession will lead to a breach of the peace, it is the duty of the officers concerned to take adequate precautionary measures.

(6) Such precautionary measures would include action on the following lines :—

(a) The responsibilities of leaders on both sides in the matter of the maintenance of law and order should be stressed at a preliminary stage.

(b) Any newspapers carrying on communal propaganda should be warned against indulging in any action likely to lead to further disagreements between the communities; if it becomes necessary, orders may be passed against them in this matter under Section 144, Criminal Procedure Code.

(c) If the situation makes it necessary, sufficient additional Police may be requisitioned from the Inspector-General of Police.

(d) Before the situation becomes serious, persons likely to commit a breach of the peace should be arrested, if necessary. Care should, however, be taken that leaders of communities or aspirants for leadership are not converted into martyrs by having been arrested. After the procession has passed and the immediate trouble is over, the arrested persons should be released.

(e) If at any time it is found that mosques or temples are used for harbouring goondas or storing stones or brickbats, a search should be made preferably with the assistance of Muslim or Hindu Policemen, as the case may be, and persons suspected of an intention to create a breach of the peace should be arrested.

(f) The Superintendent of Police should maintain a list of religious and other places enroute of a procession where miscreants are likely to gather and have a watch on these places some days before a procession is to pass. This will help in preventing any trouble.

(I. G.'s Cir. No. G/1909/COM/72/1527, dated 20th October, 1972).

(g) The men posted at such religious places enroute should remain there till the procession passes peacefully. This will prevent any one from the religious places attacking the procession and then locking the door from inside.

(I. G.'s Cir. No. G/1909/1734, dated 14th November, 1972).

(7) No orders should, however, be passed without the prior sanction of Government if they have the effect of encroaching on the approved rights of any party.

(8) Prosecutions should not as a rule be filed except for offences involving violence.

(G.C., H.D. (POLL) No. SD-2058, dated 2nd August 1939 and G.C., H.D. (Spl.) No. SBI/DIS/1058, dated 1st November, 1958).

(9) When procession, either religious or others, are taken out, the processionists sometimes indulge in shouting objectionable anti-Hindu, anti-Muslim, pro-Pak or such other slogans which might inflame communal passions and create a serious law and order problem. In such cases, the Commissioner of Police/Superintendent of Police should immediately send a detailed report to the Government and should immediately consider prosecution under section 153-A Indian Penal Code of the persons responsible for the slogans.

(G. C., H. D. (Spl.) No. SB. I/COM/1569/10566—dated 3rd February 1970).

53. Preventive measures in case of threatened communal trouble.—(1) (a) It should be impressed upon those entrusted with the task of maintaining law and order that there should be no sense of complacency anywhere and that utmost vigilance should be continued so far as communal incidents are concerned. It should be ensured that the sources of intelligence should always be kept on the alert. All officers concerned should pay personal attention to even the smallest incident of a communal nature that may come to their notice or reported to them, so that timely action could be taken to scotch the trouble effectively at the very beginning. In respect of communal activities or actual communal disturbances, there should be no hesitation to take the most stringent action necessary, from the very beginning, and to take recourse to the powers provided under the law. It is imperative that the authorities concerned should eschew any tendency towards slackness at the very early stages of developing tension or trouble and they should take adequate preventive measures at the earliest stage instead of waiting for an actual flare up.

(b) Timely and adequate notice should be taken of any intemperate and inflammatory public utterances as well as writings which foment communal disorder or promote tension and communal disharmony and prompt action according to law should be taken, wherever necessary.

(G. C., H. D.; (Spl.), No. SB. I/COM. 1069/1070 dated 20th December 1969).

(2) (i) The system of intelligence should be built up and improved so that (a) the activities of individuals directed to acerbating communal feeling should be watched and when necessary, appropriate action taken and (b) information is received in time in respect of even minor incidents, meetings likely to lead to breaches of the peace, etc.

(ii) Immediate enquiry should be made by a responsible officer even in respect of minor incidents having a communal aspect so that precautionary measures can be adopted and suitable action taken against any mischievous elements.

(iii) Special vigilance should be exercised in respect of villages or towns having a communal history or where in the recent past, incidents have taken place.

(iv) Protection should be afforded to communities which may be the subject of harassment or boycott. Efforts should be made to compose differences between the communities, and Peace Committees established, if necessary.

(v) Prompt and impartial investigation should be made and the wrong-doers brought to book quickly. This will help to restore confidence in the minority community if it happens to be aggrieved party.

(G. C., H. & C.S.D. (Spl.), No. SB. I/FIR. 1061/C-7475 dated 15th April, 1963).

(vi) The Government has issued instructions to all the Field Officers under various Government Departments, Panchayats and also other social and cultural organizations that they should once contact the nearest Police Station Officer whenever they notice any signs of communal trouble brewing or tension etc., which in their view are likely to develop into a major communal incident and give all the available information that they have. All the Police Officers should, therefore, remain in close contact with such Field Officers or social workers and utilise them for securing information and intelligence about communal tension.

(G. Ls. H. D. (Spl.), No. SB. I/COM. 1067/9409 dated 28th November 1967).

(3) It is not necessary to invoke the provisions contained in Section 4 of the Arms Act, 1959, as there is already adequate provision in Section 37 of the Bombay Police Act, 1951, for imposing a ban on carrying of arms, lethal weapons, sticks, lathis, or any other article, which may be capable of being used for causing physical violence etc., as and when found necessary by the local authorities, as a preventive measure. However, the provisions contained in Section 4 of the Arms Act, 1959, should be kept in mind by the local authorities and they should move Government for issuing a notification under this section for imposition of licensing restrictions for acquisition, possession or carrying of arms other than fire-arms, if the circumstances so demand and only when it is felt that use of Section 37 of the Bombay Police Act, would not be effective.

(G. C. L., H. D. (Spl.), No. SB. I/COM/1069/12054, dated 29th December 1969).

(4) There should be no hesitation in arresting *goondas* at the earliest apprehension of a disturbance of communal nature or otherwise as a measure of preventive action. It is essential that the list of *goondas*, who are either themselves communal-minded and are, therefore, likely to incite communal passions, or are not themselves communal-minded but are, however, prone to take advantage of any communal trouble for their own nefarious purposes like looting property, molesting women, taking their private revenge, spreading terror among neighbours with a view to extorting money etc., is kept upto-date and is revised every six months. The Superintendents of Police/Commissioner of Police should see that this list is kept upto-date.

(G. C., H. D. (Spl.), No. S.B.I/COM. 1069/ 12055 dated 15th December, 1969).

(5) Over and above the list of *Goondas*, another list of persons of extremist political workers and communalists who do not necessarily come under the category of conventional "*Goondas*" because of the lack of previous convictions and other requirements, but who are likely to instigate and incite people against members of the other community or likely to exploit incidents between two communities should also be prepared for action, should any communal trouble break out. It is really this class of persons, who pose a greater threat during communal trouble. Though they themselves largely remain in the background, they play a mischievous and dangerous part in inciting in others rabid communal frenzy, as such agitations gather momentum. This list should be prepared with utmost care, scrutiny and in consultation with the District Magistrate and Superintendent of Police/Commissioner of Police.

(G. C., H. D. (Spl.), No. SB. I/COM/1070/7023 dated 4th July, 1970).

(6) (a) All officers should impress on their subordinates the necessity to choose the proper type of people to assist the Police in easing all communal tensions and specifically to avoid known bad elements even if they proffer their good offices.

(I. G., D.O. No. G/1509/2190, dated 8th October, 1971).

(b) The Police should have a list of respectable and reliable citizens and the local Police should be in touch with them occasionally so that when the need arises, the assistance of such people can be availed of for restoration of peace or prevention of riots or maintenance of harmony between the communities.

(G. C., H. D. (Spl.), No. S.B. III/COM. 1072/5060 dated 6th February 1973).

(7) Whenever the atmosphere is vitiated by communal writings and speeches, prompt and adequate action should be taken against those responsible, so as to nip the mischief in the bud. Sections 153-A, 295 and 295-A of the Indian Penal Code and the Preventive Sections of the Code of Criminal Procedure can be invoked to deal with those responsible for prompting communal hatred and the Maintenance of Internal Security Act can also be used in appropriate cases. Half-yearly reports of the action taken, if any as herein stated should be submitted to the Government through the District Magistrate.

(G. L., H. D. (Spl.), No. S.B. I/HMR/1057-I, dated 19th January 1957 and G. C., H. D. (Spl.), No. SB. I.P./35 dated 10th September 1959).

(8) (a) Whenever there is an occasion to proceed against an editor or a manager of a newspaper for offences committed by him in his capacity as the editor or the manager of the paper, Government orders should be obtained immediately before proceeding against him, except in communal matters as specified hereunder.

(G. C., G. A. D. (Home), No. MIS.1060-N, dated 2nd August 1960).

(b) A close watch should be maintained on the writings in the newspapers, periodicals, magazines, etc., and if any publication is found indulging in writings promoting enmity between different sections of the people, necessary action should be taken under section 153-A or 295-A of the Indian Penal Code. The powers under section 196 of the Criminal Procedure Code have been delegated to all the District Magistrates/Commissioner of Police, in order to make it possible for them to take prompt action in the matter.

(c) The District Magistrates/the Commissioner of Police should see that whenever communal and provocative speeches are made, suitable warning should be issued to the person(s) concerned, whatever may be his political status, that strict action will be taken according to law and that Government would not tolerate such activities. If the warning has no desired effect, action according to law should be taken. Whenever such warnings are issued, a report should be made to Government immediately.

(G. C., H. D., (Spl.), No. SB. I/COM/1068/2677 dated 28th June 1968).

(d) The activities of communal bodies and their fanatical leaders should be kept continuously under close watch and whenever any objectionable and actionable activities come to notice, the fact should be reported to Government and action according to law should be taken against them, if their activities are likely to endanger communal harmony.

(G. C., H. D. (Spl), No. S.B. I/COM/1068/4688 (ii) dated 28th August 1968).

(9) (a) All officers should carefully scrutinise the writings in the newspapers in order to find out whether they publish (i) exaggerated news and alarming head lines about communal disturbances at any place in India or Pakistan, (ii) views likely to arouse communal passion and feelings of enmity and hatred between different classes, or (iii) deliberate and malicious writings intended to outrage the religious feelings of any class of citizens.

(b) Whenever any such objectionable matter is noticed in any paper or periodical, they should take appropriate measures as under :—

(i) The editors and publishers concerned should be called by the Commissioner of Police/District Magistrate and explained the harmful consequences which such "slanted" news or views are likely to lead to, to persuade them, with all the force at their command, to see reason, and to advise them to refrain from publishing anything likely to provoke the religious animosities of any community and thereby disturb public peace. This should be done immediately any objectionable writing comes to notice;

(ii) In cases where persuasion fails, the desirability of taking action, under the Maintenance of Internal Security Act or the Indian Penal Code, may be considered;

(iii) A watch should be maintained on leaflets, pamphlets or booklets in which the writers indulge in communal writings of an inflammatory nature.

(c) Another source of communal hatred which has to be guarded against is the inciting or alarming speeches that may be delivered by some political or religious leaders. Such speeches have a very dangerous potentiality. Whenever information is received that such a gathering or meeting is likely to be held either of Hindus or Muslims, the Commissioner of Police/District Magistrate should call the leading persons who are likely to make speeches and advise them to exercise restraint in their speeches and make the speakers realise the likely adverse reaction if they choose to indulge in unrestrained utterances.

(G. C., H. & C. S. D. (Spl), No. SB. I/COM.1164/586 dated 15th April 1964).

(d) If any news or views in the press are considered objectionable and are required to be brought to the notice of the Press Council for action as visualised under the Press Council Act, 1965, the full details of such objectionable news and views should be furnished to the Government in the Home Department.

(G. L., H.D. No. BAP. 1467/30-A, dated 21st March 1967).

(10) It is necessary to keep close watch on the writings in the newspapers and on public speeches. It is equally necessary to prevent particularly the misuse of wall-boards and posters for this purpose. The District Magistrates and the Commissioner of Police, Ahmedabad City have been authorised to take action under section 153-A and 295-A of the Indian Penal Code against those who promote or attempt to promote communal disharmony by their writings or by their speeches and that it is not necessary to obtain prior approval of Government, except in the case of following newspapers :—

- (1) Times of India (Ahmedabad)
- (2) Indian Express (Ahmedabad)
- (3) Western Times (Ahmedabad)
- (4) Jansatta (Ahmedabad & Rajkot)
- (5) Sandesh (Ahmedabad)
- (6) Gujarat Samachar (Ahmedabad)
- (7) Prabhat (Ahmedabad)
- (8) Lok Satta (Baroda)
- (9) Phoolchhab (Rajkot)
- (10) Gujarat Mitra (Surat)

(G. C., H. D. (Spl), No. SB. I/CCM.1070/6172 dated 14th July 1970).

(11) All officers should keep in mind that the Police are not partisans in any such affairs and their sole aim should be to ease tensions and not to create them or try to take punitive action themselves. Even when events are forced on them and they have to act, they should act with decorum, decency and without hurting the religious susceptibilities of various communities, e.g. if a temple or a mosque is to be entered, one has to take off one's shoes; while inside a mosque, one has to cover his head, etc. and when religious gatherings meet in contravention of any law or local rules, it is always better to wait for the gathering to end before considering action. All officers should impress upon their subordinates the need for tact in dealing with such situations and to do nothing themselves which would rightly or wrongly incense the feelings of the people.

(I. G.'s Cir. No. G/1909/2189 dated 8th October, 1971).

54. Integration Committees and Moholla Committees.—(1) Integration Committees.

(a) Permanent *Integration Committee* or "*Ekta Samiti*" should be constituted at the District level in each district and also in important cities such as Ahmedabad, Baroda, Surat, Rajkot, etc.

(b) (i) *Composition in Districts.*—The District Magistrate should be the Convenor of the District level Integration Committee. The Superintendent of Police, the District Development Officer and the District Educational Inspector should be other official members. The non-official membership should consist of the respective Members of Parliament, Legislature and about ten other public spirited persons representing different sections of the population. The total strength of the committee should normally be 25. However, wherever found necessary and expedient, the District Magistrate may raise the membership upto 30.

(ii) *Composition in Ahmedabad City.*—The composition of the committee for Ahmedabad City shall be as under :—

(1) Mayor	Chairman.
(2) Deputy Mayor	Vice-Chairman.
(3) Municipal Commissioner	Member.
(4) Commissioner of Police	Member.
(5) Commandant-General Home Guards	Member.
(6) Deputy Commissioner of Police, Headquarters	Member Secretary.
(7) President, Mill Owners' Association.	Member.
(8) President, Gujarat Chamber of Commerce and Industries.	Member.
(9) President, Ahmedabad Textile Labour Association.	Member.
(10) Prominent citizens (including Members of Parliament & Members of Legislative Assembly.) educationists, social workers and leaders of political parties to be selected by the Commissioner of Police in consultation with the Mayor.	

(G. C., H. D. (spl.), No. SB. III/COM. 4072/5616, dated 2nd January 1973).

(iii) Similar Committee should also be constituted for important cities and places like Surat, Baroda, Godhra, Palanpur, Amreli, Petlad, Rajkot and Veraval. If such Committees are considered necessary at any other places or towns the District Magistrate is free to constitute them keeping in view the communal history of that place.

In the cities, the Mayor or the President of the Municipality should be the Chairman of the Committee. The District Magistrate and the Superintendent of Police should be the members of this Committee. Public spirited persons representing various sections of the population including Commerce, Industry and Labour shall be other members of this Committee. Members should be selected in such a way as to represent all important localities of the town. The strength of the Committee may vary from 20 in the smaller cities to about 40 in the case of Ahmedabad City. The composition suggested in respect of the Committee for Ahmedabad City may serve as model for other city Committees.

(iv) The term of appointment of the non-official members should be of two years or till the Committee is reconstituted whichever is earlier.

(v) Where District level Peace Committees on *ad hoc* basis have already been constituted, they should be abolished and their place should be taken by the new permanent district level Integration Committees. This holds good also in respect of Ahmedabad and other important cities and places where Integration Committees or *Ekta Samities* are to be constituted on a permanent basis.

(vi) The Convenor or the Chairman of the Committee should see that the Committee meets regularly and performs the tasks envisaged for it. The Committee should meet at least once in a quarter. The secretariat services for the District Committee will be provided by the office of the District Magistrate and for the City Committees by the Municipal Commissioner or the Chief Officer of the Municipality, as the case may be.

(vii) A copy of the order constituting these Committees should be sent to the Government. Copies of the minutes of all the meeting of these Committees, whenever held, should also be sent to the Government soon after the meetings are held.

(G. C., H. D. (Spl.), No. S.B.III/COM.4070/449, dated 25th June 1971).

(c) (i) *Functions.*—These committees should continuously work for communal harmony, and should go into the factors responsible for the creation of tensions and should associate their work with other voluntary organisations like the Gandhi Peace Foundation and help the District administration in maintaining harmony between different castes and groups. Their functions should also include the holding of advance consultation with leaders of religious groups to ensure peaceful celebration of festivals and other religious observances of different communities and should endeavour to promote joint participation by all communities in the festivals and other religious observances.

(ii) In those districts and areas which are communally sensitive, a list of festivals should be prepared and preparations made in advance by the District Committees and Moholla Committees for joint celebrations in a peaceful and harmonious atmosphere.

(iii) It would be desirable if the members of the District Committees make it convenient to meet the members of the Moholla Committees occasionally and thus be in touch with the local situation and trends.

(G. C. H. D. No. S.B. III/Com/4070/449-II dated 30th December 1972).

(d). The members of the District/City Integration Committees should be issued badges by the District Magistrates/Commissioner of Police. The badges should be, as prescribed by the Government, on a piece of coloured cloth and should be kept with the District Magistrates/Commissioner of Police to be distributed to the members when the need arises. The District Magistrates/Commissioner of Police should take adequate precautions against fictitious badges being made by some people. The expenditure on preparing the badges should be met by the District Magistrates/Commissioner of Police from their own grants.

(G. Cs., H. D., No. SB. III/COM-4070/449-II dated 30th December 1972).

(2) The formation of *Moholla Committees* is very useful especially for areas which have substantially mixed population and the existence of such committees may result in localisation of quarrels that may arise between members of the communities, which otherwise have a tendency to spread. Immediate steps should therefore be taken to constitute Moholla Committees for Mohollas, in important towns which have a substantially mixed population. The functions of these committees would be to see that conditions are not created which will disrupt the harmony of the residents of that Moholla and to see that no large scale failure of social and communal harmony occurs. The persons selected for these committees should be respectable men who wield influence on the members of their community and whose advice would be listened to and acted upon by the residents of the Moholla. These Committees should not be large unwieldy bodies but they may consist of not more than five persons, depending upon the size of the population of the Moholla. Members of several Moholla Committees in a town or city may also meet occasionally to discuss problems common to them. These Committees may also seek guidance from the local Peace Committee wherever it is constituted. Such Moholla Committees should particularly be constituted in places where friction between the two communities had occurred in the past. The list of places for which such Moholla Committees have been constituted should be maintained by the officer concerned in the Police Station and the list should be revised from time to time.

(G. C., H. D. (Spl), No. SB. III/COI/ 1071/2113, dated 10th June 1971).

55. Measures to be taken during communal disturbances.—(1) *Measures to Prevent communal disturbances.*—(i) The Superintendents of Police and their subordinate officers should exercise maximum vigilance against the possibility of communal violence in any part within their jurisdiction. All possible measures should be taken with a firm hand to nip the trouble in the bud, as soon as it occurs any where, both by the Police as well as by the District /Sub-Divisional/Taluka Magistrates.

(ii) The Police should open fire at the stage where it would be justified.—It is emphasised that when resort to firing becomes essential, the firing should be as effective and purposeful as possible.

(iii) The provisions of the Maintenance of Internal Security Act and the powers of arrest under other laws should be fully and promptly utilised against trouble makers and instigators.

(iv) In order that the Police may be free and able to meet the situation effectively whenever any communal trouble breaks out, the services of Home Guards should be utilised for the routine functions of the Police such as traffic duties, etc.

(v) Arrangements should be made with the local Home Guards officers in such a way that the Home Guards can be mobilised at short notice whenever necessary.

(vi) The Government officials at all levels should take strong, determined and effective action against communal trouble without hesitation or fear. Any such *bonafide* action of any official will have the full support of Government.

(vii) The District Magistrate will be requested to advise discreetly all newspaper managements in their Districts to refrain from publishing any sensational news about communal incidents, which are likely to have adverse repercussions. For newspapers of Ahmedabad City, necessary action will be taken through the Commissioner of Information and Tourism.

(G. C. H. & C. S. D. (Spl), No. SB. I/COM. 1162/586 dated 24th March 1964).

(2) (i) While dealing with communal disturbance, the safety of life and property of every person in the country must be ensured at all costs and as such, there must be no hesitation on the part of the Police to open fire effectively on and breaking up riotous mobs or on those intent on indulging in acts of violence. All Police Officers down to the rank of Police Sub-Inspector should be made to understand this clearly that while dealing with any communal disturbance, any failure or hesitation to take such action will be punished as a grave dereliction of duty.

(ii) In dealing with communal disturbances, the degree of restraint prescribed in the foregoing rule should be dispensed with and as stated above, there should be no hesitation or failure on the part of the Magistracy and the Police to resort to firing, provided the firing is legally justifiable, and is necessary for controlling immediately the likely disturbances of a communal nature. In a disturbed communal situation, there is need for the Magistracy and the Police to act with a sense of greater urgency and decisiveness in dealing with unlawful assemblies that might attempt to attack the persons or properties of the members of the minority community and, therefore, a decision to resort to firing, where necessary, should be taken at the highest available level, i.e., the senior Police Officer/Magistrate present on the spot should decide the stage at which fire should be opened, after due and proper consideration whether the situation would legally justify firing. Firing should be resorted to only after a sufficient and clear warning is given to the unlawful or the riotous gathering, which should be ordered to disperse or desist from committing unlawful acts. It should be ensured that the firing is strictly controlled and effective but not excessive.

(iii) The District Magistrate and the local Executive Magistrate should be kept informed of any trouble brewing so that they should, on receipt of such information, give their immediate personal attention to the matter and proceed to the spot as soon as possible, if the situation seems likely to develop so as to require the use of force.

(G. C. H. & C. S. D. (Spl), No. SB. I/COM-1164/586 dated 3rd April 1964)

(3) (a) Whenever there is a communal riot or a disturbance or an affray, the Commissioner of Information, Tourism, Ahmedabad, or the District Information Officer concerned should invariably arrange to issue press notes at the end of every day in consultation with Commissioner of Police or the District Magistrate or the Superintendent of Police as the case may be, in order to give correct facts about the riot, etc., and about the action taken by the authorities and to contradict all rumours or exaggerated press reports with the least possible delay, informing the public of the correct position. Press conferences, whenever necessary, should be held to explain the events that take place and the action taken by the authorities as this would also prove very useful in combating rumours and minimising unfounded reports that may float among the public.

(b) A Committee consisting of the Range Deputy Inspector-General of Police, the concerned District Magistrate and the Superintendent of Police, and in the case of Ahmedabad City, the Commissioner of Police and one or two senior Deputy Commissioners of Police, should analyse all the major incidents of communal disturbances, riots and affrays, regardless of Police firing which may take place in their respective jurisdiction, and this Committee should submit a secret analytical report to the Inspector-General of Police, with a copy to Government for information. The Inspector-General of Police will issue general directions as and when found necessary in the light of the experience gained as a result of evaluation of such reports. The Deputy Inspector-General of Police, Criminal Investigation Department (Intelligence), should however, continue to make analytical report of the incidents of Police firing as hitherto.

(G. C., H. D. (Spl), No. SB. I/FIR.1567, dated 15th May 1968).

(4) The need for maintaining communications is all the more necessary in times of emergency like major disturbances to law and order. The Commissioner of Police/District Magistrates should, therefore, see that adequate protection is provided to the Post and Telegraphs employees and installations during disturbances so that the channels of communications remain open.

(G. C., H. D. (Spl), No. SB. I/COM. 1068/5332, dated 20th June 1968).

(5) Cases of officers and men who render prompt and valuable services in preventing or dealing with communal riots should be reported to Government, if their services are required to be recognised in any form. The form of such recognition should be recommended by the District Magistrate and the Superintendent of Police or the Commissioner of Police or the Inspector-General of Police, as the case may be, whenever considered necessary.

(G. C., H. D. (Spl), No. SB. I/POL/1968/6994, dated 24th October, 1968.)

(6) (a) Whenever communal disturbances break out, prosecutions launched against the culprits involved in such disturbances should be pursued promptly and effectively so as to get the trouble-makers convicted as quickly as possible. The Assistant Public Prosecutors or other Police officials conducting such cases should always press for the imposition of maximum possible punishment on such trouble-makers when convicted by courts. The Police should also make all endeavours to unearth the conspiracy, if any, which might have been the cause of the communal riot, so as to break it up and recover arms or ammunition if secretly collected by such conspirators in furtherance of their intention to cause riots.

(G. C., H. & C. S.D. (Spl), No. SB. I/COM. 1164/586 dated 22nd May 1964).

(b) Criminal cases filed in connection with the incidents of communal disturbances, agitations, strikes, etc. should be withdrawn only after obtaining the permission of the Government.

(G. C., H. D. (Spl.), No. S.B.I/COM.1164/5368 dated 28th February 1966).

(7) In order to enable the Government to have a full appreciation of the communal incidents, the following details should be given immediately while reporting communal incidents :—

- (i) Number of persons killed or injured (community-wise break-up to be given).
- (ii) Number of Police officers killed or injured.
- (iii) Details of loss or damage to property.
- (iv) The community which gave provocation first or resorted to violence first.
- (v) Whether there was any pre-planning on the part of the Hindus or the Muslims and whether any organisations were behind it.
- (vi) Description of the incident.
- (vii) Steps taken by the Police.

(G. L., H. & C.S.D. (Spl), No. SB. I/P.1/5739, dated 12th October, 1963).

(8) Quarterly returns of communal incidents should be sent in form No. 2 in Appendix I, so as to reach the Government by the third week of the month succeeding each quarter.

(G. L., H. D. (Spl), No. SB. I/COM/1068/9947, dated 25th October, 1968).

56. **Assaults on Police.**—(1) The tendency on the part of the public to take law into their own hands should be deprecated and put down firmly. It is necessary to create an atmosphere in favour of necessity of maintaining law and order. Courts should be urged to pass deterrent sentences against the accused of such cases. The convictions meted out to the culprits in such cases should be given wide and effective publicity, with a view to deterring people from the acts of assaulting Policemen.

(2) (i) On receipt of a complaint of assault the officer-in-charge of a Police Station should send the injured person to the nearest Medical Officer and get him examined by such Medical Officer, before taking final decision on the question whether the offence is or is not cognizable. Hasty decisions to treat the cases as non-cognizable based only on the contents in the information received, without obtaining medical opinion about the nature of the injuries inflicted should be strongly discouraged.

(ii) The Officer-in-charge of the Police Station, however, should immediately register offences without waiting for medical reports if he finds that *prima facie* a cognizable offence has been made out.

(I. G's Cir. Memo. No. 6892, dated 24th November, 1952; No. 6892-I, dated 21st April 1953 and No. 6892, dated 8th August 1957).

57. **Requisitioning of troops for quelling disturbances.**—(1) The maintenance of Law and Order is the function of the civil authority and as far as possible, this should be done with the aid of the resources available and with the reinforcements that can be obtained from the armed Police, the Central Reserve Police and Border Security Force. It is not desirable to use the troops too frequently and too long as it would adversely affect their operational training and tend to undermine their morale. Unless the civil authority have reasons to believe that the situation would be beyond the control of the Police and other forces like the Border Security Force and Central Reserve Police available to them, calling in troops would not be justified.

(2) The civil officer calling for the aid of troops in quelling a riot should do so in Form No. 3 in Appendix I. He is not authorized to interfere in any way with the formation or details of the force, the military officer being held responsible for the success of the operations to be undertaken; and it is for the latter and for him alone, to judge in what manner the troops can effect the object which the civil officer has indicated, and to direct the force in the execution of the service in which it is engaged.

(G. R., J. D., No. 7237, dated 30th October 1894).

(3) In cases in which military aid is thus requisitioned, the General Officer Commanding the Division should always be informed at the earliest possible moment of the objects and wishes of the civil authorities.

(G. R., J. D., No. 3224 dated 26th July, 1899).

(4) The civil authority, when asking for military aid to quell disturbances, etc., will indicate to the Divisional Headquarters the nature of the duties which are likely to be required and the place at which the aid is required, but should make no suggestion as regards the strength and composition of the force.

(G. O., J. D., No. 7550 dated 27th November 1917).

(5) Even when the troops have been requisitioned for the suppression of disturbances, the control of the measures remains with the civil authority. It does not imply abrogation or temporary suspension of Civil Authority. When the troops are called in to maintain law and order or for the prevention of the breach of peace, the local Police officers and the Police force do not also come under the orders of the Officer Commanding the troops.

(6) For the latest orders issued by the Government of India, explaining the circumstances in which military assistance may be requisitioned in aid of the civil power and the manner in which it should be employed, Superintendents should refer to the "Instructions on aid to the Civil Authorities by the Armed Forces; 1970", circulated to them by the Government.

(7) Members of the Indian Territorial Force should not be called out for the dispersal of unlawful assemblies, where regular troops are available on the spot in sufficient numbers.

In the absence or insufficiency of the latter, there is nothing to divest a Magistrate of responsibility for utilizing the services of members of that force under Section 130 of the Criminal Procedure Code. A Commissioned Officer of such a force, unlike a Commissioned Officer of regular troops, cannot, however in the absence of a Magistrate, take the initiative on his own authority under Section 131 of the Code. For any act done in good faith under Section 130, members of that force are amply protected by Section 132, Criminal Procedure Code.

58. Principles to be observed in opposing troops or armed Police to hostile mobs.—

(1) It should be accepted as a cardinal principle that troops or armed Police engaged in the suppression of disorder should in no circumstances be brought into such close contact with a hostile mob which greatly out numbers them as to lead to the risk of their being committed to hand-to-hand struggle. Apart from the danger of their being rushed or deprived of their arms, it is impossible in such circumstances to exercise adequate fire-control and the effect of fire at such close quarters is, therefore, likely to be unnecessarily severe.

(2) Troops or armed Police should not, if it can be avoided, be employed at a cordon to hold up a mob; this duty should be performed, whenever possible by unarmed Police or, when circumstances demand it, by a barricade. The troops or armed Police should be employed as a reserve and should be so located as to admit of the safe withdrawal of the unarmed Police, should firing become necessary, before extreme measures are adopted.

(3) The direct opposition of a large and hostile mob to a body of troops or armed Police, with no intervening cordon, is strategically unsound, because the advance of the mob must lead either to the opening of fire before it may be absolutely necessary, or in the alternative, to the withdrawal of the armed force.

(4) To ensure that due regard is paid to these principles, Magistrates who may, in accordance with the provisions of Chapter X of the Code of Criminal Procedure, have to require an unlawful assembly to be dispersed by force, should act throughout in close consultation with the military commander, or with the Police officer commanding the armed Police, should no troops be present.

(G. C., Confl., H. D., No. 3170/2, dated 15th September, 1930).

(5) In order that a Magistrate accompanying troops during disturbances may be marked out as such, he will wear on the right arm above the elbow a distinctive arm band 10 cms wide and red in colour with the letter "M" on it in blue about 6½ cms high.

(G.E., H. D. (Poll) No. S.D., 1923, dated 9th August 1937).

59. Type of ammunition to be used for Law and Order duties.—The Government have for the present decided that so long as .410 muskets are available, they should be used for normal law and order duties by the Police force. When .410 muskets are not available, the Police may use .303 rifles with ball ammunition pending clearance of modified ammunition by the Government of India.

(I. G.'s Cr. No. F/190/70/63, dated 14th December, 1970 and G. L. H. D. No. IAA: 1068-4038-C, dated 17th July, 1974).

60. Use of fire arms in dispersing an unlawful Assembly.—(1) When armed Police are employed for the maintenance of order, they will be drawn up in strict military formation, each body being under the direct command and control of a responsible officer, ordinarily of or above the rank of Head Constable. Armed Police shall, in no circumstances, save as hereinafter provided, be posted in such manner as to preclude the responsible officer from exercising direct control over every individual in the squad or platoon under his command.

If circumstances demand that armed Police should be employed on duties ordinarily performed by the unarmed Police, they should parade with batons or lathis and without arms or side-arms, or be required to pile arms in a suitable place; in the latter event a guard will be detailed and a sentry or sentries posted over the arms in the usual manner.

(G. R., H. D. No. 1032-2, dated 17th March 1927.)

(2) With a view to dispelling an unfortunate impression in the public mind that the Police have a tendency to open fire rather readily and to ensure that the Police force acts with a good deal of self restraint, the following guiding principles should be frequently and constantly emphasised, observed and explained to the subordinate police officers:—

(i) In dealing with unlawful assemblies, the Police Force should exercise the greatest self-restraint even at the cost of some suffering to them. To minimise the danger of serious injuries to policemen at the hands of the members of such unlawful assemblies they should be supplied with fibre glass/steel helmets as far as practicable;

(ii) Firing should be resorted to only when it is unavoidable in the gravest danger and as a last resort when no other lesser means would be effective. Firing should be avoided as far as possible even in cases where the police are legally justified in doing so;

(iii) (a) Tear smoke should ordinarily be used before a cane charge unless the direction of the wind or/and the character and mood of the mob suggest that the tear smoke would be ineffective and the cane charge would be the only way to disperse a mob without recourse to firing. The reasons for preferably using tear smoke are that it causes no permanent injury and can be very effective if used in adequate quantity.

(G. L., H. D. (Spl), No. SB. I/MIS.1164/9542, dated 19th June 1969).

(b) Tear gas should not be fired into closed rooms etc. because of the possible health hazards. Tear gas shells should not be fired in such areas, particularly congested areas, where it is likely to enter ill-ventilated dwellings and remain for a long time without scope for dispersal.

(G. R., H. D., No. SB. I/M'S/1164/9542, dated 2nd June 1971).

(c) The advantages of using tear gas have been mentioned in details on page 37 of the Gujarati booklet "Methods of Training in Crowd Control and Dispersal, 1968." "It should be ensured for this purpose that the Police are in possession of adequate and fresh stock of tear gas and that it can be made available at short notice at any place in the State. A situation should not be allowed to arise in which due to shortage of tear gas, the application of greater force than would otherwise have been necessary had to be employed;

(iv) All possible measures should be taken to ensure that situations are controlled right from the beginning and are not allowed to develop and get out of hand. The need to take anticipatory preventive action requires to be emphasised and should be clearly understood. If proper attention is given to such timely preventive steps, a good deal of subsequent trouble may be avoided. The Police Officers should be given proper training for such preventive action which might consist of

- (a) breaking up of an assembly in initial stages,
- (b) show of force in early stages, and
- (c) arrest of goondas, leaders and trouble makers.

The senior officer present has to judge the effect of each one of such steps in the situation before him; and he should bear in mind, and continuously consider, the various aspects involved.

(v) When firing becomes inevitable, *the aim should be kept low*, so as to avoid fatal casualties as far as possible, and it should be directed towards the most threatening part of the crowd. It should be borne in mind that the *object* of firing is *not* to kill any one but to incapacitate temporarily. The aim should never be at the body or the head, but it should always be low at the legs. Necessary training in this aspect should be imparted to Policemen;

(vi) (a) Before actual firing is resorted to, the Magistrate or the Police Officer concerned should give sufficient and clear warning to the rioters over loud-speaker fitted to police vehicles, etc. Where loud-speaker arrangements cannot be made, hand megaphones should be employed for giving such warnings. The rioters should also be warned that no blanks will be used and that the firing will be effective. The officer should reasonably satisfy himself that his warning was heard and understood but went unheeded, before he orders firing.

(b) It is necessary to give three warnings in sequence invariably on such occasions before force is used. These three warnings are flashing of the banner, oral warning through portophone or megaphone as the case may be and finally the sounding of the bugle. It is necessary that this sequence should invariably be followed and as far as practicable before the police resort to firing to disperse an unlawful assembly. The officer incharge of the riot squad or the firing squad as the case may be must properly check the battery operated megaphone which the squad may be carrying so that there is no last minute hitch in regard to administering of these three warnings.

(I. G.'s Cir. No. G/1909 dated 13th February 1969).

(vii) (a) Firing should always be effective. No blank shots should be used.

(b) Whether firing in the air should be resorted to or not in any situation should be based on the decision of the seniormost Police Officer present on the spot who will judge the circumstances, the nature and temper of the mob, the place and other relevant considerations. Firing in the air should not, however, be resorted to in crowded localities or residential areas, where innocent persons are likely to be affected by such firing.

(G.L.H. D. No. SB.I/FIR-1075, dated 112th May 1975).

(viii) Even in the face of gravest emergency, the fact that firing should be well controlled and kept at the minimum cannot be over emphasised. *Magistrates and police officers who order firing should therefore also indicate the number of rounds which should be fired at any particular time;*

(ix) Normally, the State Reserve Policemen, even without fire-arms should *not be* employed while dealing with unarmed crowds. Only ordinary armed policemen should be employed;

(G. C., H. & C. S.D.(Spl) No. SB.I/FIR/1061/C-7475, dated 15th April, 1963).

(3) When a Magistrate directs the Police to disperse a mob under section 129 of the Criminal Procedure Code, it will be for the Magistrate to decide the kind and degree of force to be used for dispersing the unlawful assembly. The Police Officers present can always offer advice to him in the matter, but the Police will be acting under the Magistrate's orders so far as dispersal of the unlawful assembly is concerned.

(G. C., H. D. (Spl) No. SB. I/LAQ/1073/708, dated 10th February 1973 and I. G.'s Cir. No. G/642/1603, dated 12th April, 1973).

(4) The Superintendent of Police should send a report to the District Magistrate immediately after an incident of Police firing takes place in his jurisdiction and the District Magistrate will, in turn, send a report to Government immediately. Both the initial immediate intimation and the subsequent detailed reports together with statistical information in the prescribed proforma (Form No. 4 in Appendix-I) should be sent to Government only by the District Magistrate. If the District Magistrate is by any chance out of Station or absent for any reason, the Superintendent of Police should send the initial report to Government regarding incident of Police firing, if any, taking place during the District Magistrate's absence. If the District Magistrate is likely to be absent for a long time, the detailed report should also be sent to Government by the Superintendent of Police. The Superintendent of Police's detailed report to the District Magistrate should include information on the following points :—

(i) Whether any cases have been instituted by the Police in connection with the firing and if so, details as to the sections under which the prosecutions have been instituted;

(ii) Whether any complaints have been registered against the Police and whether cases have gone to Court, if so, details regarding the sections under which the prosecutions have been launched;

(iii) Whether complaints and cross-complaints have been registered by the party against the other and, if so, whether cases have gone to court (with details);

(iv) Whether in deciding any of the cases referred to at (i), (ii) and (iii) above, the court has made any pronouncement on the justification or otherwise of the Police Firing and, if so, the details thereof.

The Commissioner of Police, Ahmedabad City, should, however, send all such reports to Government direct.

(G. L., H. D. (Spl) No. SB. I/FIR. 1966/2522-VIII, dated 3rd November 1966).

61. Institution of Magisterial enquiry.—(1) In the following circumstances, a magisterial enquiry should invariably be held regardless of whether the firing resulted in injury or loss of life :—

(i) in self-defence against riotous mobs trying to rescue gamblers, illicit distillers or other offenders arrested by the Police;

(ii) in self-defence against riotous strikers;

(iii) to disperse riotous mobs.

(2) It is not necessary to hold a magisterial enquiry in the following circumstances if the firing does not result in injury to any person or in loss of life :—

(i) in self-defence against dacoits, railway wagon looters etc., who attack the Police;

(ii) in self-defence during prohibition raids against illicit distillers who attack the Police;

(iii) in self-defence against drunken hooligans brandishing daggers;

(iv) to apprehend dacoits, highway robbers, absconders, etc.

But even in such cases an enquiry should, however, be held if the firing results in injury to any person or in loss of life.

(G. C., H. D., No. SB I/FIR-1057, dated 23rd July, 1957)

(3) In cases of Police firing under the orders of Magistrate, no magisterial enquiry should be held unless Government specially orders one after looking to the circumstances of the case.

(G. C., H. D. (Spl), No. SB. I/FIR/2471/9833, dated 18th November, 1971).

(4) (a) The Deputy Inspector-General of Police, Criminal Investigation Department (Intelligence), should, assess and analyse the reasons and the circumstances leading up to the culmination of events in which firing had to be resorted to the areas-rural or urban-in which it had to be resorted to and whether it occurred in connection either with any sudden and unpremeditated incident or in consequence of any organised agitation or movement. Such an analytical study will prove valuable in drawing useful lessons and, therefore, such a study should be undertaken in respect of every incident of firing against mobs or even a small number of persons and also during operations such as those against dacoits, gangs, absconders, prohibition offenders, etc., and the Deputy Inspector General of Police, Criminal Investigation Departmental (Intelligence) should furnish Government with his views in each case.

(b) To enable the Deputy Inspector General of Police, Criminal Investigation Department (Intelligence), to undertake an analytical study of each case of Police firing, the District Magistrates should endorse to the Deputy Inspector-General of Police, Criminal Investigation Department, (Intelligence), copies of the reports of Magisterial inquiries wherever they are held in pursuance of the standing instructions.

(G. C., C. & S. D. (Spl), No. SB. I/FIR-1061/C-7475 dated 15th April 1963).

62. Medical aid during riots and disturbances.—Officers concerned with measures for dealing with civil disturbances should bear in mind the obligation which rests on them to do the best they can to provide medical aid for persons injured on such occasions and, when necessary to convey them to hospitals as quickly as possible.

(G. R., H. D., No. 8108/2, dated 10th October 1930).

CHAPTER III

PREVENTIVE ACTION

63. **Record of Crime and Criminals.**—(1) In order to deal effectively with crime, it is necessary to have a continuous record of the criminal history of individuals and localities. The Government of Gujarat, Home Department, under No. PEQ-1067-4429-C, dated 4-5-1973 have accorded sanction to the standardised forms and registers and accordingly each Police Station shall maintain the following records :—

- (a) Village statistics (Village Crime Note Book, Part I).
- (b) Village Crime Register (Village Crime Note Book, Part II).
- (c) Register of persons involved in crime (Village Crime Note Book, Part III).
- (d) Register of suspects visiting village (Village Crime Note Book, Part III-A).
- (e) Confidential notes on village (Village Crime Note Book, Part IV).
- (f) Village Conviction Register (Village Crime Note Book, Part V).
- (g) Register of history sheets of the village (Village Crime Note Book, Part VI).
- (h) Index of history sheets and personal files (Serial order Part I and Alphabetical order Part II).
- (i) Police Station Conviction Register.

(2) Registers at S. Nos. (a) to (g) should contain information for each village so that fresh book (registers) can be added subsequently whenever it is necessary. Registers at serial number (h) (Index of history sheets and personal files) and (i) (Conviction Register) should contain information for the Police Station.

(3) All the registers mentioned in sub-Rule (1) will be treated and marked as confidential so as to give them the status of "privileged documents". All correspondence in connection with History Sheets should be treated in the same way as other confidential documents, i.e., the Police Station Officer should himself attend to it and note its despatch in a confidential register. The Inspector through whom the correspondence passes should also deal with the papers as confidential. All entries in Notes on Crime in Village shall be made by the Inspector or Sub-Inspector in charge of the Police Station in his own handwriting. Entries in "History Sheets" should be written up by the Inspector or Sub-Inspector himself or at his dictation by the writer Head Constable or Constable and must in either case be signed by the officer himself. While those in other records may be made by subordinate Police officers under the direction of the Inspector or Sub-Inspector, who will invariably initial them.

64. **Village statistics.**—The form of this register is self-explanatory and calls for no special instructions.

65. **Village crime register Part II and Village conviction register Part V.**—(1) (a) The Village Crime Register Part II shall be maintained in form No. PM. 102 (B).

(b) Village Conviction Register Part V shall be maintained in form No. PM. 102(E).

(2) In the Village Crime Register and the Village Conviction Register, information should be entered only in respect of those offences which are enumerated in Appendix V, whether the offences were reported direct to the Police or were referred to the Police by Magistrates under Section 202, Criminal Procedure Code, and whether true or false.

(3) When a man is convicted in a taluka or district in which he does not reside, the particulars of his convictions should be communicated to the taluka or district of which the man is a resident, for entry in the Village Conviction Register. The entry in the register should show, below the date of conviction in column 5, the class and location of the convicting Court.

(4) The entries in the Village Conviction Register (Part V) should be made as per instructions given in the foot-note. When the person is reconvicted, a fresh entry should bear the same serial number as the previous conviction and the number of conviction should be entered below it in the form of a fraction, viz, 16/3, signifies the third conviction of the person originally entered at Serial number 16. The Serial number allotted to a convict should be a permanent-one. In the remarks column of each re-conviction entry, should be entered references to the number, offence and page of entry of previous conviction, viz. when the re-conviction of a person having six previous convictions is made, the entry in column No. 10 should be "379 1/3 457-3 and 6;

3 and 9 :

110 Cr. P. C. 2 and 4 and XI 5/8." The first figure refers to the nature of offence the numerator to the serial number of conviction and the denominator to the page of the register.

66. Register of persons involved in crime (village crime note book, Part III).—(1) The register should be maintained in form No. PM: 102 (C) (T).

(2) Entries regarding all cognizable cases under Chapter XVII of the Indian Penal Code in which strong suspicion rests on any resident of the village, whether the case occurs in the village or not shall be made. A separate entry shall be made for each suspect and one separate serial number should be allotted to each.

67. Confidential note on the village (village crime note book, Part IV).—(1) The register shall be written in form No. PM: 102 (D)-e.

(2) The register shall contain the following information in respect of the village :—

(i) Notes regarding influential individuals residing in or connected with the village who habitually abet or share in the proceeds of crime or shelter criminals.

(ii) Special types of lawlessness or crime to which inhabitants of the village are addicted.

(iii) Notes on gangs with cross reference in the books of other villages to which members of the same gang belong and particulars of the associates and methods of such gangs.

(iv) Notes on personal, land, communal and other feuds which are liable to cause breach of peace or to affect evidence in investigation.

(v) Notes on fairs and similar occasions requiring the special attention of the officer in charge of the Police Station.

(vi) Notes on individuals which supplement and facilitate reference to history sheets, viz. lists of habitual railway thieves, cattle thieves, etc. with the localities they chiefly operate in, lists of criminals of other villages or jurisdictions who commit crime in the village.

(vii) A list of convicts released prematurely.

(viii) A list of respectable inhabitants of the village who have migrated to colony areas and who can provide important information regarding proclaimed offenders and absconders.

(3) Detailed remarks as to what should be written are given in the remarks in the form.

68. History Sheets.—(1) History sheets will be opened for all persons whose names are in the index of history sheets and personal files.

(2) History-sheets of individuals will be numbered according to the numbers of index of history sheets and personal files.

(3) In the case of persons convicted, History Sheets must be opened at the time of conviction and not left until the convict is released from jail, when the details of his crime have been forgotten. A copy of the individual's finger impressions should also be attached to the sheet.

(4) In order that the release of such a person may not pass unnoticed in a case in which orders have been given for his History Sheet to be opened, the Superintendent of Police will instruct his Chief Operator to inform the jail authorities that the release of the convict and his proposed residence should be reported to the Superintendent of Police concerned in due course before his release.

(5) On the date of release of the convict, inquiries should be made at the proposed place of residence as intimated by the jail authorities and the result entered in the sheet. Further entries should be made from time to time as to his means of livelihood, his associates etc., details being given of any subsequent crime in which he is convicted or suspected. If any information favourable to an individual whose name has been entered in a History Sheet is obtained, it should also be duly recorded.

(6) (a) As regards movements an 'A' roll (as per Rule 72 should be invariably used when a surveillee leaves his residence and his destination is known or suspected, and the result of enquiries thus instituted should be entered in the History Sheet. If a surveillee passes out of sight for more than one month, his absence should be reported in the *Gujarat Police Gazette* and his finger impression slip should be sent to the Finger Print Bureau and District M.O.B. for note there as absence. If a surveillee leaves his village and is not traced on an 'A' roll, on his reappearance he should be asked to give an account of his movements, and after verification a note should be made in his History Sheet.

(b) When "A" rolls which have been sent to various likely places of the history sheeters visits, are returned with the reports that the history sheet is not traced, the Police Station Officer in addition to publication in the District and *Gujarat Police Gazette*, issue a Hue and Cry Notice (in Form No. SPL. IGP. 134.eg). The history-sheeter is an active criminal and as such the Police Station Officer should be vigilant to trace the movements of the history sheeters. He should continue diligent enquiries to trace him till he is traced or his whereabouts are ascertained.

(I. G.P.'s Cir. No. 7209, dated 26th October 1956.)

(7) The Superintendent of Police, the Assistant or the Deputy Superintendent of Police incharge of a Division and the Circle Police Inspectors should scrutinise the history sheets whenever they visit the Police Station to see that they are properly written up and are not unnecessarily kept open.

(I. G. P.'s Cir. No. G/1946, dated 30th September 1970.)

(8) When an individual whose history sheet has been opened dies, orders to destroy his history sheet and to remove his name from the index of history sheets and the personal file register should at once be obtained by the Inspector/Sub-Inspector incharge of the Police Station concerned. While reporting, the Inspector/Sub-Inspector should invariably enclose the certificate regarding the death of the individual.

(9) (a) When a person in respect of whom a History Sheet is maintained goes permanently to reside in another State, the officer-in-charge of the Police Station concerned will send the History Sheet to his Superintendent of Police. The latter will then forward the sheet with an English translation thereof to the Superintendent of Police of the other State for necessary action. Likewise, when the history-sheeter goes to reside in the limits of another Police Station or other district, the Police Station Officer should send his history-sheet to the Superintendent of Police who will forward the same to the concerned Police Station Officer or the Superintendent of Police of the concerned district as the case may be.

(b) If a person in respect of whom History Sheet is maintained is known to have migrated to a Province in Pakistan, the History Sheet, should be forwarded through proper channel to the Government of that Province for further action. Similar records of bad characters who are known to have come over to India should be obtained from the Provincial Governments concerned of Pakistan, through proper channel.

(I. G.'s No. 6485, dated 13th January 1950 and 6th November 1950).

(10) In the case of criminals residing in one district and active in other district, history of their crime should be first entered in the history sheets of the Police Station of which they are residents and copies of such history-sheets should be sent to the Police Station where they are active.

(G. L., G.A.D., No. MIS-3661/6800-L, dated 29th November 1961.)

69. Register of suspects visiting village (village crime note book, Part III-A).—(1) The register should be maintained in Form No. P.M. 102 (C) (T).

(2) Entries in respect of the suspected visitors to the village shall be made in the register as given in the form. Entries regarding receipt of "A" rolls and information sheet should be made in column No. 6 and if the same is not received, the Inspector/Sub-Inspector shall send "B" roll and for that, an entry shall be made in column No. 7. The register shall therefore serve the purpose of index of receipt of "A" rolls and "B" rolls in respect of persons visiting the village.

70. Register of history sheets of the village (village crime note book, Part VI).—(1) The register of history-sheets of the village should be maintained in Form No. P.M. 102(1).

(2) The register shall contain the entries regarding the movements, criminal activities and other important information useful to the Police in respect of individual history sheet of the village with cross reference of his association with other history-sheets, criminals and residents of village or other villages.

71. Index to history-sheets and personal files.—(1) The register will be kept in two parts. In the first part, names of all history sheets will be entered chronologically date-wise whereas in the second part, the names of history sheets will be entered alphabetically. Thus, the persons having aliases will appear under each alphabet of his name but the serial number of the history sheet will be the same. Copies of the registers will be kept in the offices of the Superintendents of Police and the Sub-Divisional Police Officers, Police Station-wise.

(2) (i) Surveillance may for most practical purposes be defined as consisting of one or more of the following measures :—

- (a) Secret picketing of the house or approaches of the houses of suspects;
- (b) through periodical enquiries by officers not below the rank of Sub-Inspector into repute, habits, associations, income, expenses and occupations;
- (c) the reporting by constables and Patels of movements and absences from home;
- (d) the verification of movements and absences by means of inquiry slips; and
- (e) the collection and record on a history sheet of all information bearing on conduct.

(Govt. H.D., No. BPM.1063/42822-C, dated 18th April 1967.)

(f) Police should have photographs of all surveillees and each Police Station should display photographs of surveillees residing within their jurisdiction. Each Police Station should send copies of such photographs to the adjacent Police Station(s). The Policemen on surveillance duty in a Police Station should identify surveillees of all adjacent Police Stations and their own.

(g) Photographs of inter-district criminals should be supplied by the State Criminal Investigation Department (Crime) to all districts where the criminals are known to operate.

(ii) All inspecting officers at the time of inspection of the Police Stations and Local Crime Branch offices should see that copies of photographs of criminals are maintained.

(I. G. P.'s Cir. No. G/1927/72/14545, dated 24th April 1972.)

(3) The names of all persons required to notify residence under Section 356, Criminal Procedure Code and Bombay Habitual Offender's Act, 1959 of convicts released conditionally or granted furlough under Section 432, Criminal Procedure Code, and of other persons whose surveillance the Superintendent of Police considers necessary for the prevention or detection of crime will be placed on the Register. It is not intended otherwise to fetter the discretion of Superintendents as to the types of persons who should find their way on to the Registers. It is, however, suggested, purely as guide, that persons convicted of house-breaking, robbery or dacoity committed in a professional manner, well-known receivers whether convicted or not, approvers in property cases, coiners, note counterfeiters, professional railway thieves, and persons bound over under Section 110 Criminal Procedure Code, are persons surveillance over whom would be profitable.

(4) The Inspector-General of Prisons will report to the Inspector-General of Police or the Commissioner of Police, as the case may be, each case of a juvenile convict released from prison who has been taught a trade and for whom employment has been secured. The Police authorities concerned should then arrange to leave such juveniles free from all surveillance, except in the following cases :—

(i) Juveniles who are known to have been brought up in an atmosphere of crime or to have commonly practised theft or other offences.

(ii) Juveniles who after release go to reside amongst, and consort with, people who habitually commit offences.

The surveillance over juveniles referred to in clauses (i) and (ii) above should be exercised unobtrusively and through the agency of Police Officers of rank not inferior to that of Sub-Inspector.

(G. R., J. D. No. 4890, dated 27th August 1909.)

(5) Boys discharged from a Borstal School remain under the supervision of a Probation Officer or other authority, and it is very undesirable that such boys, as long as they continue to earn an honest living should be interfered with by the Police or be made to think that they are in any way under Police surveillance. The Police should refrain from interfering with such boys unless they revert to crime. Any information required in connection with any particular boy should be obtained from the Governor of the Borstal School, concerned and not by questioning the boy himself.

(I. G.'s No. 1, dated 5th January 1934).

(6) The order placing a convict under surveillance and for opening his History Sheet shall be issued by the Superintendent of Police or Sub-Divisional Officer of the district in which he is convicted at the time of his conviction, and an entry shall at the same time be made in the Index to History Sheets and Personal Files. If the convict is a resident of another district, the history of the crime shall be prepared in the district of conviction and forwarded to the district of residence, through the Superintendent of Police.

(7) No one should be placed under formal surveillance until his name has been entered in the register. The following suggestions are offered as a guide :—

(i) The importance of keeping an eye on men addicted to house-breaking cannot be too strongly stressed. Such persons should receive the most careful attention.

(ii) The importance of other criminals and the difficulty of their surveillance will vary considerably in each district.

(iii) Minimum number of persons should be brought under surveillance, proper care being exercised while passing the order of bringing persons under surveillance.

(iv) Besides the prevention of Crime, the aim of the Police should be to reform the criminal. They should endeavour to obtain steady employment for the surveillees.

(I. G.'s Cir. Memo. No. G/2994, dated 24th March 1959 and Govt. H.D. No. BPM-1063/42822-C, dated 18th April 1967.)

(8) An Index to History Sheets and Personal files should be maintained at Outposts, containing true extracts from the Station register of all such persons residing within the limits of the Outposts, to enable the men of the Outposts, within their respective beats of villages, to know who the bad characters are over whom they are expected to keep a watch. Whenever any fresh entry or alteration (such for instance, as the removal of a name) is made in the Station register, it should be communicated at once to the Outpost concerned. Similarly, the Station Officer should supply Patels of villages under the Police Station with the names of surveillees residing in the respective village to enable the Patel to keep a watch on the persons and report their movements.

(9) When any surveillee is found absent from the village, the Superintendent of Police should immediately report to other districts where the person has previously been convicted that there is a likelihood of his having gone there. For other instructions, reference may be made to sub-rule (6) of rule 68 regarding history sheets. All active/important criminals should be checked at least once in a month, less active once in three months and those on personal files (dormant files) should be checked once in a year for collecting information about the criminal activities, design and movements including creating new associations with other persons of criminal tendency. The entries in the history-sheet shall be made mainly on these lines to give the correct picture regarding the criminals.

(10) No hard and fast rule can be laid down as regards the period for which names should be kept on the Register. It is, however, suggested that the names of persons required to notify residents under Section 356, Criminal Procedure Code, Bombay Habitual Offender's Act, 1959 and convicts released conditionally under Section 432, Criminal Procedure Code, should be retained on the register for the period specified in the order of the Court or Magistrate issuing it. After that period the names should be removed from or continued on the register at the discretion of the Superintendent of Police or the Sub-Divisional Officer. In the case of convicted persons, names should be retained on the register after the expiry of the imprisonment for a period which should not ordinarily be more than two years, after

which the names should be taken on the personal (dormant) file. If for a period of five years the person does not come to adverse notice, his name may be struck off from various files and no routine enquiry about him need be made. In case of others, names should be retained as long as the Superintendent of Police or the Sub-Divisional Police Officer considers surveillance over them necessary.

(I. G.'s Cir. Memo.No. G/2994, dated 24th March 1959).

(11) In order to ensure that surveillance is exercised only over persons the knowledge of whose movements will assist in the prevention and detection of crime, the Superintendent of Police or the Sub-Divisional Officer should, when he inspects a Police Station, verify the entries in the register, removing therefrom, after consultation with the officer-in-charge of the Police Station, the Police Patel or the officer-in-charge of the Outpost, the name of any person whose conduct, he considers safely admits of it.

(G. R., H. D. No. 2241/2-I, dated 15th December 1930 and I. G.'s No. 2994-A-III, dated 8th September 1943).

72. Enquiry Rolls Form 'A' and Enquiry Rolls Form 'B'.—(1) To keep an effective check on bad characters, it is necessary that their movements should be followed and their conduct watched when away from as well as when at their homes. To secure this, the forms of Enquiry Rolls A and B (Forms Nos. P. M. 102-G and P. M. 102-H) should be freely used. Form 'A' rolls should invariably be used in connection with persons under surveillance. Form 'B' rolls should be used in the case of strangers suspected of being criminals and should invariably be issued when a stranger whose criminal history is not known is suspected or arrested in connection with an offence. Both time and labour would often be saved, if Form 'B' rolls took the place of the correspondence which generally occurs when enquiries are otherwise made.

(2) When a bad character, whose name is entered in the Register of Index to History Sheet, leaves his home, it will be the duty of the head of the village immediately to inform the officer-in-charge of the Police Station of the departure of such person and his alleged destination, if known.

(3) The officer-in-charge of the Police Station shall at once fill in Enquiry Roll Form 'A', and forward it by the quickest possible means, whether by hand or by post, to the officer-in-charge of the Police Station within which is situated the place to which the bad character is alleged or believed to have gone. If the destination of the bad character is not known, a copy of the roll should be sent to every Police Station to which there is any likelihood of his having gone.

(4) A Police officer who receives the roll shall at once acknowledge receipt of it and shall immediately take steps to ascertain whether the bad character has arrived within the limit of his jurisdiction. If the bad character is found, the Police Officer shall note the date and hour of his arrival, the name of the person with whom he is staying, and the names of any persons with whom he associates, and he shall arrange to have his activities watched in the same way as if he were a registered bad character of his own Station. If he has not been traced on the expiry of one week from the receipt of the roll, the officer receiving the roll shall return it, with a statement to that effect on the back of it, to the Police Station of issue.

(5) When the bad character leaves the limits of the Station for his home or elsewhere, the officer-in-charge shall forward the roll to the officer-in-charge of the Police Station to which the bad character has gone, noting on the back of it all the information regarding the individual's movements which was collected while he was residing within the limits of the Station. If the bad character goes to a Police Station other than that in which he is registered, the officer-in-charge of the latter should be informed of the fact.

(6) If the Police Patel of a village hears of the advent of a suspicious stranger in the village, it will be his duty to question the person regarding his antecedents and residence, and to send to the Police Station, with as little delay as possible, all the information obtained by him.

(7) On receipt of such information, it shall be the duty of the officer-in-charge of the Police Station to send Enquiry Roll Form 'B' with the utmost possible despatch to the Police Station within the limits of which the stranger alleges that he resides.

(8) On receiving such a roll, the officer-in-charge of the Police Station shall at once return it with complete information regarding the individual in question, if he is a resident of that Station, while if he is not a resident, the roll should be returned with a statement to that effect. In that case the officer who issued the roll must take all possible steps to discover the identity of the stranger.

(G. R. H. D., No. 2241/2-I, dated 15th December 1930.)

(9) The Police Station officers should send Enquiry Rolls Form 'B' of all Sim Rakhas who are residents of other Police Station limits engaged at the villages for the protection of crop. The Superintendents of Police, the Sub-Divisional Police officers, and the Circle Police Inspectors during their inspection of Police Station, should see whether Rolls are filled in correctly and whether Rolls have been sent for all 'Sim Rakhas' and if any negligence is noticed, should take appropriate action and see that Rolls of all Sim Rakhas are invariably filled in and sent correctly.

(I. G. P.'s No. G/ 1901/1658, dated 24th April 1973.)

(10) Whenever enquiry roll is sent outside the State, or to a district, the language of which is different from that of the district from which the roll is sent, the details should always be filled in English and the correspondence pertaining to enquiry roll should also be in English.

(G. R. J. D. No. 1819, dated 30th March, 1906. and I. G. P.'s No. G/1909/1658, dated 24th April 1973.)

73. Police Station Conviction Register.—The Police Station Conviction Register will contain a complete record of all convictions of persons in cognizable cases reported direct to the Police or referred to the Police under Section 202, Criminal Procedure Code, in the Police Station limits and of persons residing in the Police Station limits though convicted elsewhere. Convictions under Sections 119 and 120, Indian Railways Act (IX of 1890), need not be entered in the Conviction Registers of Railway Police Stations. Special attention should be paid to column 7 of the register which furnishes an inspecting officer with a means of checking whether the necessary communication has been made to Police Stations concerned.

(G. R., H. D., No. 2241/2-I, dated 15th December, 1930 and I. G.'s No. 2994-A-III, dated 20th July 1938.)

74. Known Criminals Register.—(1) The Known Criminals Register will be classified register of criminals known to be active or likely to revert to crime, but of whom all are not sufficiently important to find a place in the Register of Index to History Sheet.

(2) The register should be kept for the following classes :—

- I. House-breakers.
- II. Thieves.
- III. Robbers.
- IV. Dacoits.
- V. Miscellaneous.

When, however, it is found desirable to subject other forms of crime to special study in any particular district, additional classes should be opened in the register, as for example, receiving stolen property, cheating, making or uttering false coins or notes, mischief, etc.

(3) (a) All persons having one conviction for house-breaking, robbery or dacoity, receiving stolen property, coining and note-counterfeiting or theft from a railway passenger, person bound over under Section 110 Criminal Procedure Code, persons who are registered as habitual offenders under Section 3 of the Bombay Habitual Offender's Act, 1959 and persons having three convictions for theft will come automatically on this register of known criminals of the Police Station of which they are residents (this is not necessarily the place of birth) and of the Police Station in which they are convicted. Persons with less than three convictions for theft may be entered in the register, if the circumstances of the particular case merit such treatment. Entries should be made at the time of conviction. On any of these persons being subsequently convicted for any of the above-mentioned offences, a fresh entry shall be made in the Known Criminals Register of the Police Station or residence and of the Police Station where the new conviction occurs, a reference being made in the remarks column to any previous entry of the same individual by quoting the class and serial number of that entry.

(b) In addition to this, it will be open to the Superintendent of Police or the Sub-Divisional Officer to add to this register the names of persons known to have committed these or other offences, whether they have been convicted or not.

As soon as a man is arrested, a decision should be taken by the Sub-Divisional Police Officer about including the name of arrested person in 'Known Criminal Register' and if in doubt, the Sub-Divisional Police Officer should keep it pending till the disposal and give orders.

(I. G. P.'s No. SB/89/XI/485, dated 9th March 1972 and No. G/1927/72/31760, dated 1st April 1972.)

(4) In order that this register may remain a useful record of active, or probably active criminals of the Police Station, care should be taken to see that entries are not made unnecessarily. Similarly the names of those criminals should be removed from the register who are not known to have been concerned in an offence for five years from the date of their last release from jail, or from the date of entry in the register, whichever is more recent.

(G. R., H. D. No. 2241/2-4, dated 13th December 1930.)

75. Maintenance of separate registers for prohibition offences.—(a) In order that registers of Police Stations may not become bulky and in order to facilitate easy reference to the prohibition criminals, the following separate registers for the prohibition criminals shall be maintained at the Police Stations :—

- (i) Conviction Register for prohibition offenders.
- (ii) Surveillance register for prohibition offenders.
- (iii) Known criminal register for prohibition offenders.

(b) In the conviction register of prohibition offences, the names of all the prohibition offenders who have been convicted only should be entered.

(c) Known criminal register and surveillance register for prohibition offenders will be maintained in respect of the persons convicted for offences under the Prohibition Act mentioned below :—

(i) Distillers and possessors of implements, stills etc., for manufacture of liquor. (Convicts under Section 65 (b) and (f) of breach of Sections 12 (a) and 13 (c) respectively of the Act.)

(ii) Sellers of liquors or intoxicating drugs. (Convicts under Section 65 (c) for breach of Section 12 (d) and Section 14 (d) respectively of the Act.)

(iii) Smugglers (Importers and Exporters) of liquor and intoxicating drugs. (Convicts under Section 65 (a) for breaches of Section 12 (c) and 14 (a) of the Act.)

(iv) Persons whose bonds are taken under Section 91 of the Bombay Prohibition Act for abstaining from commission of offences under that Act.

(v) Persons externed under Section 57. (b) of the Bombay Police Act after being convicted under the Bombay Prohibition Act.

(L. G.'s Cir. No. 4199 dated 2nd January 1954. and 4199 dated 25th August 1954.)

76. Checking of Village Crime Records.—(1) The object of maintaining the crime records mentioned in Sub-Rule (1) of Rule 63 is to enable the Police to exercise an effective supervision over criminals and bad characters addicted to crime. It is, therefore necessary that they should be carefully entered up and verified from time to time. The Superintendent, the Sub-Divisional Officer and the Sub-Inspector should at the time of their inspection, compare the entries in the Outpost, the Station and the District registers and see that they are correct.

(2) Should the Superintendents of Police or Sub-Divisional Officer find it possible to muster persons under Police surveillance, he should test to what extent the Constable or Head Constable in whose beat they reside is acquainted with them, not from the register as the entries therein can soon be learnt by heart but by calling out any person indiscriminately from those assembled and asking the Constable or Head Constable who the person is and what he knows about him. It should be noted, however, that a Superintendent of Police or Sub-Divisional Officer has no legal authority to muster such persons, though, if the person under surveillance is willing to appear, it may be to his advantage to do so, since he can personally make any representation he may have to make regarding the removal of his name, and the inspecting officer can better gauge whether he is a fit person to have his name removed.

(L. G.'s No. 10681, dated 23rd October 1899 and No. 44, dated 16th April 1926.)

77. Prisoners released on condition of Police Surveillance or on Furlough.—(1) When a long term prisoner is released permanently on condition of Police surveillance, the minimum period for which the condition of Police surveillance is imposed is three years and the maximum 10 years or even for life, according to the merits of each case. Superintendents of Police should bear this in mind when making recommendations for the conditional premature release of long term prisoners. A uniform period of five days within which they must report

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themselves to the Police has been fixed in the case of convicts, who are to be released on condition of Police surveillance. Copies of the conditions of release will be sent along with the Government Resolutions sanctioning the conditional release of the prisoner to the Superintendent of Police in whose jurisdiction the convict is to reside as well as to the Superintendent of the district in which the jail is situated.

(G. L., H. D., No. 8228-C, dated 1st May 1926 and I. G.'s No. 60, dated 11th May 1926.)

(2) When a prisoner is released on furlough, the jail authorities will send, in advance as far as practicable, a copy of the release report to the Superintendent of Police of the district in which the prisoner wants to spend the period of the furlough.

(I. G. of Prison's No. 26962, dated 1st September 1950 and I.G.'s File No. 826.)

78. Persons ordered to notify residence.—Rules made under Section 356(5) Criminal Procedure Code, in connection with persons ordered under Section 356(1), to notify their residence, change of residence or absence from residence will be found in Appendix VI.

79. Identification of old offenders.—To afford the Police the opportunity of recognizing old offenders, the Superintendent of the jail shall permit a Police officer deputed in Commissionerate area by the Commissioner of Police and elsewhere by the Superintendent of Police, on a day preceding the weekly parade of prisoners, to have access, in the prison office, to the admission register and release diary. From these the Police officer will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week, and of any unidentified prisoners still under Police enquiry, whom the Police may have to inspect on parade. The prisoners found in these lists will be paraded at the weekly parade separately from others and the Police not exceeding twenty in number selected by the Commissioner of Police or the Superintendent of Police will be permitted to inspect all those prisoners under the conduct of the jailor or the Deputy Jailor. They will not be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. The Superintendents will inform the Commissioner of Police or the Superintendent of Police, as the case may be, on what day the weekly parade of prisoners will be held and at what hour the Police Officer can have access to the Prison office. Only prisoners convicted under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code of offences punishable with three years, or attempts at offences under Sections 328 to 369 persons bound over under Section 109 or 110 of the Criminal Procedure Code, and under-trial prisoners need be paraded for the inspection of the Police. Female prisoners shall not be paraded for the inspection of the Police.

(G. R., J. D., No. 7683, dated 14th November 1900 and G. R., H. D., No. 304-315, dated 12th November 1914.)

80. Identification of Habitual Offenders.—(1) A record is to be kept in each jail for the identification of every prisoner, known or reasonably supposed to belong to the class of habitual offenders.

(2) (a) On the 20th of each month, a return in Jail Form No. 82 of habitual offenders and convicts sentenced to imprisonment for one year and over, who are to be released in the month following, should be forwarded by the officers in charge of prisons direct to the Superintendents of Police of the place of release and of the place of destination and to the Superintendents of Railway Police, in addition, in the case of criminals on railways.

(G. L., H. D., No. 3242-D, dated 26th February 1923.)

(b) Superintendents of Prisons will intimate the release of the following prisoners only :—

(i) Habitual offenders.

(ii) Prisoners sentenced to one year or more for an offence :—

(a) under Chapter VI, Indian Penal Code (of offences against the State),

(b) under Chapter XII, Indian Penal Code (of offences relating to coin and Government stamps),

(c) under Chapter XVIII, Indian Penal Code (of offence against property), or

(d) under the Arms Act.

(I.G.'s No. 59, dated 1st September 1927 and G. R., H.D., No. 1345/4, dated 19th November 1940.)

(3) Every facility should be given to every Policeman who may be deputed by the Police authorities to attend the jail daily for the purpose of taking the descriptions etc. of all released prisoners.

81. Village visitation by Sub-Inspector.—(1) Every Sub-Inspector in charge of a rural Police Station should make at least eight to ten halts for village patrolling only (excluding halts required for investigation) in a month in his jurisdiction outside his headquarters. The touring should be systematic, and ordinarily not more than two villages a day should be visited. Time should be spent in a village, full enquiries made and the Sub-Inspector should instruct the Patel and leave with the feeling that he has got to know all that is worth knowing of village affairs. Every village should be visited at least once a year and the more important ones oftener.

(2) Villages should be divided into 'A' (i.e. the more important ones), 'B' (i.e. villages of lesser importance) and 'C' (i.e. deserted villages being entirely excluded from consideration). Villages which show an indication of getting communal virus should also be considered as important villages and should be classified as 'A'.

The Circle Police Inspectors and Sub-Divisional Police Officers should scrutinise the Village Crime Note Books of villages in a Police Station at least once every year to make suggestions for the revision of their classification from the communal angle and other angles. Such suggestions should be submitted to the Superintendent of Police by the first week of November every year so that the Superintendent of Police by the end of November can scrutinise the reports and issue orders for revision of the classification of the villages upgrading them or downgrading them, as the case may be.

The above classification should be taken into account for preparing the village visitation programme of the Police Sub-Inspectors and the Beat Duty Head Constables for the coming year. The Sub-Divisional Police Officers should ensure that the revised classification is brought out into the programme and village visitations are done accordingly so that the villages with communal disposition remain distinct on the programme, the villages indicating communal disposition should be entered with red ink and other villages should be entered in blue ink. Every month when the Sub-Divisional Police Officer scrutinises the performance of the Police Sub-Inspectors/Inspectors in respect of village visitations and of the Beat Duty Head Constables in respect of beat patrolling, he should make it a point to see that all the villages with communal disposition which needed to be covered in the monthly village visitations and beat patrolling have been visited.

The 'A' villages should be visited twice a year and 'B' at least once a year. The Police Sub-Inspector should calculate on this basis the total number of visits he may have to pay in the course of the year and distribute the number evenly over the whole year. If in any one month owing to crime, inspection etc., or inaccessibility of villages due to heavy rain, visitation falls below the required standard, the arrears should be made up in the following month by increased activity in touring. In this way, systematic inspection of villages spread over the whole year would be made and work would be done thoroughly and without any sort of rush in the last few months of the year.

(Govt. H. D., No. BPM. 1072-V13-1048-S, dated 8th June, 1972).

(3) The Sub-Inspector should chalk out a tour programme for each month in the beginning of the year and submit copies thereof to the Superintendent of Police and the Sub-Divisional Police Officer. The Reader will note on the programme the dates of visits paid as mentioned in the Sub-Inspector's diaries and check from time to time and put up before his Sub-Divisional Police Officer for action against the Sub-Inspector who has not attended to tour programme.

(I. G. P.'s No. 40 dated 4th December 1948).

82. Village patrolling.—Village patrolling should be carried out uniformly in all districts on the following lines :—

(1) All villages under a Police Station including those under the Outposts, if any, will be divided into three classes, viz :—

Class A: (important villages),

Class B: (unimportant villages), and

Class C: (deserted villages).

They should be grouped into suitable beats, each beat including in it villages of all the three classes. Each beat will, for the purposes of patrolling, be allotted to a Head Constable, who will visit and camp at each 'A' class village at least once a month 'B' class village once in three months and 'C' class villages being visited only once in six

months. Where no Head Constable is available, a senior Constable will be in charge of a beat. The camp at an A village may extend to more than one day according to its importance. If a village has several hamlets under it, the camp should be at the village and the hamlets should be visited not more than four on any one day, from that village. The hamlets may also be classed like villages for the purpose of visitation. The visits should be sufficiently long and thorough and mere flying visit of a formal nature should be strictly avoided.

(2) Every patrol Policeman should ordinarily camp for 15 days in a month in his beat, and should spend five days in transit and the remaining ten days at the Police Station or Outpost, as the case may be.

(3) During visits and camps a patrol Policeman must make inquiries with persons of classes, e.g., Patels, the well-to-do and the poor, hotel-keepers, agriculturists etc. and must try to collect information about the following matters:—

(a) The advent of strangers in fields, temples, mosques churches, Dharmashalas etc, and particularly persons moving about as *sadhus*, *gosavis* and *sanyasis*, as they may be expert professional criminals like Beuriahhs, Budducks, Minas etc.

(b) The conduct of habitual criminals and persons under surveillance and those recently released from jail.

(c) The existence of factions or ill feeling in respect of lands, temples, processions, festivals, women, religious or communal disputes or the occurrence of stone throwing etc., likely to give rise to riots or other crime or false complaints.

(d) The delivering of lectures, holding of meetings and other similar occurrences of a political nature or otherwise, including village gossips.

(e) The general health and sanitation of the village, including the existence of stray dogs.

(f) The movements of criminal wandering gangs.

(g) The occurrence of any recent offences, suspicious deaths or serious accidents that might have remained unreported.

(h) Reported offences which have remained undetected, with a view to obtaining a clue to their detection.

(i) Recent births and deaths as noted in the Birth and Death Register to see whether the entries in the register correspond with village rumours, etc.

(j) Generally any matter of interest from the Police point of view.

(k) Whether any unscrupulous individual or a sect is out to commit heinous crime of human sacrifice and if so, take steps to prevent it. Particular attention should be paid to *Adivasi* and Backward Tribal areas where, on account of superstition and ignorance, information may be available of any such plans. The Sub-Inspector in-charge of Police Station and Head Constable in-charge of Out-post Beat should be on the look out and to scotch effectively any such move by any unscrupulous individual or a sect.

(L. G. P.'s No. G/1909, dated 30th December 1968)

(4) The patrol Policeman must also see that the Police Patel has with him a copy of the booklet entitled "Instructions for the guidance of Police Patels", the First Information Report book and the Wandering Gang Register, and repeatedly instruct him in the method of writing up of the book and the register with the help of the instructions contained in the booklet.

(5) In addition to the names of history-sheeters under surveillance (*vide* Rules 68 and 71) the names of habitual offenders brought under the operation of the Habitual Offender's Act, 1959, will be supplied to all Outposts Head Constables or their respective Outposts and to all Police Patels for their respective villages. This information will be useful to patrol Policemen under Outposts for the preparation of the statements prescribed in Sub-Rule (7) below. Patrol Policemen in charge of beats directly under

the Police Station will obtain similar information from the records of the Police Station. It will be the duty of each patrol Policeman to make inquiries as to whether the bad characters in the village are at their place of abode and as to their conduct and repute and whether any new ones have arrived at the village, and to communicate immediately to the Police Station the details required for the issue of an enquiry Roll Form 'A' or 'B', as the case may be. This does not absolve the Police Patel from the duty imposed upon him in this behalf under Sub-Rules (2) and (7) of Rule 72.

(6) The Head Constables in charge of Outposts should maintain in respect of all the villages under the Outposts, "Notes on Crime in Villages" (Village Crime Note Book-Part IV) and make their own entries from time to time. The Sub-Inspector at the time of his monthly inspections should check these and the patrol books of the patrol Police and take such notes as he deems fit for making entries in the "Notes on Crime in Villages" of the Police Station. He should also enquire from his patrol Police regarding bad characters with a view to writing up History Sheets effectively and for despatching enquiry Rolls Form 'A' and 'B'. The Outposts Police should be informed of the fresh entries made by the Sub-Inspector in the History Sheets but they need not be given copies of the entries in the "Police Station Village Crime Note Books-Part IV".

(7) In order to provide the patrol Policeman with a handy means of knowing the names of bad characters and the undetected crime pertaining to his beat and also to provide the inspection officer with an easy means for checking the Patel's signatures and for seeing that the patrol Policeman has made inquiries about undetected crime and men under surveillance, statements in Form No. 6 in Appendix I in respect of 'A' and 'B' villages in his beat must be kept at the beginning of his patrol book, a mere list of C villages being also kept with them.

(8) A patrol Policeman will be held responsible for any offence occurring in his beat and he should report every such offence at once and proceed to the spot for enquiry, collecting information (not recording separate statements except dying declarations, unless he is Head Constable who has received orders to investigate under Section 157, Criminal Procedure Code preventing disappearance of evidence, arresting offenders and taking all such prompt measures as will lead to the detection of the offence and the arrest and successful prosecution of the offender. Patrol Police should note where there are excessive number of stray dogs and then take powders to destroy them. Where factions are likely to lead to an immediate out-break he should report at once to the Sub-Inspector. If gangs have arrived they should be watched and, if with no means of livelihood, brought to the notice of the Sub-Inspector.

(I. G.'s No. 41, dated 4th December 1948.)

(9) When a patrol Policeman comes across strangers particularly persons moving about as *sadhus*, *gosais*, *sanyasis*, etc., he should make active enquiries about the antecedents of such strangers found in temples, mosques, churches etc., and in suitable cases search their effects, as they may be expert professional criminals moving in disguise.

(10) Before leaving a village it is the duty of the patrol Policeman to write up the village Visit Book and also his own patrol book, in which he should enter the substance of all information or complaints received and action taken thereon, all acts done and all facts observed in his official capacity. The entries must not be confined to information about cognizable crime but must cover the whole field of work, which the Police officer, as much, has to attend to. The signature of the Police Patel must be obtained below the entry, so that the signature may begin in the column for details and end up in the column provided for signature, thereby rendering any interpolations impossible. If the Patel is illiterate, a responsible man's signature should be taken on his behalf. The Patel should be required to read the entry before signing it. If he cannot read, the person who signs for him should be required to read out the entry to him.

(11) (a) The inspection of patrol books will be restricted to Jamadars and senior officers and it would be the Sub-Inspector's business to see that patrol books are checked either by himself or by the Jamadar or the Police Inspector, either at the Outpost or at the Police Station twice monthly, e.g., when the Sub-Inspector goes for inspection and when the patrol Policeman comes for his pay, for evidence or some other reason. After inspection, the inspecting officer should invariably write "Inspected-All facts noted are receiving attention" and also any other remarks he has to make or instructions he has to give.

(b) This does not mean that this important duty is to be delegated to Jamadars; it simply means that on rare occasions when the Sub-Inspector finds it impossible to check all patrol books fortnightly (e.g., he might be 10 days in the Sessions Court), then and then only as a temporary expedient is he permitted to direct the Jamadar or the Second Sub-Inspector to inspect the books on his behalf for that particular occasion. The Jamadar or the Second Sub-Inspector must of course bring anything worth remarking about at once to the Sub-Inspector's notice. The Jamadar and the Second Sub-Inspector may inspect the patrol books frequently *in addition* to the fortnightly inspection of the Sub-Inspector. The Sub-Inspector is primarily responsible for peace and order in his charge. He, therefore, must see for himself the remarks of his patrolling Police so as to be in a position to instruct and correct them in the performance of their duty and also promptly to take preventive measures in regard to crime and criminals. He cannot delegate this important duty to subordinates.

(12) It will be the duty of the Sub-Inspectors to see that patrols are intelligently carried out according to the foregoing instructions and that Outpost Head Constables both understand and perform their duties accordingly. When the Sub-Inspector visits the Outposts and on all other occasions, he should check patrol books, examine village Visit Books, correct defects and most important of all, give specific instructions to patrol men regarding the directions in which inquiries should be made and regarding the information that is required.

(13) All Sub-Inspectors and Police Inspectors, when they pass through villages, should invariably instruct Patels in their duties as laid down in the "Instructions for the guidance of Police Patels" and also by enquiries check the visits of patrol Police and see that they are no longer nominal but real, useful visits carried out with intelligence and thoroughness.

(I. G.'s No. 41, dated 4th December 1948.)

(14) (a) The Circle Police Inspectors during their visits to villages whether for investigation, enquiry or other purposes, should make enquiries with the residents of the village to make sure that no offence has been burked and should submit report to the Sub-Divisional Police Officers and the Superintendents of Police showing the villages so visited and the results of enquiries made by them. The Sub-Divisional Police Officers and the Superintendents of Police should during village visitation make sure that the Circle Police Inspectors had in fact acted accordingly.

(I. G.'s No. G/642/dated 29th April 1964).

(b) The Superintendents of Police should send special reports every month giving details to the Inspector General of Police about action taken by them regarding sub-rule (14)(a) and also by the Sub-Divisional Police Officers and the Circle Police Inspectors to their Superintendents of Police.

(I. G. P's No. G/642, dated 13th October 1964).

(15) Although the Police may seek the assistance of private citizens in extra-ordinary circumstances when there are wide spread disturbances etc., as police alone are not able to cope with the situation, such assistance of private persons holding licence for fire arms for night patrolling in the village should not be requisitioned for normal times, for controlling ordinary crimes.

(Govt. Home Deptt. (spl.) No. SBI/FIR/1967/8428, dated 21st February 1968.)

83. **Town patrolling.**—(1) It is not possible to lay down any definite system for patrolling in towns and cities by day and during night. The system must be devised by the officer on the spot in consideration of the number of men available, the seasonal conditions, the nature and incidence of normal crime, special outbreaks of crime in particular localities, the habits of the inhabitants and similar factors of local nature. The principle to be remembered is that the men detailed for patrolling must be under the supervision of higher officers and that no fruitful results can be expected from any patrolling done in a routine manner lacking an element of surprise about it, and this can be achieved only if higher officers exercise personal check on the movements of subordinates. No system of night rounds can be satisfactorily carried out, unless the men are detailed in batches of two or more. Whether the "Flying Squad" system under which a certain number of different squads are detailed for patrolling in a particular area on each day by orders made from day to day, or the "Beat" system, under which a certain number of men attached to the respective sections or chowkies of a town or city carry out patrolling in their respective areas for a specified period of time, would suit a particular town must be judged by the officers concerned in consideration of past experience in relation to local conditions.

(2) Secret watching of criminals and employment of intelligent Policemen in plain clothes in addition to the ordinary staff in uniform should be attempted and encouraged as far as circumstances permit,

(3) (a) Policemen on duty in a town should move on their beats, keeping their eyes and ears open to what is going on around them. They should observe all persons of suspicious appearance carrying bundles etc. They should keep an eye on brothels, Dharmashalas and the houses of suspected or known receivers of stolen property, and on the resort of thieves, gamblers and other bad characters, noting those who enter such places. They should be well acquainted with every street and gully, and should pay particular attention to uninhabited or broken down houses and buildings. As regards strangers they should act in the manner indicated in Sub-Rule (9) of Rule 82 above.

(b) Patrolling duty and plain clothed duty men should be out on the streets especially in a town where apprehension of communal trouble lingers and mixed localities and collect information and report even minor scuffles, assaults etc., to the superior officers.

(I. G. P.'s No. G/1909/1814, dated 20th November 1972).

(4) Policemen on duty in a town by night should move about cautiously and quietly in the shadow of buildings as much as possible and observe without being seen. They should vary their rounds and return at times over the same ground, so that thieves may not count on being secure after they have watched them pass. They should be specially alert towards dawn, when thieves may be returning with booty and take note of all persons moving about at unusual hours, so that they may recognise them again.

(5) In order to prevent the occurrence of thefts in the Courts of District and Subordinate Judges, where valuable property has sometimes to be kept, the Police on night rounds should visit, at least once every night, isolated Court buildings within their jurisdiction and Subordinate Judges, when they have to accept valuable property or a large sum of money too late to be sent to the treasury or sub-treasury for safe custody during the night should inform the senior Police officer in the station and request him to order special attention to be paid to the court buildings that night by the Police on night rounds.

(I. G.'s No. 48, dated 29th November 1930 and G. R. H., D., No. 4336/2, dated 13th February 1931.)

(6) In places where cash transactions are conducted through banks, no armed Police guards are usually engaged at treasuries or sub-treasuries for guarding treasury strong rooms, which at such places are guarded by unarmed revenue peons or watchmen. In such cases the Treasury and Sub-treasury Officers should inform the senior Police officer in the station and request him to order special attention to be paid to the treasury strong rooms by the Police on night rounds, if in their opinion such a watch is necessary.

(G. Rs., R. D., No. 3146/45, dated 24th December 1947 and 10th July 1948.)

(7) The special guards in jails over prisoners condemned to death should be visited at night twice a month by Police officers not lower in rank than a Sub-Inspector or a senior Head Constable. Visits should not be paid on fixed days or at fixed hours, but varied so that such guards may not know when a visit may be expected.

(I. G.'s No. 9383-C, dated 22nd June 1909.)

(8) (a) The duty of performing night rounds belongs properly to Assistant and Deputy Superintendents of Police, Inspectors and Sub-Inspectors. The Superintendent of Police should occasionally check this work and that of the patrolling Head Constables and Constables, by doing rounds himself. It is, however, not necessary that the Superintendent of Police should do this regularly every week as a matter of routine. Assistant and Deputy Superintendents of Police are expected to take night rounds regularly every week.

(I. G.'s No. 10018-B, dated 21st August 1919.)

(b) The Sub-Divisional Police Officers, the Circle Police Inspectors and Sub-Inspectors, during night rounds, should visit Police Stations and Chowkies, make necessary entries in 'Station diary' or 'Chowky Visit Book', as the case may be, as well as, in the note books of Policemen they come across and checked during night rounds. They should make entries in their weekly diary relating to night rounds showing the chowkies and Police Stations visited on a particular night, the areas in which policemen on night rounds were checked, the names of Policemen as well as a brief mention of the defects or defaults if any, noticed by them.

(I. G. P.'s No. G/642, dated 10th April, 1964.)

(c) When a night round man is not found present in his beat or sector allotted to him for night round, the checking officer should arrange to keep a watch at the place of such police-man's duty and go to the residence of police-man concerned and ensure that he has not gone home to sleep.

(I. G. P.'s No. G/642, dated 13th May 1964.)

(9) Superintendents of Police will give special attention to the important duty of night rounds in headquarters towns and when on tour, in the more important towns in the districts. They will also see that their Assistants, Deputies, Inspectors and Sub-Inspectors do not neglect their work in this direction but that the night patrols and Head Constables and Constables on other town duties are kept up to the mark, especially on dark nights, by visits at irregular intervals from superior officers of all grades.

(I. G.'s No. 15858-A, dated 31st October, 1908.)

(10) (a) The Superintendent of Police will depute Constables who have special local knowledge of the bad characters of their Police Stations to the railway stations in the district, where provision for this purpose has been made in the strength of the district.

(b) In order to prevent crime against person and property at way-side railway Stations and in order to afford protection to railway staff, night beats should be deputed from the local Police Stations and efforts should be made to form resistance groups from amongst railway employees in the affected areas.

(I. G. P.'s No. G/1927/71, dated 2nd November 1971.)

(11) District Police are entitled, when on duty, to appear and to remain on the platforms of railway stations. A station master has no power to order the removal of a District Police Constable who may be there on duty.

(12) A Policeman sent on duty in private clothes to railway station platforms to watch suspected characters moving by trains should have a written order (a general order, not a fresh one every day) from his Inspector or Sub-Inspector, as the case may be, and should produce it and his Sanad, if required by the Station Master.

(13) The duties of the Constable will be :—

- (i) to be present at the station for arrival and departure of all passenger trains;
- (ii) to watch the arrival and departure of passengers;

(iii) at stations where there are Railway Police, to report to the Railway Police officer particulars of any known or suspected bad characters booking from his station, in order that such officer may warn by telegram the station of destination and through the Railway Police there, the District Police.

(iv) at stations where there are no Railway Police, to telegraph such particulars to the next Railway Police Station to which the train is proceeding, so that similar action may be taken;

(v) to report to the travelling Constable (that is, the plain clothes Policeman travelling with the train), if any, similar particulars, in order that the travelling Constable may warn the station of destination and, through the Railway Police there, the District Police (the travelling Constable will enter the name of the Police Officer and the information given in his note book);

(vi) in the case of a District Police Constable to receive any communication from the Railway Police and travelling Constable if any, for report to his Police Station and if any suspected persons alight, to send immediate information through the village Police or otherwise to the officer-in-charge of the District Police Station.

(14) Sub-Rules (10) to (13) apply *mutatis mutandis* in the case of a Policeman on duty at a steamer port.

(15) All information secured by men on patrol duty in towns must be noted by them in their note books which must be checked by officers.

84. Road Patrolling.—(1) Patrol duty on country roads should ordinarily be entrusted to armed Constables.

(2) Whenever possible, the services of village Police may be used for the purpose.

(3) Policemen on road patrol should observe all passengers and vehicles, take special note of persons and suspicious appearance and ascertain all particulars about wandering gangs met or seen near the road (where they came from and where they are going) and report what they learn to the officer-in-charge of the Police Station or to their Head Constable.

(4) During days of scarcity, the following precautions should be taken :—

(i) All patrolling between villages (especially on important thoroughfares) should be done at night instead of by day.

(ii) On all roads along which there is much traffic, cartmen and travellers should be advised at the various halting places to do their stages in company and to keep together as much as possible so as to be more or less of a protection to one another.

(iii) On Bazaar days in towns and villages, the people attending the bazaar from out villages should be advised to get home before dark and, if they are likely to be benighted, to stay in the bazaar village till next morning, if possible, and in any case to keep together as much as possible, when returning to their villages.

(I. G.'s No. 3849, dated 14th May 1906.)

85. Special Patrol.—(1) The special patrol is generally established to guard against the actual raids in certain suspected localities. Ordinarily this duty should be performed by Unarmed Police; but if matters are beyond control, Armed Police may be utilised. The special patrol should never be split up, but should be kept compact and should receive definite orders regarding the object for which it is detailed, and about the villages to be visited and camped.

[Practical Notes: Page 113, para (3).]

(2) With a view to keeping the teleprinter and telegraph circuits in perfect good condition, special Police patrols should be arranged on the Budget (Central Government) Day in the sections where copper wire thefts are prevalent.

(I. G.'s Cir. Memo. No. G/4746-II, dated 26th February, 1959.)

86. Supervision of patrolling and giving details of special parties in monthly crime review.—(1) Details regarding village patrolling, town patrolling, road patrolling and special patrols have been given in foregoing Rules. In order to obtain effective results, the primary need is the supervision of these patrollings by the Sub-Inspectors, the Circle Police Inspectors, the Sub-Divisional Police Officers and the Superintendents of Police. In order that patrolling duty men remain active during their duty, the superior officers should arrange surprise checking of patrol duty men and see that they perform their duties properly and do not while away time either in sleeping or sitting in interior villages or sitting at hotels or cinema houses etc. The Sub-Inspectors of Police, the Circle Police Inspectors, the Sub-Divisional Police Officers and the Superintendents of Police should arrange surprise checking of patrol duty men and take appropriate action, if any one is found negligent in duty.

(2) The Superintendents of Police should attach a detailed note with their monthly crime review showing the dates of posting of special parties and reasons for posting of the same.

(I.G. P.'s No. G/642, dated 25th May 1964.)

87. Precautions to be taken when walking in Railway Lines.—(1) Police officers should exercise the utmost care, especially at night, when walking in the railway line. The officer in charge of a Police party should realize that it is his duty to see that the following precautions are taken for the safety of his men :—

(i) Lamps with red slides should be carried, if possible and necessary.

(ii) Enquiries should be made from the preceding and advance stations regarding the trains which are expected in either direction.

(iii) The station masters should be asked to tell engine-drivers to be on the look-out.

(iv) The officer in charge of the Police party proceeding on the railway line should keep his men well together and on the alert and, as far as possible, to the side of the line.

(v) When crossing a railway bridge, where there is no proper foot-path, men should be sent in batches and a system of signals should be arranged. A reliable officer should be kept in the rear.

(G. L., H. D., No. 4770-D, dated 19th November 1923.)

(2) (a) No person under the age of 20 years will be employed on the protection of the railway line on the occasion of the President's journey by train.

(b) Villagers employed on such duties will invariably be warned not to lie or sleep on or walk along the track or between the rails.

(G. R. H. D., No. 4477/3, dated 2nd March 1934.)

88. Travelling Police Guard on Night Passenger Trains.—The primary object of sending Police guards with night passenger trains is to protect the persons and property of passengers. The guards should, therefore, strictly carry out the detailed instructions given to them as to how they are to work, what they are to look for, what they are to do when successful in marking down a suspect and other important matters likely to make for efficiency. Above all, no effort should be spared to prevent the system degenerating into a mechanically and perfunctorily performed duty.

In this connection the following points might receive attention :—

(i) A single Constable on a train is virtually useless, therefore two or more should be detailed, if possible.

(ii) In order to make the available staff as effective as possible, resort should be had to any variation in the mode of employing such guards as is likely to introduce an element of surprise and thereby non-plus the habitual railway thief on the look-out for possible Police interference with his plans. For instance, the guard might sometimes be in uniform and sometimes in plain clothes, or part of it in uniform and part in Mufti; the same guards should not always be posted to the same trains; where all trains cannot be guarded, the train selected should be varied; the distance the guard accompanies the train, the points of joining and leaving the train etc., should likewise be changed from time to time; one member of the guard might ostentatiously leave the train at a station *en route* and his place be unobtrusively taken by another.

(iii) Intelligent men with an aptitude for this kind of work should as far as possible, be selected and good work done by them promptly and suitably rewarded.

(iv) When trains cross State boundaries relieving stations for Police guards should be fixed where there is a Railway Police Station or Outpost. It will be the duty of the senior Police officer of the Railway Police Station or Outpost present on duty to sign the note books of both guards in token of the train having been regularly escorted up to, and taken over from, that place.

(G. L., H. D., No. 6578/3-D, dated 27th May 1936.)

89. Importance of checking of patrol books and note books by superior officers.—(1) Patrol books and note books should, if properly maintained and carefully examined, afford the Superintendent or Sub-Divisional Officer a most valuable means of checking the work of Head Constables and Constables and judging their fitness for promotion.

(2) When occurrences come to notice in villages, if Superintendents of Police, Sub-Divisional Officers, Inspectors and Sub-Inspectors make a practice of sending for the patrol books of the Head Constable or Constable concerned, they can see if that officer has been performing his duties satisfactorily or otherwise. Another check is to compare during inspections the entries in patrol books with those in the various registers usually kept by Police Patels, such as the Visit book, Surveillance register, Register of Convictions, register of wandering gangs and register of arrivals and departures. When patrolling officers find that their books are systematically checked and an interest taken in their work, they are likely to show greater keenness and thoroughness, especially when they find that misleading or incorrect entries or perfunctory work is likely to render them liable to punishment.

(3) To establish an efficient system of patrol, it is essential in the first place that clear standing orders should be issued by the Superintendent or Sub-Divisional Officer laying down the manner in which patrolling is to be done in villages as well as in towns and the nature of information to be collected and entered in their patrol books or note books by the patrol-

ling Officers. But no system, however good and complete it may be, is ever likely to bear good results, unless the work done by the men is constantly and systematically watched and checked by the Inspector and Sub-Inspector and the books and men thoroughly examined by Superintendents or Sub-Divisional Officers when on their tour of inspection and at other times as often as possible.

(I. G.'s No. 10681, dated 23rd October 1899)

(4) Whenever Police Officers go out on duty, no matter what rank or grade they may be, they must keep pencils and Note Books with them.

(I. G.'s Cir. Memo. No. 527, dated 5th July 1955.)

90. Exchange of information regarding bad characters between Railway and District Police.—(1) To help the Railway Police in tracing the whereabouts of suspected persons residing in the districts, the Superintendent of Police or the Sub-Divisional Officer should direct his Sub-Inspectors, when called on by officers of the Railway Police, to supply direct lists of convicted persons living in their jurisdictions.

(I. G.'s No. 6984-A, dated 26th July, 1901).

(2) Each Railway Police Station will be furnished by the officer-in-charge of the District Police Station concerned with a list of all bad characters residing in his charge who are likely to make use of the railway in the course or for the purpose of committing crime. This list will contain the names of persons of this description who are entered on the district of Register of Index to History Sheets and will, unless there are reasons for omission, include those who have been previously convicted of railway crime.

(3) In order to differentiate between ordinary and railway crime, Officer-in-charge of District Police Stations should make a distinguishing mark against each conviction for railway crime in the Village Conviction Register. Officers-in-charge of Railway Police Stations will, report, as occasion arises, to the officers-in-charge of District Police Stations the names of persons resident in their jurisdiction who are strongly suspected of railway crime. These names will be added to the list mentioned in the foregoing Sub-Rule. Officers-in-charge of Railway Police Stations and District Police Stations will arrange to keep these lists in agreement and up-to-date. The Railway Superintendent of Police will communicate to the Superintendent of Police of the District the names of such persons resident in the district and convicted or strongly suspected of railway crime as, in his opinion, should be placed on the district Register of Index to History Sheets. The Superintendent of Police, on receiving the report of the Railway Superintendent, will issue such orders as he considers necessary to the officers-in-charge of the District Police Stations. Officers-in-charge of Railway Police Stations should keep duplicate copies of History Sheets of persons suspected of committing railway crime, which have been opened by the District Police.

(4) As regards the Commissionerate area, the Commissioner of Police will cause the Railway Police to be furnished with lists of those persons only who are likely to use the railways in the course or for the purpose of committing crime.

(5) The Railway Police should take steps to make themselves familiar with bad characters such as those mentioned in the preceding Sub-Rule. For this purpose, Railway Policemen should be sent to the neighbouring District Police Stations, the officer-in-charge of which should render them every possible assistance. The deputation of Railway Policemen to Commissionerate area for a similar purpose is left to the discretion of the Inspector-General of Police, and the Commissioner of Police will give every facility to men, if deputed by the Railway Police.

(G.R., H. D., No. 568, dated 22nd October 1923 and G. R., H. D., No. 2525, dated 2nd May 1910.)

91. Bad characters lost sight of.—(1) Whenever Superintendents of Police or Sub-Divisional Officers on examining the Register of Index to History Sheets or on mustering the Surveillées, if possible, at the inspector of Police Stations and Outposts [*vide* Sub-Rule (9) of Rule 71] ascertain that any such person or persons are absent and their whereabouts cannot be traced, the particulars of such persons should invariably be reported at the time to the Deputy Inspector-General of Police, Criminal Investigation Department (Crime & Railways) Ahmedabad in the prescribed standard form for notification in the *Police Gazette*. A watch should be kept on the names so published, and if any of the persons have returned to their villages or are traced or arrested, their names should be reported to the Deputy Inspector-General of Police Criminal Investigation Department (Crime and Railway), Ahmedabad for removal from the list of missing suspects.

(2) (a) Superintendents of Police and Sub-Divisional Officers should pay particular attention to tracing the whereabouts of the bad characters of their districts and impress on all officers-in-charge of Police Stations that enquiry regarding every bad character who has passed out of sight is not to be relaxed, until it is definitely and finally ascertained what has become of the individual. They must be warned that this is an important part of their duty, and that any neglect on their part will render them liable to serious consequences.

(b) Detailed instructions regarding steps to be taken are given in rules regarding Enquiry Forms (Rule 72) and Index to History Sheets (Rule 68).

(3) When an accused person is arrested whose name and antecedents are not known, the list in the *Police Gazette* should be carefully scanned with a view to seeing if he could be traced therefrom.

(I. G.'s No. 220, dated 8th January, 1900, 2381, dated 20th February 1900, 7596, dated 27th June 1900, 13886, dated 5th December 1900, 3635, dated 2nd May 1901 and 7048-A, dated 30th August 1905.)

(4) A consolidated list of bad characters reported missing and absent during the previous year will be published in the *Police Gazette* at the beginning of every year. This list will be filed with the *Police Gazette* of the year to which it belongs and will be corrected in red ink from time to time, as absentees are reported as traced, dead, etc.

(G. M. J. D., No. 2565, dated 20th May 1904)

(5) To facilitate enquiries into the whereabouts of persons wanted by the Police, each Superintendent of Police will be supplied by the Manager, Government Central Press, with a sufficient number of copies of the *Police Gazette* to enable him to supply them to subordinate officers in his district.

(G. R., J. D. No. 4913, dated 30th July, 1901)

92. Wandering gangs.—(1) Special surveillance must be kept over all wandering communities, such as Bhamptas, Berads, Budduks, Bavris, Nats, Chharas, Vagris, Daffers, Madaris, Rhatores, Lamanis, Wanjaras, Kaikadis, Kunjars, Minas, Sonnerias etc. Whenever suspicious persons from such communities are found at or near a village, the Police Patel will inform the Police Station or Outpost in the local limits of which his village is situated. It is essential for the Police to keep a constant watch at all railway stations, Dharmashalas and landing places, noting particularly any strange or suspicious persons who may arrive, making every possible enquiry about them.

(2) When such persons are reasonably suspected of criminal practices or causes alarm or danger, a complaint should be laid before the Magistrate of the District or of the Sub-Division, with a view to measures being taken under Section 55 of the Bombay Police Act.

(3) (a) Whenever it is reported to the Superintendent of Police or the Sub-Divisional Officer that suspicious characters or wandering gangs have left or are about to leave his district for another, immediate information should be sent by him to the Superintendent of Police of the district to which the persons referred to may proceed. Officers-in-charge of Police Station should be instructed to communicate direct, in the same way, with officers of neighbouring districts. In serious cases information may also be sent to the District Magistrate or the Sub-Divisional Magistrate of the neighbouring district with a view to his acting under Section 55 of the Bombay Police Act.

(G. O., P. D., No. 7138, dated 8th December 1914)

(b) Bavri gangs generally camp near Railway Stations and commit offences by employing the methods of "Rumali", or "Bar-bending". Bavris are known to have been using a "Drill" for opening doors and a "Gyan" for bending iron bars of doors or windows. The members of the gang generally disguise themselves as mendicants and roam about in the localities selecting suitable places of attack. They commit offences and distribute booty among all members of the gang equally, irrespective of the fact whether any member was present at the time of the commission of the offence or not. They are hardened criminals and often turn violent when confronted.

The Commissioner of Police/Superintendents of Police should be vigilant against the activities of the gangs of Bavris by taking prompt action under section 55 of Bombay Police Act and other provisions mentioned in Chapter VIII of Criminal Procedure Code.

(I. G. P.'s No. G/1909/63, dated 30th August 1963)

(4) The issue of good character certificates to gangs emigrating from the district in the State of Gujarat is forbidden.

(G. R., J. D., No. 8023, dated 2nd December 1915)

(5) Details of such gang and its members shall be entered in gang Register maintained, in form No. P.M. 127 eg.

93. Action against Gangs of Foreigners.—(1) The States on the frontier of India are responsible that foreign vagrants and gypsy gangs are not allowed to pass into India.

(2) In any State where such a gang commits any depredation, no effort should be spared in bringing the chief offenders to justice for specific crimes, or treating them, as the law allows under Chapter VIII of the Criminal Procedure Code.

(3) On no account should such gangs be passed on under Police or other guards into other districts or States; but if deportation is deemed necessary, it should be carried out at once under the Foreigners Act, XXXI of 1946 (*vide* Rule 307) full lists and descriptive rolls of the deported persons with finger impression slips of the leaders being prepared and forwarded to the Government of the State concerned on the frontier of India.

(G. O., J. D., No. 7434, dated 3rd November, 1900 and G. O., J. D., No. 5242, dated 2nd October 1903.)

(4) The Police should hand over the deportee to the Railway Police with his detailed description in writing and full particulars of the reason for surveillance and should forward to the Inspector-General of Police of the frontier State a detailed description of the deportee. Railway Police should send word ahead to the station at which the deportee is to be passed on to the Police of another State to ensure continuity of surveillance. This communication should also include a detailed description of the deportee. The formal communication received from the local Police should be passed on to the Police of the next State with the deportee, and the signature of the Police Officer to whom he is passed on under surveillance should be taken on a copy thereof.

(G. R., P. D., No. 3, dated 3rd January 1917.)

(5) Care should be taken to see that the statement of the persons to be deported claiming that he is a native of a particular foreign country should be supported by other satisfactory corroborative evidence. The mere statement that he is a native of such a country will not be considered as sufficient.

(G. C., P and S. D., No. 43/1112, dated 9th November 1933.)

(6) The finger impressions of all Pathans against whom an order is passed or who are deported under Act XXXI of 1946 should, if possible, be taken and forwarded—

(a) through the proper channel to the Finger Print Bureau of the State in which the persons are alleged or suspected to reside,

(b) to the Finger Print Bureau concerned, and

(c) to the Bureau or Bureaux of the State to which their operations are believed to extend.

(I. G.'s No. 6388, dated 4th August 1905 and G. R., H. D., No. 2513-A, dated 28th March 1923.)

(7) On no account should safe conduct passes or licenses to carry arms be granted to gangs of this type or to any members of such gang, and if arms or ammunition are found in their possession, they should be at once disarmed in accordance with the provisions of the Arms Act.

(G. R., J. D., No. 3770, dated 28th June 1979 and G. O., H. D., No. 11851, dated 16th December 1920.)

94. Steps of procedure to be followed by the Police against wandering gangs of Foreigners.—(1) It will be the duty of the Police Patel to give immediate information to the officer-in-charge of the Police Station and to the nearest Police Outpost on the arrival within the limits of his village, of a wandering gang e.g., Heratis or Baluchis (Iranis), that make exactions from villagers and commit depredations.

(2) (a) Upon receipt of such information the officer-in-charge will at once, make a report to the Superintendent of Police and the nearest Magistrate, and will at once proceed to the spot where the gang is encamped. Should any members of the gang be armed without a licence, they should be disarmed in accordance with the provisions of the Arms Act.

(b) The intentions of the gang should be ascertained, as soon as possible, from its headman. If they are making for their own or some foreign country, to which, in the opinion of the Magistrate of the District, there is no objection to their being allowed to repair, the said Magistrate should take measures to induce the headmen to journey by such route, as will ensure their encamping only at villages large enough to supply their wants.

(c) If it appears necessary to the Magistrate of the District, he should report the names of the principal members of the gang to Government with a view to obtain written orders of the Government of India under Section 3, Foreigners Act, XXXI of 1946, directing them to remove themselves from India by such route as that Government thinks best.

(d) Pending receipt of the order of Government on such a reference, the District Magistrate of each district through which the gang proceeds must act as in clause (b) above.

(e) In every case the Magistrate of each district on the route to be taken by the gang should be informed, as early as possible, by the Magistrate of the adjoining district of the probable date on which the gang will enter his district and of the arrangements or orders which have been made concerning it.

(G. O., J. D., No. 7434, dated 3rd November, 1900 and 5242, dated 2nd October, 1902.)

(3) The following instructions should be followed by the officers-in-charge of Police Stations as a first step towards deportation of gangs that give troubles :—

(a) Keep the gang within jurisdiction if possible at the Police Station or Outpost till orders are received from the Superintendent of Police or the Sub-Divisional Officer of its disposal.

(b) Submit to the Superintendent of Police or the Sub-Divisional Officer concerned an immediate report stating :—

(i) the strength of the gang,

(ii) the name, age and description of each member, and

(iii) clear evidence of foreign origin; e.g., place of birth or residence, names of relatives there etc.

(c) Submit to the Superintendent of Police or the Sub-Divisional Police Officer, as soon after the first report as possible :—

(i) a list of previous convictions as ascertained from the Finger Print Bureau.

(ii) evidence as to other crime committed or annoyance caused, by the gang within the month, or at its last two or three halting places, and

(iii) if the gang becomes unmanageable before orders are received from the Superintendent of Police as to its disposal, arrest its leaders under Section 41(2) and prosecute them under Chapter VIII, Criminal Procedure Code.

(4) On receipt of the report under clause (b) of Sub-Rule (3) above, the District Magistrate should be asked to move the Government of India through the State Government to order the gang to remove itself forthwith from India by sea from the port of Bombay under Section 3 of the Foreigners Act. If the gang is likely to be unruly or to endeavour to clear off into the nearest foreign jurisdiction pending the receipt of the orders of Government, the District Magistrate should at the same time be asked to issue warrants of arrest against the adult male members of the gang under clause (g) of Sub-Section (2) of Section 3 of the Foreigners Act XXXI of 1946.

(5) The best method to tackle the gangs is for the District Magistrates, Superintendents of Police of the District and Railway Superintendents of Police to make full and vigorous use of Section 55 of the Bombay Police Act and break them up rather than hunt them from place to place. A sufficiently large number of armed Police with a Sub-Inspector in charge should be despatched by Superintendents of Police to make contact with any large gang found entering their jurisdictions and the Police should remain with the gang while evidence required for proceedings under the aforesaid Section is being collected and until orders made thereunder are duly carried out.

(G. C., H. D., No. 7325/4, dated 4th July, 1947.)

(6) If the gang habitually commits thefts, or robberies, any or all of its members may be prosecuted under Section 401 of the Indian Penal Code. If the gang—

(a) graze its cattle on the crops in the neighbourhood of its camp, and intimidates and assaults the owners of the fields when interfered with (Sections 426, 427, 447, 352 and 323, Indian Penal Code and Section 161, 162, 163 and 164 of Gujarat Panchayat Act.)

(b) steals or seizes by force sheep belonging to villagers or shepherds (Sections 379 and 392, Indian Penal Code.)

(c) enters villages on the pretence of selling precious stones (the stones being generally false) and steals anything it can lay its hands on—their women especially are great pilferers—(Sections 379 and 380, Indian Penal Code).

(d) enters small villages and forces or intimidates the inhabitants to give it money, food etc. (Sections 384, Indian Penal Code), and

(e) drives away ponies or cattle grazing at the sides of the road with the cattle of the gang (Sections 379 and 403, Indian Penal Code),

every endeavour should be made to bring the offenders to justice. Should, however, it be found impossible to establish the identity of the guilty parties, the headman or Jamadar of the gang should be called upon to deliver up the offenders. Should he fail to do so, he, together with the other headmen of the gang, should be arrested under Section 41(2) of the Criminal Procedure Code and proceeded against under Chapter VIII *ibid*.

(G. R., J. D. No. 495, dated 25th January 1883.)

(7) The last named measures may be taken against all or any of the members of the gang at any time, if they commit, or show a probable intention of committing a breach of the peace or any offence.

(8) Large gangs of foreigners should be prohibited from wandering about this State. Whenever the gang exceeds fifty, including women and children, two or three of the leaders should be deported, provided they refuse to break up into smaller bands, or else steps should be taken for dispersing them under Section 55 of the Bombay Police Act.

(9) The duty laid on a District Magistrate by Section 55 of the Bombay Police Act is not fulfilled by merely passing on a trouble-some gang to a neighbouring district. He should take measures for dispersing it, whenever in number and combination are a source of danger or alarm to the peaceable community.

95. Deportation of undesirable Foreigners on expiry of imprisonment.—(1) Superintendents of Jails should always give ample previous notice to the Police officer concerned of the date and hour of the intended release of foreigners, against whom an order of deportation under the Foreigner Act XXXI of 1946 has been issued, so that suitable arrangements may be made for sending them out of India under Police surveillance.

(G. R., P. D., No. 4349, dated 22nd July 1913.)

(2) When an undesirable foreigner is convicted and sentenced to imprisonment and it is considered desirable that he should be deported on the expiry of his term of imprisonment, an application for his deportation should be submitted to Government. If Government consider that the foreigner should be deported, they will issue at once an order under Section 3 of the Foreigners Act XXXI of 1946, without waiting for his release. This order should be kept with the papers concerning the convict and will remain in the prison, wherever the foreigner is undergoing his sentence. When the time for the foreigner's release approaches, the jail authorities should communicate the date of release to the local Superintendent of Police who should then make the necessary arrangements to take him over on release and serve the order of deportation, a copy of the order being handed over to the foreigner.

The Superintendent of Police who serves the order of deportation should give timely intimation of the departure of the foreigner to the representative concerned, in India, should submit a report to Government of the service of the order and should forward to Government with the report the duplicate copy of the order with service duly endorsed thereon. He should also forward the photograph and finger prints of the foreigner to the officer on whose recommendation the order of deportation has been issued to enable him to publish the necessary information in the *Police Gazette*.

(G. R., P. D. No. S-43/616, dated 11th April 1928.)

(3) Photographs of political deportees should, however, not be submitted unless an order is received in that behalf from the Criminal Investigation Department.

(I. G.'s No. 52, dated 18th November 1933 and G. C. P and S. D., No. 9843, dated 10th October 1933.)

96. Externment of bullies.—(1) (a) When action under Section 56 of the Bombay Police Act is to be taken for the externment of bullies, (i) the Police should record evidence to show that the externnee is by his movements or activities causing danger or harm to person or property or is about to commit an offence involving force or violence etc., and (ii) the externment proceedings should state that witnesses are not willing to come forward in public to depose against the externnee. Unless both these conditions are fulfilled by the proceedings, the case does not fall within the purview of Section 56 of the Bombay Police Act.

(G. J. H. D. No. 3065/5-3512-H, dated 8th October 1958.)

(b) The Police officers authorised under Section 59 (1) or Section 55, Bombay Police Act as the case may be, by the externing authority, should submit their reports within one month and the externing authority should pass orders thereafter within a week.

(G. C. H. D. No. SB-II/EXT/4058/21337, dated 8th October 1958.)

(2) The Commissioner of Police/Superintendents of Police should personally attend to the complaints received by them from the members of the public and watch the crime situation in the districts closely. Where the antisocial elements get away with acquittal or light punishment they should take strong measures to control them and resort to preventive action or externment in deserving cases.

No. G/1926, dated 4th July 1963.)

(3) The supervisory Police officers should be able to ascertain independently whether there are undesirable or objectionable persons in the limits of Police Stations who are in habit of being intimate with the Police by removing their contacts with the Police by careful supervision and visits to Outposts, Patrol beats, etc. The supervisory police officers should make it a special point to weed out this menace by intelligent handling and developing intelligence about activities of goondas at the Police Stations, Outposts and patrol beats level. The Commissioner of Police/Superintendents of Police should pay surprise visits to the Police Station, Outposts and patrol beats so as to weed out the bad characters from having contacts with the Police impairing the image of the Police in the public eye.

(I. G. P.'s Cir. No. G/1927/CIB/66, dated 17th February, 1967.)

(4) The Commissioner of Police/Superintendents of Police shall see that the dossiers and the lists of goondas are maintained properly at the Police Stations, and the Crime Branch. The Police Research Centre in the office of the Deputy Inspector-General of Police, Criminal Investigation Department (Crime and Railways), Ahmedabad and the Local Crime Branch at districts should deal with the problem of goondas and collection of information and maintenance of statistics of the activities of goondas. The Commissioner of Police/Superintendents of Police should furnish particulars of dossiers of goondas maintained by them to the Deputy Inspector-General of Police, Criminal Investigation Department (Crime and Railway) to enable the Police Research Centre to be helpful in dealing effectively in curbing goonda menace in the State. The dossier shall be maintained in Form No. 7, Appendix I.

(I. G. P.'s Cir. No. G/1927/CIB/64, dated 17th February 1967 and G/1927/CIB/64, dated 12th April, 1967.)

(5) (a) The Deputy Commissioner of Police in the Commissionerate area and elsewhere the Sub-Divisional Magistrate shall send quarterly statements in the prescribed forms to the Commissioner of Police/District Magistrate on the 10th of the following month with a view to see whether the externment proceedings are disposed of expeditiously or unnecessarily delayed. The Commissioner of Police/District Magistrate in turn shall send the information in the prescribed form to the Government, before 20th of that month.

(Govt. H. D. (Spl.), No. SB. I. EXT. 1067 dated 2nd May 1967 and No. SB. I. EXT. 1068/502 dated 15th April, 1968.)

(b) All Inspecting Officers including the Circle Police Inspectors must specifically check the lists of goondas etc. during the inspections of the Police Stations and ensure that the dossiers and lists are maintained upto-date.

(I. G. P.'s No. G/1927/CIB/69 dated 21st November, 1969.)

(c) Whenever the Police start proceedings under the Criminal Procedure Code or of externment against any member of the Home Guard, necessary information in that connection should be sent to the Commandant General, Home Guards and the District Commandant, Home Guards, concerned.

(I. G. P.'s Cir. No. G/1947 dated 31st March 1971).

(6) The Commissioner of Police, in Commissionerate area and the District Magistrate, the Sub-Divisional Magistrate or the Superintendent of Police specially empowered by the Government in the district may extern the members of gang, or body, or persons, or immigrants or persons convicted, as the case may be, from any local area, or any such area and district or part thereof, whether contiguous thereto or not.

(Section 63-AA of Bombay Police Act.)

(7) Certain non-cognizable cases must be attended to by the Police themselves with the Magistrate's permission instead of preferring complaints to the Magistrates in cases of complaints of harassment by bullies. Police should also consider action under Chapter VIII of the Criminal Procedure Code or externment or detention in proper cases.

(I. G.'s No. 6297, dated 6th January 1948.)

97. Police Register transfer system.—(1) It is desirable to arrange for the release in the districts in which prisoners have, or have established, their domicile, such prisoners as are likely to revert to crime. In order to arrange for such release advantage can be taken of the powers of the Inspector-General of Prisons under Section 29(2) of the Prisoners' Act, 1900, to transfer prisoners from one prison to another. This is done under system known as the P. R. T. (Police Register Transfer) system.

(2) (a) The Police Register Transfer system shall apply in the cases of persons against whom either of the following orders are made and is in force :—

(i) Order to notify residence under Section 109 of the Code of Criminal Procedure, 1973.

(ii) Order of restriction under the provisions of the Bombay Habitual Offenders Act.

(b) The P. R. T. System is not applicable to juvenile offenders released from the Industrial Schools and the Borstal Schools.

(G. R., H. D., No. 1345/4, dated 25th March 1942.)

(3) When an officer-in-charge of a Police Station receives an order of conviction in respect of a person coming within the category mentioned in Sub-Rule (2) (a) he will report the case to the Superintendent of Police, through the Sub-Divisional Police Officer, together with particulars in Form P. M. 131. The Superintendent will then send a P. R. T. Slip in Form A (P. M. 134) to the jail. Details of previous convictions should not be entered on the slip, as these convictions are already noted in the warrants sent to Superintendents of Jails. On receipt of this slip, the Jail authorities will attach it to the prisoner's committal warrant, and make a note in the jail register that he is to be transferred prior to release to the jail or sub-jail of the district of his domicile. These arrangements hold good for criminals of this State as well as for those of other States. It will be necessary to make careful and thorough enquiries as to the criminals' correct place and district of domicile. When the local Police are unable to ascertain correctly the domicile of such a criminal, the case should be referred to the Criminal Investigation Department (Crime) for orders.

(4) By district of domicile is meant the district which the prisoner has chosen to make his permanent place of abode, as evidenced by the locality of a series of convictions or by any other circumstances, such as the possession in it of land or other property or the pursuit of any permanent occupation. The district of domicile may also be the district of origin, but is not necessarily so. Failing any evidence of permanent domicile, district of domicile shall be construed to mean the district of origin, or, failing knowledge of this, the place where the prisoner was arrested.

(5) Besides sending the P. R. T. Slip (Form A) to the jail authorities, the Superintendent of Police will send a copy thereof to the Superintendent of Police of the district in which the convict is domiciled (if the district of conviction is not the same), and so furnish the latter officer with information about one of his district bad characters, whose disappearance might not otherwise have been known.

(6) Form B (P. M. Form 135) is the intimation of impending release to be sent by the Inspector-General of Prisons to the Superintendent of Police of the district of release. This also will be sent with the P. R. T. Slip (Form A) to the jail and kept there with the prisoner's committal warrant. Both forms A and B will be attached by the Superintendent of the Jail to the nominal roll which he is required to send to the Inspector-General of Prisons for sanction prior to the transfer of a prisoner. Form B will be detached in the office of the Inspector-General of Prisons and forwarded to the Superintendent of Police concerned when the sanctioned nominal roll is returned by him to the transferring jail. This will ensure due notice being received by the Superintendent of Police of the impending release of a prisoner.

(7) When a P. R. T. prisoner is released before the anticipated dates either on payment of fine or furnishing security or on appeal, immediate intimation should be sent by the jail authorities to the Police of the district to which the prisoner was to have been transferred, mentioning the reasons for the premature release.

(8) The number of the P. R. T. Slip (Form A) should be noted in the remarks column of the entry relating to the offence for which the person was convicted, in the Crime Register of the Police Station as well as that of the Sub-Divisional Officer.

(9) There is no objection to sending Police Register transfer prisoners, transferred to prisons outside the State, in private clothes and without fetters to jails in other States. But handcuffs will be necessary and Police relieving parties should have their own handcuffs, so that the relieved party can keep their handcuffs, ropes, etc. Thus there will be nothing to return from the destination, and no extra expenditure to the Jail Department. The escort parties must be on their guard against escapes.

(10) (a) In Commissionerate area the prevention of Crime Branch will arrange to get transferred such prisoners undergoing imprisonment in outside jails to a jail in Commissionerate area before their release.

(b) The Commissioner of Police/Superintendents of Police should check during their inspections whether the officers incharge of Police Stations have sent the case in form PM. 131 to him and if not the same should be got done and necessary action for negligence in addition be taken. They should also check up in their offices whether the cases referred to in form PM. 131 are promptly attended to and whether P.R.T. slips in form A (PM. 134) have been sent to the jails. Police Register System is a very important system for prevention of crime as it enables the Police to know the present whereabouts of the criminals and as such, the Police should take full advantage of it. To this end, all the supervising officers, during their inspections of Police Stations, should see that the officers incharge of the Police Stations invariably send particulars of the criminals referred to in sub-rule (2) above in form PM. 131. Severe action should be taken for any negligence shown in this regard.

98. Prevention of Breaches of the Peace.—(1) The majority of riots and other disturbances of the peace take place in connection with disputes regarding processions, festivals, fairs, right of way and other easements and similar matters. In order to prevent such breaches, the following steps should be taken according to the circumstances of each case :—

(i) A Police Station Officer must always keep in touch with the information recorded in his records relating to crime in villages and acquaint himself with the occasions on which a breach of the peace is likely to take place.

(ii) When a probable disturbance is within sight, he should visit the place in question and try to ascertain the condition of public feeling by getting into touch with influential party and non-party man.

(iii) The village Police and patrol Policemen should be instructed to keep a vigilant watch on meetings held, handbills distributed and rumours set afloat, very often by outside agitators.

(iv) If the circumstances demand such action, the District Magistrate should be moved to issue a proclamation under Section 37 of the Bombay Police Act, prohibiting the delivering of speeches, holding of meetings etc. at the place in question. Action may also be suitably taken under Section 108, Criminal Procedure Code (*vide* Sub-Rule (3) of Rule 99) against persons who may be delivering inflammatory speeches or indulging in similar activities.

(v) Higher officers, especially in the Gazetted ranks, should interpose by contacting the influential leaders of parties and even by distributing leaflets containing advice and warning, and should try to avert trouble with their assistance (*vide* Section 149, Criminal Procedure Code).

(vi) If the prospects of averting trouble are encouraging, steps should be taken to concentrate sufficiently large Police strength in the vicinity of the scene where a breach of the peace is anticipated, as a mere show of strength is sometimes likely to be sufficient to avoid untoward developments. For this purpose all available strength of the Police force, especially armed men of the district, should be concentrated at the place. If necessary, the district strength may be augmented by re-inforcement obtained from other districts through the Inspector-General of Police under Section 28 (1) of the Bombay Police Act. The Commissioner, the Superintendent of Police or any Magistrate specially empowered in this behalf by State Government, may, if necessary, appoint special Police under Section 21 of Bombay Police Act, 1951.

(vii) If the breach of the peace is likely to arise out of a dispute in connection with any procession etc. steps should be taken to invoke the powers of the District Magistrate under Section 39 of the Bombay Police Act. The District Magistrate may also be requested to issue orders under Section 40 of the Act, temporarily closing or taking possession of buildings or places likely to be used as shelters by miscreants intend upon throwing missiles or making an attack.

(viii) In the case of a procession in dispute, superior Police officers should make supplementary orders for regulating the procession under Section 36 and 67 of the Bombay Police Act. If time permits, proceedings may be started against the ring-leaders under Section 107, Criminal Procedure Code (*vide* Sub-Rule (2) of Rule 99) and in case of the cause of the trouble is a dispute in connection with any land, temple or other immovable property, under Section 145 of the Criminal Procedure Code.

(ix) If none of these steps proves or is likely to prove effective, the Magistrate concerned may, as a last resort, be requested to issue orders under Section 144 of the Criminal Procedure Code, temporarily prohibiting persons from doing certain acts, even if they are perfectly lawful.

(x) Higher supervisory officers, such as the Sub-Divisional Officer and the Superintendent of Police, should invariably be present on the scene of the apprehended trouble and should not leave the matter to be dealt with by subordinates.

(xi) If anti-social elements in Cities and factions in villages continue to commit offences with the result that incidence of murder, stabbing etc. are likely to be on the increase, then strenuous efforts should be made to control such anti-social activities by taking more stringent action under Chapter and externment Proceedings.

(I.G's No. 7355, dated 12th May 1955.)

(2) For the successful prosecution of cases filed for breach of an order made under Section 37(1) and 37(3) of the Bombay Police Act, the Police officers should in addition lead evidence on the following points :—

(i) evidence of promulgation of the notification through loudspeakers, affixing copies of such notifications at permanent places in the areas and publication in newspapers;

(ii) evidence of sufficient notice given to the public to enable the court to know that ample opportunity was given to the public to know about the notification; and

(iii) evidence of circumstances under which such notification was issued by the authorities.

(I.G. P.'s Cir. No. G/1927/69 dated 17th November, 1969.)

99. Proceedings under Chapter VIII of the Criminal Procedure Code.—(1) Section 106, Criminal Procedure Code.—Security for keeping the peace can be demanded by a trying Magistrate from an accused person convicted of an offence involving a breach of the peace, in addition to the sentence passed for it. All that the Police have to do is to suggest to the Magistrate the necessity of taking action under that section. The Sessions Judge or the Court of a Magistrate of the First Class may order a person to execute a bond for keeping peace while convicting a person in the following categories of the offences :—

(a) Offences punishable under Chapter VIII of the Indian Penal Code other than an offence punishable under Section 153 A or 153 B or 154;

(b) offences which consist of or include assault or using criminal force or committing mischief,

- (c) offences of criminal intimidation, and
- (d) any other offence which causes or was intended or known to be likely to cause a breach of the peace.

(2). (a) *Section 107 Criminal Procedure Code.*—According to Section 107 of the Criminal Procedure Code, when an executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquility or do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility he may require such person to show cause why he should not be ordered to execute a bond for keeping peace etc. not exceeding one year. According to the Section only an executive Magistrate is empowered.

(b) Proceedings under Section 107 are an effective means for preventing a breach of the peace or a disturbance of public tranquility which is reasonably apprehended in connection with religious processions, festivals, fairs, elections or any political movement. It is not always essential in every case that there need be two parties fighting against each other. It must, however, be clear that a breach of the peace is imminent, unless averted by proceedings under the section.

(c) Before starting proceedings under this section, the Police should collect evidence, oral or documentary, of persons (including Police officers) acquainted with the circumstances of the case, regarding—

- (i) the specific occasion on which the breach of the peace is anticipated.
- (ii) the existence of a cause, quarrel or other circumstances which is likely to lead to the breach and the period of its duration.
- (iii) the declarations of the parties indicating their determination to carry out or to prevent certain things in connection with the subject-matter of the quarrel.
- (iv) the strength and the following of the party or parties; and
- (v) attempts made for conciliation, with their results, etc.

(d) It is not necessary to record elaborate statements of witnesses, short notes being sufficient. The provisions of Section 162, Criminal Procedure Code, do not apply to any statements or notes made in connection with such an enquiry. In fact the inquiry is not governed by any of the provisions of Chapter XIV of the Criminal Procedure Code.

(e) The proceedings should be initiated by a Police officer lodging personally or sending by post to the Magistrate having jurisdiction information in writing specifying the name with full address of the person from whom security is sought to be demanded, the occasion on which the breach of the peace is apprehended, and the circumstances calculated to lead to the same, and praying for security being demanded. The period and the nature of the security may also be suggested. The names with addresses of witnesses to be examined in the case should be mentioned in the information. Proceedings under this section can be taken before the Executive Magistrate when either the place where the breach of peace is apprehended is a person within his jurisdiction who is likely to commit breach of peace in the areas outside his jurisdiction.

(f) The Magistrate will then issue process for the attendance before him of the person to be proceeded against. If it is desired to have the person immediately arrested to prevent any imminent breach of the peace, a request may be made to the Magistrate for the issue of a warrant of arrest. The Magistrate dealing with the case will issue a preliminary order under Section 111, Criminal Procedure Code, calling on the person to show cause why he should not be ordered to furnish security specified in the order. The Magistrate will then record evidence tendered by the Police and also by the person proceeded against and make such final order as he deems fit in the light of the evidence recorded. If, pending the completion of an inquiry, it appears necessary to take immediate steps to prevent a breach of the peace or the commission of an offence the Magistrate should be requested to take interim security from the person.

(g) Care should be taken to see that action under this section is taken against the party who is about to play an aggressive part calculated to lead to a breach of the peace and not against a person who is acting within his rights, though a breach of peace may be apprehended as a result of the activities of a person or persons who may feel aggrieved by the lawful exercise of such rights. In some exceptional cases it may be difficult to decide who is acting beyond his rights; in some other cases it may be desirable on account of some peculiar circumstances to proceed against both the parties, but these would certainly be rare.

(h) Orders under Section 107 may be passed upon the plea and consent of the person proceeded against without recording evidence as the procedure to be adopted is that of a summons case.

(i) Against two contending parties two separate proceedings should be instituted, as persons proceeded against in both cannot be said to be associated with one another.

(j) In proceedings against opposite parties (factions), persons proceeded against in the one may be cited as witnesses against the other and *vice versa*.

(3) *Section 108, Criminal Procedure Code.*—(i) When a Judicial Magistrate of the First Class receives an information that there is within his local jurisdiction any person who *within or without such jurisdiction* (i) either orally or in writing or in any other manner intentionally disseminates or attempts or abets dissemination of (a) any matter the publication of which is punishable under Sections 124 A, 153 A, 153 B or 295 A of the Indian Penal Code, or (b) any matter concerning a judge acting or purporting to act in the discharge of his duties amounting to criminal intimidation or defamation (ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation any obscene matter (Section 292 I.P.C.) require such persons to show cause why he should not be ordered to execute a bond for his good behaviour. No proceeding shall be taken under this Section against the editor, proprietor, printer or publisher of any publication registered under and edited, printed and published in conformity with the rules laid down in the Press and Registration of Books Act, 1867, except by the order or under the authority of the State Government or some officer empowered by the State Government.

(ii). Proceedings for security for good behaviour under this Section are generally taken against (a) Political agitators disseminating seditious matter by making speeches or distributing pamphlets, handbills, etc., or matter which is calculated to promote racial hatred between different communities; (b) editors, printers, publishers etc. of newspapers or other books, disseminating such matter.

(iii) The Police should collect evidence of speeches delivered or pamphlets distributed etc. and note in their reports persons at the meetings at which the speeches were delivered or those to whom the pamphlets were distributed. It is immaterial whether the objectionable activities of the person proceeded against took place within or without the jurisdiction of the Magistrate before whom the information is lodged. All that is necessary is that the person must be within the Magistrate's jurisdiction at the time when the information is lodged.

(4) *Section 109 and 110, Criminal Procedure Code.*—Proceedings under Sections 109 and 110, Criminal Procedure Code, are among the most useful means at the disposal of the Police for checking and controlling crime and should be resorted to in suitable cases. According to Section 109 of Criminal Procedure Code, when a Judicial Magistrate of the First Class receives information that there is within his local jurisdiction a person taking precautions to conceal his presence and that he is doing so with a view to commit a cognizable offence, the Magistrate may issue Show Cause Notice. In the Criminal Procedure Code there is now no provision for no ostensible means of subsistence and, who cannot give satisfactory account of himself, which means that action can now be taken only against a person who conceals his presence with a view to commit cognizable offence only. Therefore, the evidence on the following points will be useful in proceeding under Section 109, Criminal Procedure Code :—

(i) The person proceeded against was found by a Policeman or any other person at an unusual time and in suspicious circumstances at a place where he had no business to go or remain at the time.

(ii) His movements, costume or disguise indicated an attempt to conceal his presence or identity at the time and place.

(iii) When questioned, he gave a false name and residence.

(iv) His conduct *e. g.*, an attempt to run away, was highly suspicious.

(v) He was making an attempt or exhibited conduct suggesting that his object was to commit an offence.

(vi) Letters or documents had passed between him and any other person suggesting that the concealment was for the commission of an offence.

(vii) He was in possession of implements of house-breaking, bunches of keys or master keys etc.

(5) *Section 110 Criminal Procedure Code.*—When a Judicial Magistrate of the First Class receives information that any person.—

- (a) is by habit a robber, house-breaker, thief or forger, or
- (b) is by habit a receiver of stolen property, knowing the same to be stolen, or
- (c) habitually protects or harbours thieves or aids in concealment or disposal of stolen property, or
- (d) habitually commits, attempts or abets the commission of offences of kidnapping, abduction, extortion, cheating or mischief or any offence punishable under Chapter XII of the Indian Penal Code or Section 489-A, 489B, 489C, 489D of the Indian Penal Code, or
- (e) habitually commits, attempts or abets commission of offence involving breach of the peace, or

(f) habitually commits, attempts or abets commission of offence under :—

- (i) (a) The Drugs and Cosmetic Act, 1940.
- (b) The Foreign Exchange Regulation Act, 1947.
- (c) The Employees Provident Fund Act, 1952.
- (d) The Prevention of Food Adulteration Act, 1954.
- (e) The Essential Commodities Act, 1955.
- (f) The Untouchability (Offences) Act, 1955.
- (g) The Customs Act, 1962, or

(ii) any offence punishable under any other law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs or of corruption, or

(g) is so desperate and dangerous as to render his being at large without security hazardous to the Community.

Such Magistrate may issue a notice under section 111 of code and take further action.

Provisions under clause (i) (a) to (f) and (ii) are new provisions added to the original section 110 of the old Criminal Procedure Code.

For the proceedings under Section 110, Criminal Procedure Code, evidence should be collected as follows :—

(a) A Police Station Officer should prepare the ground well before starting proceedings under this section. It is desirable to prepare a History Sheet of a bad character to be proceeded against, taking care to note therein from time to time the reports against his character. Patrol Policemen should also inquire and note in their patrol books everything they learn against the individual so that the entries may later be useful in a proceeding under the section.

(b) In addition to the material collected, as above, the following types of evidence will be highly useful :—

(i) Evidence of previous convictions in respect of offences of a similar nature.

(ii) Evidence of person who testify to their having seen the person committing an offence or to their suspecting him to have committed it, in view of his presence at or near the scene or movement from or to it etc., though the statements of such persons may be uncorroborated and insufficient to sustain a prosecution in respect of that offence.

(iii) Evidence regarding the bad repute of the person proceeded against the respectable witnesses who, owing to their residence in the locality or otherwise, have means for knowing it.

(iv) Evidence of the unaccountable absence of the person proceeded against, especially at night time.

(v) Evidence of his association with other bad characters, receivers or disposers of stolen property.

(c) As regards provisions (i) (a) to (g) and (ii), appropriate evidence to fit in the necessary clauses should be collected, viz. so far as, the Customs Act is concerned, evidence should be collected that the person is a smuggler, his associations with smugglers, his visits, etc.

(6) If the person to be proceeded against under Section 109 or 110 is covered by Section 41(2) Criminal Procedure Code, he may be arrested by a Police Station Officer and produced before a Magistrate. In other cases the Magistrate will issue process for his attendance after information has been lodged against him. The procedure regarding the collection of evidence by the Police and the lodging of information and the inquiry to be made by the Magistrate will be substantially the same as outlined in above Sub-Rule.

(7) The following hints should be carefully observed in taking proceeding under Section 109 and 110, Criminal Procedure Code :—

(i) It is inappropriate to proceed against a person simply because a prosecution against him has failed.

(ii) A person who is already undergoing imprisonment ought not to be proceeded against as, while in jail, he is incapable of committing any offence.

(iii) Proceedings under both the Sections cannot be taken against one and the same individual at one and the same time.

(iv) Two or more persons may be jointly proceeded against under Section 110, if there is evidence to prove their association in their criminal activities.

(v) The statement of a witness examined in proceedings under Section 110, Criminal Procedure Code, deposing to the commission by the person proceeded against of a certain offence does not amount to a first information of a cognizable offence and it is not necessary to register the offence.

(vi) Proceedings under Section 110 should be initiated by lodging information as soon as possible after the inquiry into the character of the person has been furnished, as the absence of evidence of any offence committed by him in the meanwhile indicates that there is no necessity to demand security from him.

(vi) Mere evidence of previous conviction unassisted by evidence of reversion to crime on the part of the person proceeded against after undergoing his last sentence, will not be sufficient to support a demand for security.

(viii) The mere fulfilment of the terms of these provisions (Sections 109 and 110, Criminal Procedure Code) is not enough and before making a final order under Section 117 Criminal Procedure Code, the Magistrate must find it proved to be necessary for maintaining good behaviour that the person in respect of whom the inquiry is made should furnish security, the elements required to establish such a necessity varying in individual cases.

(8) *Instructions regarding Institution of Chapter Proceedings against individuals.*—To avoid indiscriminate and injudicious use of Chapter Proceedings as also the delay in the disposal thereof, the following instructions should be scrupulously followed by Police officers :—

(i) Chapter Proceedings should not be filed unless there is a real need;

(ii) Even when there is a need, both the parties need not be indiscriminately proceeded against without any attempt being made by the Police to ascertain as to which is the offending party and which is the party acting within its rights;

(iii) The Chapter proceedings should not be so much delayed as to defeat their real purpose and to constitute a harassment to the parties. To avoid this the Police officers should on their part assist the Magistrate in the speedy disposal of the chapter proceedings and eliminate delays attributable to causes such as non-service of summonses on parties and witnesses and non-attendance of Police officers in Courts.

(iv) Institution and sometimes even the threat of institution of chapter proceedings constitutes useful preventive weapon in the task of maintenance of law and order, and it is not the intention of the superior Police authorities to impose any fetters on the powers of Police to use this weapon for its intended purpose.

(I. G.'s Cir. No. 7490, dated 12th January 1956; G. R. H. D. CDR 1553/93216-N, dated 6th January 1956; I. G.'s No. G/8275, dated 15th March 1958 and G. C., H. D. No. C. II. 1357/C-5511-VIII, dated 21st February 1958.)

(9) The Commissioner of Police/Superintendents of Police should instruct their subordinates that proper ingredients of Sections 107, 109 and 110 of Criminal Procedure Code should be incorporated in filing cases under these Sections.

(I. G. P.'s Cir. No. G/1927/67, dated 26th December, 1967.)

(10) As instructed above, it is not desirable to file chapter cases against both the parties in a routine way but chapter case should be filed against a person or party who/which is aggressor/aggressive.

(I. G. P.'s Cir. No. G/1927/70, dated 22nd September 1970.)

(11) (i) The Commissioner of Police/Superintendents of Police should see that the subordinates continue to take interest in chapter cases till decided in the court.

(I. G. P.'s Cir. No. G/1909, dated 26th December, 1963.)

(ii) The Commissioner of Police/Superintendents of Police should instruct all Police officers to tighten up Police vigilance at the time of hearings of such cases and should see that no untoward incident takes place on the day of hearing when parties having gathered there are face to face.

(I. G. P.'s Cir. No. G/1909, dated 16th September, 1971.)

(12) (i) Police parties are being posted on account of the disputes because of Panchayat elections or land problem between two groups. The parties are continued for a longer period because of continuance of rivalry and likelihood of breach of peace even after filing chapter cases against both the parties. In such cases, the Commissioner of Police/Superintendents of Police should check up such disputes and send proposals, if any, for posting of additional Police at the cost of the two parties through the District Magistrate.

(I. G. P.'s Cir. No. G/1909 dated 16-9-1971.)

(ii) Whenever the breach of peace is imminent and the opponent or the party is arrested under Section 151, Criminal Procedure Code, the Police should see that interim bonds are taken under Section 116(3) of the Criminal Procedure Code for the prevention of breach of peace or disturbance.

(13) The Commissioner of Police/Superintendents of Police should impress upon the Police officers that they should invariably attend the court and give evidence and that cases should not be prolonged only for their absence and take appropriate action if it is known that Police officers have remained absent without valid reasons.

(G. C., G. A. D., No. C. II. 1061/N, dated 6th October, 1961.)

100. Powers to alter functions allocated to judicial Magistrates.—According to the Criminal Procedure Code, a Judicial Magistrate can try cases under Sections 108, 109 and 110 Criminal Procedure Code. However according to Section 478 of the Criminal Procedure Code, if the State Legislature by a resolution so requires, the State Government may after consultation with the High Court by a notification direct that references under Sections 108, 109 and 110 of the Criminal Procedure Code to a Judicial Magistrate of the first class shall be construed as references to an executive magistrate.

101. Production of persons arrested by Police under section 41(2) or 151 Criminal Procedure Code.—An arrest under Section 41(2) or 151 of the Criminal Procedure Code is for a preventive purpose. A person so arrested under Section 57 of the Criminal Procedure Code is to be produced before a Magistrate within 24 hours. The Police Officer, effecting such arrest, is required to report to the concerned Magistrate under Section 58 of the Criminal Procedure Code in the prescribed form. The report should also be accompanied by a statement giving reasons for the arrest, such as the information about the details of designs to commit a cognizable offence together with a recommendation for further action. If action under Chapter VIII of the Criminal Procedure Code is proposed to be taken, that should be done promptly before the expiry of the period of 24 hours.

(G. C., H. D., No. PRO-2358-90669, dated 14th April 1959 and G. C., H. D., No. PRO-2365-90669, dated 7th February 1963.)

102. Preventive action in case of disputes over immovable property, such as land disputes etc.—(1) (a) *Section 144, Criminal Procedure Code.*—Proceedings under Section 144, Criminal Procedure Code can be taken when there is urgent necessity to prevent nuisance or apprehended danger. The order can be addressed to the public or to a particular individual. Orders to the public can be passed directing any person to abstain from certain acts etc. if it is considered necessary to prevent disturbances of public tranquility, riot or affray. In case of emergency, *ex-parte* orders can be passed. The order can be rescinded or altered on the application of the aggrieved person or *suo motto*. In case applications are received from aggrieved persons, they should be given early opportunity to show cause against the order. Orders passed under this section remain in force for two months. The orders can extend to public places or streets or to private places. While passing orders under Section 144, it is not necessary to consider the legal rights or established customs of the persons concerned.

(b) Under this Section, any executive magistrate, other than District Magistrate or the Sub-Divisional Magistrate, could be specially empowered by the State Government alone to act under the provision. The proviso to sub-section 4 of Section 144 of the Criminal Procedure Code, is more specific. The provision fixes an outside limit of six months for which the State Government may continue the order, which means that this period of six months may be further period, *i.e.*, in addition to two months to the original order issued by the Magistrate.

(2) *Section 145 Criminal Procedure Code.*—Proceedings to be taken under this section when disputes concerning land or water etc., are likely to cause breach of peace (expression land or water includes buildings, markets, crops or other produce of lands, unserved form the land, and the rents or profits of any such property). The object of the section is to maintain statusquo, *i.e.*, party in possession to retain possession of until legally evicted after enquiry as to possession and the order made by the Magistrate forbids all disturbances of such possession until such eviction (prohibitory orders only made). The order made does not go to the root of the evil, the civil rights of the parties being left untouched by the enquiry made by Magistrate. Proceedings under this section are lengthy and are not suited to cases of emergency and imminent danger. These proceedings are not a bar to proceedings under Section 107, Criminal Procedure Code.

103. Orders under Bombay Regulation XII of 1827.—(1) When a person is committed to prison in default of security under Chapter VIII, Criminal Procedure Code, a Magistrate should endorse his previous convictions on the warrant of commitment.

(G.R., J. D.; No. 666, dated 1st February 1911.)

(2) Superintendent of Police may, in suitable cases, make proposals to the District Magistrate to exercise his powers under clause (2) of Section 27 of Bombay Regulation XII of 1827, to adopt precautionary measures of a preventive but more lenient nature against a person who has been ordered to suffer imprisonment in default of security.

(I. G.'s No. 8299, dated 14th September 1898.)

104. Measures for prevention and suppression of corruption.—(1) Superintendents should submit six-monthly reports of cases of corruption on the part of any person under their control direct to the Inspector-General of Police (with copies to the Range Deputy Inspector-General) so as to reach him by the 5th January and 5th July, giving concise details of each case dealt with during the preceding half year and accompanied by a statement in Form No. 8 in Appendix I. If there be no cases of corruption to report, a formal report to that effect should be submitted in due time. The Inspector-General will submit six-monthly statements to Government by the 15th January and 15th July, showing the numbers of such cases which have occurred during the past half year and the results of the inquiries. Cases in which inquiries are pending should not be included in these statements.

(I. G.'s No. 5229-XIII, dated 18th December, 1946.)

(2) Every opportunity should be taken to impress upon the students and Head Constables under training at the Police Training Schools and on officers and men, particularly recruits under training, in the districts that corrupt practices must cease.

(3) Wide publicity should be given to the punishments inflicted on Policemen found guilty of corruption, whether in a judicial or in departmental proceeding.

(4) All Heads of Offices will prepare a six-monthly statement, in January and June every year, showing the action taken against Government servants for corrupt practices so far as their respective offices are concerned, without, however, mentioning the names of the Government servants against whom the action was taken, and circulate the same to the members of the staff in their respective offices.

(G. C., P. and S. D., No. 1581/34, dated 28th September 1948.)

(5) A consolidated statement of cases of corruption will be prepared and published by the Commissioner of Information and Tourism in the form of a press note and Heads of Departments will publish summaries of relevant extracts from the press note in their respective departmental journals.

(C. M. P. and S.D., No. 1581/34-D, dated 17th August 1946.)

(6) With a view to obviating the opportunities of acceptance of illegal gratifications in cases of offering bail, the Superintendent of Police and the Sub-Divisional Police Officers, while inspecting Police Stations under their charge, should make it a point to examine a few cases of refusal of bail by the Police and find out, if necessary by personal enquiry with the persons concerned, whether the refusal of bail was or was not justified.

Similarly in the matter of recommending licences, the inspecting officers mentioned above should take necessary measures to reduce delay in disposal of references pertaining to recommendations for grant of licences and see that the cases are not unnecessarily delayed.

(I. G.'s Cir. Memo No. G/34, dated 21st August 1958.)

True and correct copy of statement dated 15.09.2009 made by Jayanti Ravi, DM, Godhra before SIT, Gandhinagar.

Date:15-09-2009

Statement of Smt. Jayanti S. Ravi, w/o Shri Ravi Gopalan, aged about 42 years, r/o Kh-16(A), Sector-19, Gandhinagar, at present posted as Commissioner, Higher Education, Govt. of Gujarat.

I belong to Tamilnadu and had done my post graduation. I joined Indian Administrative Service in the year 1991 and was allotted Gujarat cadre. During my service tenure I remained posted in various districts of Gujarat State. At present I am posted as Commissioner, Higher Education, Govt. of Gujarat.

As far as I recollect, during the period April 2000 to July 2002, I remained posted as Collector & District Magistrate of Godhra District. Around this period Shri D.J. Patel and Shri Raju Bhargav remained posted as District Superintendents of Police. In February, 2002, we did not have any specific information about the batch of kar-sevaks, who had gone to Ayodhya or even their return to Gujarat. On 27-2-2002 morning, I received a telephone call at about 8:00 hrs from Shri Raju Bhargav, the then District SP that there had been an incident of stone pelting as also setting of fire of a railway coach near Godhra railway station and proposed that we have to do something about it. I immediately rushed to my office adjoining my residence to contact other officers available in the District. And thereafter rushed to the spot near Godhra railway station. As far as I recollect during that time I got the messages conveyed to the concerned Municipal authorities at Godhra, Lunawada and Kaloi to send the fire fighting engines to the spot. After making necessary arrangements, I reached the spot near Godhra railway station around 8:45 hrs or so. By that time the District SP Shri Raju Bhargav and his force had already reached there. A crowd had also collected at Godhra railway station and our immediate problem was to take care of the transit passengers who had stranded there because of the fire and stone pelting incident. I contacted M.D. of Gujarat State Road Transport Corporation at Gandhinagar over mobile phone at Gandhinagar and requested him to arrange for buses for the safe transportation of the stranded passengers to their respective destination. I also contacted the Regional Transport Officer, Godhra and requested him to arrange for some private buses for the transportation of the stranded passengers.

An immediate problem which had arisen was that some of the passengers claimed that some ladies had been taken away. And therefore, with a view to ascertain the factual position, I gave direction to the staff as well as passengers to prepare a list of the total passengers in the train so as to arrive at a definite conclusion. It may be added here that there was a total chaos at the railway station in as much as some people were highly agitated over the incident and they blamed the minority community for the incident.

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Immediately, I informed ACS (Home) and ACS (Revenue) about the said incident. I also co-ordinated with the railway authorities and requested them to send concerned officers to the spot. Around that time I took a stock of a situation with my officers and reviewed the Law & Order situation in Godhra town in close consultation with the District SP and other police officers. Since, we expected a fall out of the said situation, it was decided by way of abundant caution to impose curfew in the Godhra town and some additional forces were also requisitioned for the purpose. I also arranged for another suitable officers available in the District to act as the SDM as the regular SDM, Godhra was on leave at that point of time. I also arranged for the immediate medical aid for the people injured in the incident from the Civil Hospital, Godhra and also sought medical assistance from the railway authorities at Vadodara. Those passengers who were in the critical condition were immediately shifted to the Civil Hospital at Godhra. Arrangements were also made for the food packets and drinking water for the stranded passengers particularly for women and children. It was around 12:00 hrs we could step into S6 coach of Sabarmati Express with a view to assess the actual number of deaths in the incident. It was a pathetic sight and bodies in the coach were in charred and mutilated condition and it was virtually impossible to count the heads. However, we tried to approach the said coach from both the coach entrances as the coach was still being doused by the fire fighters and there was a lot of smoke in the coach. The first rough estimate which we could assess on the spot was that more than 30 passengers had been burnt in the said coach. It may be added that the inquest of the dead bodies/remains as well as the post mortem examination was arranged in the railway yard itself by the policemen and a team of doctors from the Civil Hospital, Godhra.

As far as I recollect, Shri Ashok Bhatt, the then Minister of Health, Shri Bhupendra Lakhawala, the then the Guardian Minister arrived at the scene of occurrence sometime in the afternoon. I do not know as to whether they travelled by air or by car. I did not attend to the Ministers as I was awfully busy in making arrangements with the railway authorities as well as transport authorities to ensure that the stranded passengers are not put to any further inconvenience and are safely transported to their respective destinations. The railway authorities carried out the 'patch operation' i.e. removed the affected/burnt bogies, parked them in the railway yard and joined rest of the bogies to enable the passengers to travel to their destination. This job was completed by afternoon and the train left Godhra around 13:00 hrs to its destination. Thereafter, I took a round of the Godhra city with a view to review the curfew situation in the city and also to ensure that the curfew was strictly implemented.

I received information that the Chief Minister was arriving at Godhra by a helicopter and it was some time in the afternoon between 16:00 & 17:00 hrs that

he, accompanied by Shri Anil Mukim, arrived at Godhra. As per protocol I proceeded to the helipad along with Shri Ashok Bhatt, the then Health Minister to receive him. From the helipad, we straight away drove to the scene of occurrence at Godhra railway station. The Chief Minister inspected the spot and talked to some of the persons gathered over there. Since, the curfew had been imposed in the town, the Chief Minister decided that we could go to the Collectorate and could meet the people in case someone wanted to meet him and also the press because a lot of press people had gathered over there. To the best of my recollection, by that time Shri Gordhan Zadafia, the then Minister of State, Home had also arrived there and Shri Prabhatsinh Chauhan, the then Minister of Civil Aviation & Pilgrimage being a local MLA had also come. Thereafter, we all went to the Collectorate. The Chief Minister met the Administrative Officers and the Police Officers including Shri Deepak Swaroop, the then IGP, Range. The Chief Minister also got in touch with Ministers of the Central Govt. to apprise them of the latest situation at Godhra. The Chief Minister met local leaders in groups including the congress MLA Shri Rajendra Patel to take stock of the situation. At that time one Dr. Jaydeep Patel was also present. It may be mentioned here that during the day as and when some people came to claim the dead bodies, the same were handed over to them after proper identification. After discussions, it was a unanimous view that the dead bodies of the kar-sevaks who were travelling to Ahmedabad and surrounding places could be sent to Ahmedabad by road. Some of them were charred beyond recognition and were in disintegrated state and therefore, it was considered immanent that the same should be handed over to their family members at the earliest. The transportation of these dead bodies numbering approximately more than 50 was arranged in trucks in the night of 27-2-2002. I recollect having heard that Dr. Jaydeep Patel accompanied these dead bodies to Ahmedabad by road.

As far as I recollect, the Chief Minister left Godhra for Ahmedabad late in the evening. I do not know as to when Shri Gordhan Zadafia, the then MoS, Home left Godhra. Nor do I recall or know as to when the other Ministers namely Shri Ashok Bhatt and Shri Prabhatsinh Chauhan left Godhra.

Read over and admitted to be correct.

15/9/01

Typed by me

15/9/01
(A.K. Parmar)
P.S.I. S.I.T.
Gandhinagar

Before me

16/9/2001
(A.K. Malhotra)
Member, S.I.T.
Gandhinagar

True and correct copy of statement dated 26.10.2009 and 03.11.2009 made by Jayanti Ravi, DM, Godhra before SIT, Gandhinagar.

Date: 26-10-2009 & 03-11-2009

Further statement of Smt. Jayanti S. Ravi, w/o Shri Ravi Gopalan, aged about 42 years, w/o Kh-15(A), Sector-19, Gandhinagar, at present posted as Commissioner, Higher Education, Government of Gujarat.

In continuation of my earlier statement dated 15-8-09, today I have seen my affidavit dated 7-6-2002 filed by me before the Nanavati Commission of Inquiry with regard to the Godhra train burning incident. After going through the affidavit I state that the Chief Minister of the Gujarat state had visited the scene of occurrence at Godhra on 27-2-2002 and in the view of the prevalent situation had instructed to provide better services for relief operation and to keep the situation under control. After holding discussions with the CM it was decided that the dead bodies which had been identified should be handed over to their relatives at Godhra itself and those bodies whose legal heirs or guardian had not come or were not present there, such dead bodies, since they belonged to Sabarmati train heading towards Ahmedabad were to be sent to Civil Hospital, Sola situated on the outskirts of Ahmedabad, away from the crowded area for security reasons. Out of 58 burnt and dead bodies, four belonging to districts of Dahanu, Vadodara, Porbandar and Anand were handed over to their heirs/guardians after identification. The remaining 54 dead bodies were sent with police escorts to Civil Hospital, Sola, Ahmedabad through vehicles which departed at 22:30 hrs. Dr. Jaydeep Patel of VVP had also accompanied them.

Today, I have been shown a copy of letter dated 27-2-2002 addressed by Shri M.L. Nayaya, Mamaldar & Executive Magistrate to Dr. Jaydeep Patel in which he has mentioned that 54 dead bodies were being sent through five trucks as detailed in the letter. In this connection, it may be mentioned that no instructions were issued to Shri Nayaya to hand over the bodies to Dr. Jaydeep Patel or Shri Hasraj T. Patel. Strictly speaking the handing over of the dead bodies was the prerogative of railway police who had registered the case in respect of this incident. As far as I recollect, the Collector, Ahmedabad was informed about the despatch of the dead bodies to Ahmedabad and to the best of my recollection he confirmed it over phone in the very early hours of 28-2-2002 about having correctly received the dead bodies. The whole exercise was taken up by Godhra District administration to see that the dead bodies were correctly delivered/handed over to the concerned authorities in Ahmedabad. They would, in turn, arrange to hand over the same, after observing the necessary legal formalities, to the respective legal heirs/relations. This was as stated earlier, because the train was heading towards Ahmedabad and most of the deceased belonged to Ahmedabad and nearby areas. The letter in question was sent by Shri Nayaya without my knowledge but the letter on the face of it gives an impression that intimation was given to Dr. Jaydeep Patel about the despatch of 54 dead bodies to

3/11/09
(Mrs. JAYANTI S. RAVI)

Ahmedabad more so because many of the dead bodies belonged to the kar-sevaks of the VHP.

As far as I recollect, a delegation including Human Rights activist Smt. Teesta Setalwad and Ms. Aruna Roy and some others met me in connection with this Godhra carnage but I did not tell them that the dead bodies of the kar-sevaks were sent to Ahmedabad against my advice.

Read over and admitted to be correct.

Typed by me

AJ
(A.K. Parmar)
P.S.I. S.I.T.
Gandhinagar

Before me

02/11/2002
(A.K. Mathotra)
Member, S.I.T.
Gandhinagar

Date: 26-10-2009

**Statement of Shri Raju Bhargava S/o Late Bishan Kumar Bhargava,
aged about 43 years, r/o, 54/12, Devi Bhavan, Kutchery Road,
Ajmer at present at District Superintendent of Police,
Mahesana District, Gujarat.**

I joined Indian Police Service in the year 1995 and was allotted to Gujarat cadre. I remained posted as District Superintendent of Police from 30-4-2001 to 15-7-2002. Thereafter I remained posted in different districts of Gujarat. At present I am posted as District SP, Mahesana district since 4th Oct. 2007.

On 27-2-2002, I along with the other staff of the district was busy preparing for the inspection of the Spl. IGP, Vadodara Range at police head quarter, when I received an information from Control Room at about 08:05 hrs that Sabarmati Express train carrying some of the kar-sevaks had been stopped near Godhra railway station and was not being allowed to proceed. On receipt of this information, I immediately rushed to the Godhra railway station after giving directions to the Reserve Sub Inspector to bring all the police men present in the parade to the site of incident. I reached the Godhra railway station around 08:15 hrs but in the meanwhile I overheard a wireless message that one of the coaches of the said train had been set on fire and that the fire tender immediately required to rush to the site. When I reached the spot, I found one of the shuttle train at the platform. I was informed that one of the coaches of Sabarmati Express had been set on fire near 'A' Cabin and that the train was standing on the track about 500 meters away from the platform. I immediately rushed towards the 'A' Cabin via Signal Falia a Muslim locality. There was no crowd on the spot but after I crossed the under bridge I saw a large number of people standing on the railway track and smoke coming out of one of the coaches. When I reached there I saw the passengers sitting on the railway track and a large number of agitated kar-sevaks with saffron scarfs shouting anti Muslim slogans. At that time four railway police guards were also present there. I tried to pacify the agitated crowd and gave instructions to my gunman to immediately ask the control room rush the fire tender to the spot. By that time, the policemen from the parade ground had also arrived at the spot and they were deployed along the track to protect the other passengers from any further attack. I may add here that on the way to the spot I have noticed some of the Muslims standing on the road but, I did not see any one of them pelting stone on the train.

I immediately contacted Spl. IGP, Vadodara Range and apprised him of the situation. The District Collector was also informed about the incident at about 08:30 hrs and requested to make arrangements for state transport buses for the safe passage of the other passengers. In the meanwhile the fire tender had arrived from Godhra and started extinguishing the fire. The injured persons were immediately

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shifted to Civil Hospital, Godhra in a police van. Sensing that the communal disturbance may break down in Godhra town I gave directions to Control Room to immediately activate all the communal points in the town and also gave directions to my officers for intensive patrolling in the town. By about 09:30 hrs a platoon of Special Reserve Police and some reinforcement of Railway Police had come and the same had deployed along the railway track to prevent any further untoward incident/communal disturbances as the crowds had gathered in the Muslim dominated area and the kar-sevaks were also agitated. Orders were issued to disperse the mobs and to take precautionary measures to stop the communal disturbance in the city as well as the other part of the district. The news about the burning of the railway coach spread quickly and the VHP workers gathered at the spot and started shouting anti Muslim slogans as a result of which the Collector and myself were constantly prevented from the charging over the normal duty. The Minister of State for Home for Gujarat namely Shri Gordhan Zadafia was also informed about the incident over mobile phone.

Around 10:30 hrs, some incident of stone throwing were reported from Godhra town as a result of which 16 teargas shells and four rifle round were fired. Keeping in view the communal history of Godhra, it was decided in consultation with the District Magistrate and Spl. IGP, Vadodara Range to impose a curfew in Godhra town immediately. Consequently, I rushed to the town as per the directions of the Spl. IGP, Vadodara Range to enforce the curfew. On the way I received a wireless message intimating about an attempt to break a mosque near chawky no.5. I rushed immediately to the spot and dispersed the mob and the curfew was enforced in Godhra city immediately. I also requested for additional SRP force to avoid any further incident. One company of SRP was placed in the town and immediate bandobast was made with the help of local police. Around 12:00 hrs I received a message from Spl. IGP, Vadodara Range to returned to the scene of occurrence immediately with extra force. Accordingly, I returned and found that the garages belonging to the Muslim community had been set on fire near the under bridge and the Spl. IGP had been gheraoed by local VHP leaders. I dispersed the crowd and the Spl. IGP gave instructions to me to ensure that the train carrying the kar-sevaks and other passengers immediately leaves for its destination. Thereafter, I took steps and the train left for its destination around 13:00 hrs. However, two damaged coaches i.e. S6 & S7 were detached and kept in the railway yard. In the meanwhile no major incidents had been reported in the city except some stone pelting and an attempt to loot some shops belonging to Muslims. Arrangements were also made for the arrival of Chief Minister of Gujarat in consultation with Shri Deepak Swaroop, the then Spl. IGP, Vadodara Range and Shri Vipul Vijoy, the then Director of Anti Terrorist Squad who have been specially deputed to oversee the investigation relating to the burning of train. After discussion with both the senior officers steps were taken to maintain the law & order in the district.

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Vishwa Hindu Parishad had given a call for 'Gujarat Bandh' on 28-2-2002 to protest against the train incident at Godhra and as such the arrangements were made for the safety and security of the minority community. I do not recollect the time about the arrival of Shri Gordhan Zadia, the then MoS, Home. However, the Chief Minister of Gujarat arrived by a Helicopter around 17:00 hrs as I had gone there to receive him. I do not remember to have seen Shri Gordhan Zadia at the helipad. I do not recollect as to whether the Chief Minister was accompanied by some one or not. The Chief Minister straight away drove to the Godhra railway yards where the burnt bogies had been parked. By that time, the dead bodies had been taken out from the coach no. S6. The CM saw the coach as well as the dead bodies and thereafter went to 'A' Cabin near Signal Falia where the incident had taken place. Thereafter, the Chief Minister went to Collectorate along with the district administration and police officers. The Chief Minister discussed the matter with the district officers and took stock of the situation. At the time of the meeting the local BJP officials were also present. I did not recognize Dr. Jaydeep Patel, a VHP activist and as such I can not say as to whether he was also present in the said meeting. No decision about the handing over/transportation about the dead bodies was taken in my presence. It may be added here that the investigation into the said incident was being carried out by the railway police and as such it was their prerogative to deal with the dead bodies. However, the bandobast for the transportation of the dead bodies was made by us at the request of the railway police.

(To be continued tomorrow)

Read over and admitted to be correct.

[Signature]
26/10/09

Typed by me

[Signature]
(A.K. Parmar)
P.S.I. S.I.T.
Gandhinagar

Before me

[Signature]
(A.K. Malhotra)
Member, S.I.T.
Gandhinagar

Date: 03-11-2009

Further statement of Shri Raju Bhargava S/o Late Bishan Kumar Bhargava, aged about 43 years, r/o, 54/12, Devi Bhavan, Kutcheri Road, Ajmer at present at District Superintendent of Police, Mahesana District, Gujarat.

In continuation of my earlier statement dated 27-10-2009, I further state that the Sabarmati train burning incident took place on 27-2-2002 at about 08 05 hrs. Thereafter, the communal incidents broke open in Godhra town due to which curfew was immediately clamped which prevented loss of lives despite the fact that the Godhra was an epicenter. Since, a major incident had taken place at Godhra, the majority of officers and force had been deployed at Godhra to prevent any further incident and for VIP Bandobast duty. After the visit of the Chief Minister message started pouring in of group clashes in different part of the Districts due to which the officers and police men were sent back to their jurisdiction but at the same time some officers were kept for 'Nakabandhi' to prevent any movement of people into Godhra and also to prevent any further incident occurring consequent to the Gujarat Bandh call.

On 28-2-2002, sporadic incidents were reported from almost all parts of the Districts. Almost the entire police force had been deployed continuously since 27-2-2002 and as the news channels started flashing incidents of other places in Gujarat the violence in Panch Mahal District escalated. All efforts were made to quickly respond to the messages received at the control room or the police station. The incidents were not only limited to Taluka places but were spread over to interior places which were difficult to approach as the roads were blocked and some of the incidents had taken place in the night. The major incidents were reported in Pandervada village of Khanpur P.S. (28 persons died), Ragadh village and surrounding villages falling under Ragadh P.S., Kalol P.S. (13 persons died), Lunawada P.S. and Halol P.S. The extra reinforcement that came, were deployed at the places, where the situation was getting worse.

On 1-3-2002, the situation worsened with the call for Bharat Bandh and major incidents taking place in Gujarat. Both print and electronic media gave news again and again about the incidents taking place in other parts of Gujarat and as the details of incidents were flashed more and more people poured out causing large scale damage to lives and properties. The police were out numbered at many places by the mob. The force had tired due to continuous bandobast and running from one place to another. Major incidents of violence took place at Limbdi Chokdi under Khanpur P.S., Kalol P.S., Halol P.S. and Santrampur P.S. In these two days rescue operations were carried out in many villages.


On 2-3-2002, Army moved in Godhra. One column (about five companies) received at Godhra were deployed immediately at Godhra, Lunawada, Halol and Santrampur. The Army helped in restoration of situation, carrying out rescue

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operations, removal of blockages on the road and restoration of traffic on State highways. On subsequent days, incidents of arson and looting were reported from different parts of Panch Mahal districts. The evacuees were shifted and rehabilitated in the relief camps set up at Godhra, Lunawada, Katol, Halol, Rajgad and Santrampur.

Though, there were major incidents in Pandervada village Limbdi chokdi (73 persons died), Deol village and Aajanwa village yet almost all the rural areas in Panch Mahal Districts were severely affected, which had never experienced the riots. The widespread nature of riots and scarce resources as there were sparsely deployed and over stretched due to continuous deployment added to the difficulties in containing the situation. Nevertheless, in the given circumstances, the police tried its utmost best to respond to the situation and the fact that there was no casualty in the entire Godhra division, comprising of Godhra City Police Station, Godhra Taluka P.S., Morwa P.S. and Shehra P.S. speaks of the work done by the police. However the subdivisions of Lunawada and Halol were worst affected. The last major incident in Panch Mahal district took place at Aajanwa village (11 persons died) of Santrampur Taluka on 5-3-2002.

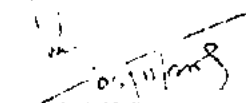
Read over and admitted to be correct.


2/3/09
(Raju Chavhan)

Typed by me


(A.K. Parmar)
P.S.I. S.I.T
Gandhinagar

Before me


(A.K. Malhotra)
Member, S.I.T
Gandhinagar

Date : 15.02.2010

Statement of Shri Jaydeep Patel, s/o late Shri Ambalal Patel, aged about 51 years r/o 19, Palm Beach Bungalow, Thaltej, Ahmedabad, Gujarat State (Mobile Phone No. 98793 05720)

I was born, brought-up and educated in Naroda, Ahmedabad. My father was a businessman and used to do business of cotton and plastic. He was also a social worker of Naroda. He was also a trustee in a local school at Naroda and a Member of Naroda Panchayat. I had done my post-graduate diploma in Medical Laboratory Technology from Gujarat Technical Examination Board, Ahmedabad. I had established a Pathological laboratory known as Bharat Pathology Laboratory at Naroda.

I was an active member of Vishwa Hindu Parishad since 1988. I remained the Joint Secretary of Vishwa Hindu Parishad, Gujarat from 1995 to 2005. From 2005 to 2007, I remained General Secretary of Vishwa Hindu Parishad, Gujarat.

The information about the burning of a railway coach of Sabarmati Express carrying karsevaks from Ayodhya to Ahmedabad at Godhra railway station was received by me over telephone on 27.02.2002 sometime between 08.30 to 09.00 hours. This information was received over Mobile phone from some of the karsevaks who was traveling by Sabarmati Express and he informed that the train had been attacked and set on fire. He also informed that some of the karsevaks died due to the burn injuries. On receipt of the said information, I immediately went to the office of Vishwa Hindu Parishad at Paldi, Ahmedabad and discussed the matter with the other members and officer bearers of VHP. During this meeting it was decided that I should go to Godhra to deal with the situation. Since I did not want to go all alone, I requested Shri Hasmukh Patel, Secretary of Eastern Zone of VHP at Ahmedabad to accompany me to Godhra. Accordingly, both of us took a vehicle of VHP and proceeded to Godhra around 10.00 hours. Shri Hasmukh Patel joined me at about 10.45 hours at Soni's Chawl on way to Godhra.

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We reached Godhra at about 12.30 hours and stopped at Civil Hospital, Godhra. There we met the injured karsevaks, who had been admitted to the Hospital with burn injuries. Shri Prahlad Patel, in-charge of Bajrang Dal, Mehsana was also admitted there. One Smt. Mandakiniben Bhatia, Ram sevak, who had also gone to Ayodhya and her husband had received burn injuries in the Godhra carnage also met me. Around 17 persons who had received burn injuries were also admitted to the Civil Hospital. We spent sometime with the injured and then proceeded to the spot at Godhra railway station. By that time Sabarmati Express had left for Ahmedabad and the compartments, which had been set on fire had been detached and placed in the railway yard. I along with the other VHP workers took out the dead-bodies out of the compartment and put them on the railway platform. The police prepared the panchnama of the dead bodies and postmortem was carried out by the Doctors arranged by the police. I do not remember the persons whom I met at Godhra. I do not remember to have met any of the Ministers namely Shri Ashok Bhatt, Shri Gordhan Zadaphia, Shri Bhupendra Lakhawala or any other politician. I did not meet Shri Narendrabhai Modi, Chief Minister, though I subsequently learnt from newspaper reports that he had visited Godhra on that day. Only one MLA from Godhra, whose name I do not recollect at this stage was with me. Since most of the persons, who had died in Godhra carnage were the karsevaks of Vishwa Hindu Parishad, I met some local administrative and police officials, whose names I could not recollect at this stage, and requested them to hand over the dead bodies of the Karsevaks to me for onward transportation to Ahmedabad. The district officials acceded to my request and accordingly a letter was prepared by Mamlatdar and Executive Magistrate, Godhra in my name specifying the details of the dead-bodies and the trucks in the same. Shri Hasmukh T. Patel had acknowledged the receipt of these dead-bodies as per his signature appearing on the list. It may be mentioned here that 58 persons had died in this incident out of which 4 persons were identified at Godhra railway station itself by

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their relatives. The dead-bodies of these four persons were handed over to their relatives after identification. Five trucks were arranged by the district administration for the transportation of the dead-bodies. I remember to have met the lady Collector of Godhra around 23.30 or 24.00 hours. A police escort had accompanied us from Godhra and on the way to Ahmedabad the escorts from the concerned districts had joined us. The convoy reached Sola Civil Hospital, Sola, Ahmedabad between 03.30 hours to 04.00 hours on 28.02.2002. At Sola Civil Hospital, a lady doctor, PI Shri Lathia of Sola Police station, Shri Prajapati, Deputy Collector, Collector (whose name I do not recollect) and Mamlatdar were present there. There were several other administrative and police officials present there, whose name I do not know. I handed over the letter to Shri Prajapati, Deputy Collector and he introduced others to me. Thereafter, the police and administrative officials got busy with the preparation of panchnama and other papers. The relatives of the persons who had died in the Godhra carnage were also present there. Accordingly, 35 persons were identified and their dead-bodies handed over to their relatives by about 13.00 hours. It may be mentioned here that 25 dead bodies were claimed by the residents of Ahmedabad, 2 by residents of Mehsana (Kadi), 5 by residents of Anand, 2 by residents of Sabarkantha (Khedbrahma) and 1 from Rajkot. Shri Amit Shah, the then MLA, Sarkhej and Dr. Mayaben Kodnani came to Sola Civil Hospital and the mob thrashed them between 11.00 and 11.30 hours for their inability to protect the Hindu kar sevaks. After 13.00 hours, the photographs and DNA samples of the remaining unidentified 19 dead bodies were taken by the Hospital authorities. These 19 unidentified dead bodies were cremated at Gota cremation ground by the district administrative and police officers with the help of the Sarpanch of Gota village. The cremation was completed by about 18.30 hours.

I would like to mention here that after reaching Sola Civil Hospital in the morning I had instructed my driver Shri Jignesh Vyas to bring my private Indica car to Sola Civil Hospital. Shri Hasmukh

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Patel, who had accompanied to Godhra on 27.02.2002 wanted to get back home in the forenoon itself. I, therefore, instructed my driver to drop him back home and then bring the car back to Sola Civil Hospital. I had forgotten my Mobile phone No. 98250 23887 in the car as I used to take rest in the car at regular intervals. Sometime during the day, I received a telephonic message from Shri Hasmukh Patel that I had left my Mobile phone in the car and that the same had been handed over to the driver Shri Jignesh. Shri Hasmukh Patel also conveyed that Jignesh driver had left for Sola Civil Hospital but due to the riots in the City he was unable to reach Sola Civil Hospital and was waiting for me at Dhanwantri Hospital, Bapunagar, Ahmedabad. I contacted Jignesh driver in the afternoon over the Mobile phone from the Mobile phone of another VHP worker and instructed him to wait for me at Dhanwantri Hospital itself. After the cremation of the unidentified dead bodies of the kar sevaks, I requested one of the Ambulance driver going to Bapunagar direction to drop me at Dhanwantri Hospital. I reached Dhanwatri Hospital at about 19.00 or 19.15 hours, took my car and driver and went to my residence at Naroda. It may be mentioned here that on the way the Ambulance was not stopped by either the rioters or police. I reached my place around 20.00 hours and then took rest there. I did not go out in the night.

I have seen the call details of my Mobile phone No. 98250 23887. On going through the same, I state that I did not talk to Shri Ashok G. Patel, Dr. Mayaben Kodnani, Shri Babu Bajrangi, Shri Kishan Korani on 28.02.2002 during the period when the phone was not with me. Shri Raju Choumal was not known to me earlier but I had known him only after he was charge-sheeted in the Court. All of them are known to me. Regarding the calls made or received from them, I state that I had forgotten/left my Mobile phone in my car, which was taken by the driver to drop Shri Hasmukh Patel at his residence. The Mobile phone was used by Shri Hasmukh Patel and driver Jignesh. After reaching my residence late in the evening, I might have spoken to many persons but I don't recollect the same. I

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do not remember as to whether I talked to any of the aforesaid persons either on 1st, 2nd or 3rd March 2002.

I would like to add here that on 28.02.2002, I remained present at Sola Civil Hospital throughout the day and was not present when the riots took place at Naroda Gam or Naroda Patiya. I have been falsely implicated in a criminal case of Naroda Police Station I. Cr No. 98/2002 (Naroda Gam case) by the extremists and NGOs representing Muslims as I was the Joint General Secretary of Vishwa Hindu Parishad of Gujarat State. It may also be added here that I belong to Naroda and have got my ancestral house in Naroda gam and that my father as well as myself had helped many Muslims of Naroda.

This statement has been made by me on the basis of the statements made earlier to local police, Crime Branch and SIT.

Read over and admitted to be correct.

Patil 15/02/2010

Typed by

V. S. Dasan
(V. S. DASAN)

Before me

A. K. Malhotra
(A. K. MALHOTRA)
Member, SIT

14.03.2010

Statement of Dr. Kaushik J. Mehta son of late Jamnashankar Mehta, aged about 52 years, resident of 2, Pinakin Society, near Shantivan Paldi, Ahmedabad.

I was born, brought up and educated in Gujarat. I had done M.Com and Ph.d in Philosophy. Earlier, I worked as a teacher in Democratic School, Ahmedabad duringh the period July 1980 to 1993. From 1993 onwards, I have been working as teacher in Unnati Vidyalaya, Paldi, Ahmedabad.

I became an active member of Vishwa Hindu Parishad in 1990. I became Joint Secretary of VHP in year 1999. Subsequently, I became General Secretary of Vishwa Hindu Parishad, Gujarat State in the year 2007. As a Joint Secretary/General Secretary of VHP, my main duties are to look after the propaganda, publicity and publishing work of the Parishad. I am also an Editor of the monthly VHP Magazine namely 'Vishwa Hindu Samachar' being published by VHP.

In the year 2001 around Navaratri, "Ram Jap Yagna" had started at Ayodhya and the same was to be concluded after 65 days. It was some time from 22.02.2002 onwards that around 2000 members of Vishwa Hindu Parishad and Bajrang Dal from different places in Gujarat had gone to Ayodhya to take part in "Purna Aahuti". All these Ram Sewaks were to return to Gujarat from 27/28.02.2002 onwards after taking part in the Yagna.

On 27.02.2002, I had attended my school as usual. It was some-time around 09.30 hrs that I received an information from a colleague belonging to Panchmahal District that a train carrying some Ram Sewaks coming from Ayodhya had been attacked and set on fire near Godhra railway station. However, no details of the incident were available at that time. In evening around 17.00 hrs while I was at home, Professor Keshavram K. Shastri Chairman of VHP Gujarat Unit telephoned me and informed me that some of the Ram Sewaks had been killed in a train carnage near Godhra

3.2
11/12/2010
Kaushik J. Mehta

railway station. Shri Shastri further informed that Shri Jaydeep Patel another Joint Secretary had already proceeded to Godhra. Shri Shastri also informed me that homage was to be paid to the "Ram Sewaks" killed in the incident at Godhra at that call for 'Gujarat Bandh' to be given for 28.02.2002 in this connection. Thereafter, I went to VHP office where many press and media persons had assembled to know the details of the incident. I informed them about the incident and also about the Bandh call for homage to be paid to Ram Sewaks on 28.02.2002. I had also informed them that all programs will proceed as scheduled decided by the central VHP and that Ram Mandir would be constructed as decided. Thereafter, I remained at home busy with the editorial work of the magazine.

On 28.02.2002, I attended school as usual. As there was Gujarat Bandh, no student had turned up. The staff therefore left. I left school around 08.30 hrs and reached VHP office. In VHP office I met Shri Ashwin Shukla, a VHP worker residing in the office who informed me that Acharya Giriraj Kishoreji would be coming to Ahmedabad from Delhi and would visit Shri Pareshbhai Bhuptani, a member of Central Trustee Mandal of VHP residing in Ayojan Nagar. I left VHP office immediately and went to residence of Shri Pareshbhai Bhuptani. Acharya Giriraj Kishorji had already arrived there. Acharyaji had come to attend the funeral of Ram Sewaks of Ahmedabad to be performed in Amaraiwadi Cremation ground. I accompanied Acharyaji to Amaraiwadi Cremation ground, but were stopped by the police around Khokhra circle. The police informed the Pilot vehicle that it was not safe to go ahead. In view of the law and order situation, Acharyaji decided not to visit the cremation ground and returned to Pareshbhai's house. I took lunch along with Acharyaji. I briefed Acharyaji about the program of the Ram Sewaks, who had visited Ayodhya in connection with the Purna Aahuti of Ram Yagna. I returned to VHP office, around 15.30 hrs and remained there till about 20.30 hrs. In VHP office, I attended to the visitors and the press who came asking about the incident. I returned to my residence in the night 21.00 hrs, when curfew had

Kabir S. Vohra
11/03/2010

been promulgated. I did not take part in the violence that was had spread in the Ahmedabad City. I did not visit Sola Civil Hospital where the dead bodies of the Ram Sewaks were been kept.

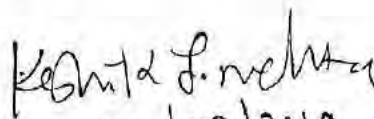
Government of Gujarat had appointed Nanavati Shah Commission to enquire into the Godhra incident and the subsequent riots that swept whole of Gujarat. I had filed an affidavit as Joint Secretary of VHP Gujarat on 10.06.2002 before the commission, a copy of which is being given to you today. In this affidavit, VHP had given its own view point in connection with the Godhra incident and the communal riots aftermath. I was called by the Nanavati Commission for my deposition which took place on 05.02.2005. During my deposition, I had confirmed the contents of my affidavit as Joint Secretary of VHP but stated that I had no personal knowledge in this matter. I was cross-examined by Shri Mukul Sinha, Advocate. During cross-examination, I had stated that VHP did not ask for any support from the BJP for bandh. I had denied the suggestion given by Shri Mukul Sinha advocate that bandh call had been given by VHP to take revenge of Godhra incident.

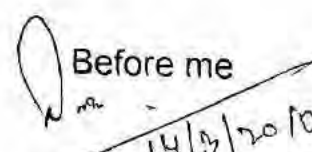
I have been informed that Smt Jakia Nasim widow of late Ahsan Jafri Ex. M.P had made me an accused in the complaint made by her. Although no specific allegations have been levelled against me yet I categorically state that neither me nor VHP was a part of violence/riots that swept Gujarat after the Godhra train burning incident.

Read over and admitted to be correct.

Typed by


(J.S.GEDDAM)


14/03/2010

Before me

14/3/2010
(A. K. MALHOTRA)
Member, SIT

Sr Nos 189, D-160, ANNEXURE III, File XVIII SIT INVESTIGATION RECORD
(FAX MESSAGES FROM REGIONAL OFFICES OF THE STATE IB)

VISHVA HINDU PARISHAD – GUJARAT

Dr. Vanikar Smarak Bhavan,
11, Mahalaxmi Society, Paldi,
(Amdavad) Karavati-380007.
Phone : 6604015, 6631365.

Press Statement

Dt.26/02/2002

To,
Respected Sir,
With Jay Shree Ram

Gujarat Bandh against Ramsevak's murders by Muslims at Godhra and Ram Dhoon anywhere. Vishwa Hindu Parishad Secretary Shri Dilipbhai Trivedi and Maha Mantri Jt.Sec.Dr.Jaideep Patel and Kaushikbhai Mehta are stating in a joint statement that near Godhra, innocent Ram Bhakt's were attacked and killed and it is against this that the VHP is giving Gujarat Bandh call for Thursday on 28/02/2002. Muslims have planned this attack on Ram Sevaks who were returning from Ayodhya after Mahatagna and killed 28 People. And many have been injured. Innocent sisters were raped and burnt in the Coach. They killed Ram Bhakts alive and committed an act of Terror. The VHP has opposed this act of terrorism. We appeal to all people of Gujarat to voluntarily close their businesses and help open the eyes of these Muslims who are trying to turn Gujarat into a Pakistan. In addition, we appeal to Hindu Samaj to perform Ram Dhoon in their areas and in villages at 9:00 on 28th February for Shradhanjli of the dead.

In addition, we state that no one can stop us from building a Ram Mandir and It will be built there. It is our demand to the Govt. of Gujarat that the Killers are arrested and the Govt must also support the bandh in Gujarat. And all are requested to observe a Bandh, Mandirs and Maths must also also closed.

Bajrang Dal and Durga Vahini have supported this bandh.

Sign

Jaydeep Patel

Jt.Secretary of VHP Gujarat

YISHVA HINDU PARISHAD - GUJARAT

Dr. Vaniker Smarak Bhavan, 11, Mahalaxmi Society,
Paldi, (Amdavad) Karnavall-380 007.
Phone : 6604015, 6631365



વિશ્વ હિન્દુ પરિષદ - ગુજરાત

ડૉ. વાનીકર સ્મારક ભવન, ૧૧, મહાલક્ષ્મી સોસાયટી,
પાલડી, (અમદાવાદ) કર્ણાવતી - ૩૮૦ ૦૦૭.
ફોન : ૬૬૦૪૦૧૫, ૬૬૩૧૩૬૫

સંજ્ઞા :

સિ.

પ્રેસવિદેશન

દિનાંશ.26-2-2002

પ્રતિ,

મહાત્મીશ્રી

સરસ્વતીજીશ્રી.

- ત્રીપરા મુસલમાનોએ રેલ રામસેવાઓની કત્યાવા વિરોધમાં ગુજરાત બંધ
- હર હર રામયુગ કરવા બેઠા.

વિશ્વ હિન્દુ પરિષદના પ્રેસ મહામંત્રી શ્રી કિશીપદ્માર્ચ ત્રિવેદી સંયુક્ત મહામંત્રી ડૉ. જયદિપભાઈ પટેલ તથા ડી.સી.સિંહભાઈ પટેલ બંને સંયુક્ત વિદેશમાં જણાવે છે કે ત્રીપરા પાલે વિરોધ રામસેવાઓ ઉપર ત્રણેય રીત્ઝાતી હુમલાના વિરોધમાં વિશ્વ હિન્દુ પરિષદ 28 ફેબ્રુઆરી સવારે ગુજરાત બંધનું બેઠાન આપે છે. અયોધ્યામાં પાલન શીરામપ્રતાપના ભાગ લઈ પરત આવી રહેલ રામસેવાઓ ઉપર ત્રીપરા પાલે મુસલમાનોએ શોજવાનું ડિલેટ હુમલો કર્યો છે 20 લોકોને રાઈલી લાંબી લોકોને પાલડા કર્યા છે. વિરોધ બંનેઓની ઈજ્જત ભૂરી કબાઈઓને આગ લગાડી રામસેવાઓને જલતા જમાવી માનવાદ આપ્યો છે. મુસલમાનોના આ ત્રાસવાદી કૃત્યને વિશ્વ હિન્દુ પરિષદ ધીરો છે.

ગુજરાતને પરીસ્થિતિમાં રેલવાદી પ્રવાસ કરતાં મુસલમાનોને મુલ્લા પાલડા તમા સહી રામસેવાઓના માનમાં મુજરાતની પ્રજાને પોતાના શોજવારે ધ્યાન સ્વયંભૂ બંધ રાખવા અપીલ કરવામાં આવે છે.

મધુમા ડિંગ્લેમાજરે અપીલ કરવામાં આવે છે કે 28મી ફેબ્રુઆરી સવારે 8-00 વાગે પોતપોતાનાં માનમાં 'પાલડામાં' પોતાની સહી રામસેવાઓને અપાઈતી અપેલા સમિતિપૂર્ણ રીતે મુજરાત રામયુગ કરવામાં આવે.

મધુમા જણાવવાનું કે દુલિયાની શેઠ તાડાત રામસેવા વિધાન અડાવી ભરો લઈ. મહિલાઓની પરંપરા સહી પણ રામસેવા વિધાન મહત્ત્વ જ રહેશે.

ગુજરાત જરૂર પાલે મંત્ર કરવામાં આવે છે કે આ વાતમાં સંકેતવાદના તમામ કત્યાવાદોને પકડી શોધવા જમાન કરવામાં આવે. મધુમા જણાવવાનું કે ગુજરાતના અમલી શ્રીઓને પણ અપવા બેઠાનને સંપૂર્ણ ટેકો જાહેર રહેલ છે. બંને મંત્રકરો બંધ રાખવા જણાવેલ છે.

આ બંધને અજરનક - કાર્ગીનાકિઓને પણ ટેકો જાહેર કર્યો છે.

આપવી
સહી
(વિશ્વહિન્દુ પરિષદ)
સંયુક્ત મહામંત્રી
વિશ્વ હિન્દુ પરિષદ ગુજરાત

Extract

Annexure III File VIII J-129 w
SIT Papers

True copy of Tehelka transcript of Rajendra Vyas, Vishva Hindu Parishad Ahmedabad City Vice President.

This is Rajendra Vyas, VHP's Ahmedabad city president. He was the one who was in-charge of the Sabarmati Express train. This meeting with him was recorded on June 8, 2007. The instrument used was diary. There are three video files.

File 1

3:28:21/07807 (Opening Counter)

R: maine Godhra ki jo train ka main incharge bhi main tha...
R: I was also the incharge of the train in Godhra...

T: ji mujhe bataya jaideep bhai ne...
T: Jaideep bhai told me about this...

R: aur us samay maine yeh bhi message diya tha ki aaj tak waale mere paas aaye they...to maine bataya dekho hamara kandha itna majboot nahi hai...59 laasho ka bhaari wahan kar sake...phir bhi dukh ke saath kahna padta hai ki hu jisko saath leke aaye they idhar chod ke ja rahe hai aur doosri hamari majboori bhi hai ki hamaare paas teen sau aaurte hai warna hum sare godhra ko jala ke raakh kar sake itni chhamta rakhte hai ...humne chudiyaa nahi pahni hai...aur doosri baat jo apne ko hindu kahlata hai wohh yuvvaan mitro jo hamare saath aaye huye hai wohh aur deskh ke kissi bhi kone me baitha ho sun le ki musalmano ne hamaare saath one day kheli hai...one day se aap parachit hai...ussne humko saath run ka target diya hai...yeh match humko jaise bhi karke jithi hai to cheh sau (600) run karro waha tak rukna mat ...aisa kar ke maine bola tha... to us samay uska DG tha Deepak swaroop kar ke panchmahal ka ussne mujhe bataya aap achha nahi kar rahe hai...usska prariram achha nahi aayega...humne itne musalmani ko bhasha me baat kar li...thoda gaali bhi boli maine matlab...to narendra bhai modi apney mukhya mantri bhi they wohh bhi hussne lage...~~kye usne toika diya~~...usski wajah se musalman ke log idhar ke ...jo main ...main muslim area me rahta hu...mera makaan muslim area me hai...yeh makaan jo hai ...diwar musalman ki hai...yeh musalman ki hai aur saara hi saara mohalla musalman ka hai...aap aaye itne hi sirf do foot ka jo darwaza hai na wohh hi sirf hindu rabte hai...main dadagiri se rahta hu...

R: At that time Aaj Tak people had come to me, then I gave this message...I told them that see my shoulders are not that strong...to take the load of 59 bodies...still I have to say this with deep sorrow that we have to leave here the people who came along with us and the second thing is that we have three hundred women with us, that is why we are compelled to do this or else we are capable of setting the whole Godhra on fire...we are not wearing bangles...the other thing is anyone who calls himself a hindu, the youths who

have come along with us and the ones who are there in any corner of the world must listen to this...that the muslims have played a one day match with us...you know what a one day is...they have given us a target of 60...we have to win this match by any means, so don't stop until you have made 600 runs...this is what I had said then...at that time there was Deepak Swaroop, DG of panchmahal who told me that whatever I am doing is not correct...the result of all this will not be good...I also spoke in the language of muslims...as in also used some abusive language...then Narendra bhai Modi, our CM also started laughing...about chopping...because him the muslims from this side...the ones...I live in a muslim area...my house is in a muslim area...this house...this is a muslim's wall...that is of a muslim, the whole colony is of muslims...you have come...this two-foot long door is the only one that belongs to a hindu...I live here by force...

T: mujhe ek cheez batayee aap us din narendra bhai modi ke saath me they...godhra me jab train jali...narendra bhai modi ki pahli pratikriya kya thi?

T: Tell me one thing, you were there with Narendra Bhai Modi that day...when the train caught fire in Godhra...What was the first reaction of Narendra Bhai Modi?

R: as a mukhyamantri wohh aisa to nahi bol sakta ki musalman ko maar do...meri baat samajhiye aap...wohh to aisa to kah sakte nahi...main jo vishwa hindu parishad ka tha aisa bola...meri baat samajhiye aap ..wohh pravenn bhai togadia bol sakte hai...wohh nahi bol sakte hai na...magar kahne ka hamara maksad kya hai ussme...jaisa bola na ki aa khada kaan kadhe apne gujrati me...matlab ussne choota daur de diya ki tum karna hai karo aur musulmano se hum trasht they to chhota daur bole...to isski wajah se hua...police bhi apney saath thi...meri baat samajhiye issliye main bolta hu police bhi apney taraf thi aur saara hindu samaj...bhai wohh chaukana rah gaya tha ki sala aisa kaise ho gaya tab jaake aisa hua tha ...meri baat samajhiya aap...warna police uski aur hoti...

R: Being the Chief Minister he couldn't say that kill all the muslims...try to understand my point...he couldn't say something like this...since I was from Vishwa Hindu parishad I said that publicly...try to understand my point...Praveen Bhai Togadia can say it...But he(Narendra Modi) cant say it ...but what is the point we are trying to make in this...like its said it gujarati aa khada kaan khada(meaning turning a blind eye to something)...meaning he gave a free run to do whatever you want and since we were already fed up of Muslims, that is why a free run was given...this is the reason why it happened...and police was also with us...understand my point, why I said that the police was also with us along with the hindu samaj...Bhai was cautious regarding how it happened, that is how it

all happened...understand what I am trying to say...or else the police would have been at their side...

T: ha ha tab to...congress ki government hoti to do chaar hazaar hinduoo ko maar diya hota...

T: ok...If the congress government would have been there at that time, then four thousand hindus must have got killed...

R: nahi nahi kahne ka matlab... to ulta prariraam aane wala tha ...usski wajah se nanavati panch wale ne mere ...teen dafa mere interview...mere ko bulaya...jubani li...

R: No, what I am saying is...the opposite result was about to come...because of that the nanavati people...took my interview thrice...called me...recorded my statement...

T: yeh jo commission hai...

T: The commission that is there...

R: ha...wohh ~~prataap~~ ^{prataap} karna chahate hai ki tumahari wajah se yeh tufan hua hai...kyuki main uska Incharge tha...hum to darne wale hai nahi jo karna hai wohh karoo

R: yes...they wanted to prove that the riots took place because of me...because I was the Incharge of it...I am not one of those who will get scared, let them do what they want...

3:31:44/11349 (closing counter)

File 2

03:44:23/08821 (opening counter)

T: jab godhra hua us samay hum log kaise sanghatit kiya...hum log kaise sanghatit hue usske baad?

T: When Godhra happened, how did the Hindus come together?

R: meri baat karo...yeh jo mere ladke ki wife hai...usske uppar idhar attack hua tha zabardast...usske uppar acid dala to sara hi sara muh jal gaya...15 din to usko hospitalize kiya...wohh apna makaan dekho...wohh abhi ~~phir~~ ^{phir} andar rakhi hai...jalane ki koshish kiya magar humne itna pratikaar kiya...hume uska nau (9) makaan jala diya...kitne?

R: Talk about me...my daughter-in-law...She was brutally attacked recently...acid was thrown on her, all her face got burnt...she was hospitalized for 15 days...See my house there...the iron net(jail) that is kept inside...they tried to set it on fire but we also took revenge...we burnt nine of their houses...How many?

T: nau
T: Nine

R: aur chaar ka completely murder kar diya...tab ja ke wohh chup...aur usske liye mere wohh jo charge frame hua...hum nirdosh...humne sabit kr diya ki police ki goli...aur jab police ki goli hoti hai tabhi jake hum firing karte hai...
R: and murdered four of them...that's how we made them quite...and whatever charges that were framed on me...we were not guilty...We proved that it was the police who fired...we only fire when the police is also starts firing...

T: yeh toek aapka area ho gaya...
T: this has become your area now...

R: nahi hum darte nahi hai isliye...
R: no, its because we are not scared of anyone...

3:45:39/10171 (closing counter)

File 3

3:54:56/04218 (opening counter)

T: lekin police bhi aakhir hindu hai to main jaanna chahtu police ne matlab kya us samay rawaiya apnaya?
T: But since the police was also Hindu, so I wanted to know what was the attitude of the police then?

R: hindu ke paas aaye hi nahi...arey musalmaan ke pas gaye hi nahi...phone karey...aate hai aate hai...to us samay usne kiya...doosra ki logo ko usne bataya ki bhla tum jo chahe karo...hum kuchh nahi karte hai...bas itna humko fayda hua warna police ne humko nahi diya tha...le to revolver jaa ke maaro
R: They didn't go to the Hindus...they didn't even go to the Muslims...when people used to call up...they told them that they are coming ...that is what they did then...the second thing is that did was that they told people do whatever you feel like...we cant do anything about it...this is the only advantage we got from them, it was not like the police gave us revolvers to go and shoot people...

T: to narendra bhai ki wajah se yehi fayad aur kol fayda nahi...
T: This is the only advantage you got because of Narendra Modi...

R: wohh main tha...magar meri baat samajhiye aap...jab tak soch lijiye congress ka shashan hota to uske pahle 85 me jo solanki ka shashan tha us samay hinduon ne bahut maar khayi...do saal tak

regularly communal riot hota tha...regularly...wohh kya hota wohh sab gunde samjhe ki band karna hai...to remote control musalmano ke haath me tha...

R: It was me... but try to understand my point...before Congress' rule it was the rule of Solanki in '85, at that time Hindus were beaten a lot...communal riots took place continuously for two years...what used to happen then was all of them were thought to be goons and were put inside the lock up...the remote control was then in the hands of the Muslims...

T: shashan prashashan ka...

T: although the rule was that of the government...

R: nahi nahi yeh bhi toffan karne ka...kabhi...meri baat samjhe...musalmano ke ghar me kuchh palsa aa jawe baad me tofaan hota tha ...10 tarikh se le ke 20 tarikh tak toofan nahi hota tha...10 tarikh me pagaar wagaar sab aa jawe baad me tofaan hota tha...also regularly aap kissi ko puchhiye...

R: No, no...riots took place...sometimes...try to understand...the riots used to take place after the Muslim households used to get money...riots didn't take place between 10th and 20th of the month...after they used to get salary and all on the 10th, that is when the riot used to take place...it was like this regularly, you can ask anyone...

3:56:24/05671 (closing counter)

3:56:52/06166 (opening counter)

R: ki idhar se jo hum gaye 1800 logo ko leke...ussme jyada...teen sau to aaurte thi...to us samay idhar se to hum regularly baith gaye...fir pachaas vyaktiyu ka humne ticket liya...baki ke jai shri ram barabar...iski wajah se lalu yadav ne bataya tha ki bhai yeh sab train me they uska ~~prashashan~~ kya hai...to pachaas ki bhi isliye liya tha ki soch lijiye ki baki ke logo ko pakda jaaye to hum usko chuda sake...ki hamare paas to ticket hai usko kyu pakadte hai alsa karke...3:57:27/06782

R: we took 1800 people from here...out of them three hundred were women...at that time we had seated ourselves normally...we had bought tickets for fifty people...rest sat in the name of Ram...it is was in reference to this when Lalu Yadav asked what is the proof that all of them were seated in the train...the reason why we bought even those fifty tickets was that if the rest of them are caught, then we can save them and say that why have you caught them, they have tickets...

R: to jab ayodhya se wapas aa rahe hai...us samay sirf aadha ghantey rukti hai train...aage se aati hai na faizabad se...to us samay aurtey ne bataya ki tumhare neta logo ka to achha hai...tum to aisi hi ghoomte ho platform pe...magar humko dhakka mukki karke jaana padta hai to humne bataya chalo aisa karo ...bahno ko jaane do apni jagah hum general me chale jayenge...hum log general ke dabbe me chale gaye aur yeh log gaye to yeh bichare mar gaye...kahne ka matlab S-6 ka dabba hi jala...jaha hamara reservation tha...

R: When we were coming back from Ayodhya...the train stops there only for half an hour...It comes there from Faizabad no...so at that time, the women said that that the leaders are the ones who are privileged...they can roam about on the platform easily while we have to make our way through the crowd, then I told them to do one thing...let the women sit on the seats reserved for us and we will travel in the general class...we went to the general bogie and instead these people died...as in, the S-6 coach was set ablaze...the one that was reserved for us...

3:58:06/07462 (closing counter)

3:58:34/07949 (opening counter)

T: aap ki us din narendra bhai se baat hui hogi godhra station pe...godhra ke baad...kya kaha unhone?

T: you must have had a talk with Narendra Modi at the Godhra station that day...after the incident...what did he say?

R: maine kya bataya media wale se nuksan जाता है ...meri baat samjhe aap...

R: Its harmful to let the media people know about this...try to understand what I am saying...

T: main apni pustak me nahi likhunga..main kah raha hu ki...yeh wachan deta hu...

T: I wont write it in my book...I am telling you...I promise...

R: generally main kahta hu...kahne ka hamara maksad kya hai ki jab tak yeh tufaan ki wajah thi...us samay vishwa hindu parishad bhajpa ke sab ek hi they...matlab ussme sab aa gaye...uski mansikta aur meri mansikta ek hi thi...maine yeh sochha tha maarne wale ko maarna chahiye agar Krishna bhagwan ka ...

R: generally I tell this...the motive behind saying this is that till the time the agenda behind the riots was this...till that time VHP and BJP were one...as in everybody came together then...their mentality and my mentality was the same...I thought one must kill the killers, If Lord Krishna...

T: mujhe jaana tha...narendra bhai ka kya...unke kya shabd they?
Kya bola unhone?
T: I wanted to know about Narendra Modi ...what were his words...what did he say?

R: bola to sahi maine...ki pahley ussne bataya ki bhai hum badla lenge...maine jo khud khule aam bola...aur maine us samay khana bhi nahi khaya tha...paani bhi nahi piya tha...aur main itna akrosh me tha...ki itne log mare they to meri aankh se aasu nikalte they...magar main dadagiri karta tha...galliya bolta tha...to wohh (Modi) bolte rajendra bhai shaant raho sab ho jaayega ...matlab ho jaayega ka matlab kya hai...jo samajhne wale samajh sakte hai...
R: I told you...first he said that we will take revenge...whatever I had publicly at that time...I hadn't even eaten anything then...Didn't even have a drop of water...and I was so furious...that so many people had died and hence tears were flowing in from my eyes...but when I started using my strength...started abusing... he asked me to keep silent, everything will be taken care of...What did he mean when he said that everything will be taken care of...the ones who had to understand, understood...

4:00:01/09468 (closing counter)

04:02:16/11841 (opening counter)

R: wohh waha (Godhra) bhi humne sangharsh kiya...kyuki wohh train...aurto ki nikal diya bahar...aur hum cordon kar ke baith gaye...baad me humne bola kya dekhte ho maro salo ko...to masjid jala di waha ki...

R: We struggled there (Godhra) too...because there the train...we took out the women from the train...and we sat around them like a barricade...later I said, what are you looking at, go and kill them...so we set the mosque there on fire...

T: Godhra me?
T: In Godhra?

R: teen admiyu ko chura maara apney logo ne aur uska jo garage hai jaha se ussne oil woil ke dabbe dale they...wohh bhi jala diye aur uska jab tyre burst hoye...tyre bhi they ussme...to issne itna jo bada bomb fata hu aisa aawaz aawe...to us smaay Deepak swaroop ne baroda se doosri military wohh police bulayi...bhai yeh control nahi hoga... kaha aap achha nahi kar rahe hai...maine kaha uski maa ka...kya achha nahi kar rahe hai...dekhte nahi ho tum...sare tum hindu ho ki kaun ho ...tumhare baap musalmaan tha ...aisa tha...
R: Our people killed three people with a dagger and we also burnt

the garage from where they took the oil cans...and when the tyres there started bursting...some tyres were also there...the sound was like that of a big bomb blast...at that time Deepak Swaroop called the military police from Baroda...he knew it couldn't be controlled like this...he told me that whatever we are doing is not correct...I swore by his mother...asked him what is not correct...cant you see...are you not a Hindu or what...was your father a Muslim...it was like this...

4:03:25/13046 (closing counter)

True copy of Tehelka transcript of Dhimant Bhatt, Vishva Hindu Parishad functionary.

This is Dhimant Bhatt: he is chief account officer of the MS University. At present he is also holding the additional responsibility of chief auditor. He is a member of both RSS and BJP. In addition he works as personal assistant to Baroda's Lok Sabha MP. The meeting happened at his office in the university campus on May 19, 2007.

He speaks of the launching of a Hindu jehad with the post Godhra attacks in Gujarat how secret places like a farmhouse at Ahmedabad were the venue for meetings where arms and ammunition was distributed and plans made for the attacks.

He says that after the Godhra incident, the RSS, the VHP, the Bajrang Dal, the BJP and the Durga Vahini... fully supported by Narendra Modi's. - Idea was to execute an adequate reaction. He says the thought process of the idea executed came from Narendra Modi.

D: ...I have two charges ...I am chief auditor for the entire university as well as chief account officer...this is financial matter...everybody needs funds...this is why it is hectic...I am a staunch hindu...suppose somebody from the Sangh says that we have to promote Hindu fundamentalism, I will be the first one to volunteer ... I will go and I will say, brothers, put the Sangh's lathi to a side and pick up AK 57s ... pick up AK 57s because if you have to develop Hinduism, see it is clear who the enemies are ... who are against Hinduism ...there are two...Muslims, who are open... but the Christians... they are like a bacterial virus ... and third, the Communists, who are developing now... red wale ... if you have to fight them, you need power and that power will not come from the lathi... only the bullet will do... we go to RSS shakhas ... pick up the lathi and use it... all that is fine but now they should be replaced with AKs and a Hindu-brigade should be formed...

D: After Godhra, there was this reaction and a climate was created in which the parivar, the top leaders, meaning the RSS, the VHP, the Bajrang Dal, the BJP and the Durga Vahini... and in that we had Narendra Modi's support.. - let people say what they are saying - support in the sense that if Hindus are going to be burnt like this... if conspiracies are going to be hatched to burn Hindus... they wanted to burn the whole train (Sabarmati Express)... and now if we don't do anything, if we don't give an adequate reaction, another train will be set on fire... This was the idea, the thought process that came from him (Modi)... I was present in the meeting...

T: Where, sir...

D: It was held in Baroda only... at a secret place...

T: After Godhra ...

D: Immediately. The same day as Godhra... there were two meetings, one at Ahmedabad and one at baroda...to what action we have to take...to issme sab log nahi they...some of the very few members were there...BJP RSS Parishad ... it was decided that for how long are we going to take this... If we have the guts, we should give a reaction ... so everyone felt, unanimously, that we don't want to be defensive so we should start tonight...

T: was this meeting of the top leadership or of local leaders or of the ground workers?

D: actually local leaders...The message came from top leaders, the local leaders implemented it and the workers spread it...

T: so how many people were present in that meeting?

D: about 65 to 70

T: 65 to 70

D: key persons of Baroda

T: from different saffron organizations

D: In ahmedabad there were two persons... I wont tell you the place... that is secret... it is the parivaar's... think, where they would have met... In Ahmedabad, the party has a farmhouse... we started...supplying everything...made a plan... if the Police arrests, then their release, at night we sat up and made a panel of advocates... if Hindus are injured then take them to hospitals ... how we have to help... We made the whole plan... to start a Hindu jehad... we were successful in Gujarat ... We were thinking, what should we do... so we got three-feet long iron rods... Iron bars and if the cadre is from Bajrang Dal, then trishuls... Meaning we made a plan and supplied the equipment ... it was very necessary ... after we supplied the equipment, the Hindus got very motivated... what use to happen was that till Godhra happened, the upper castes never use to come out... Baniya... Patels... they would never come out... but we mobilized them... told them that we had prepared teams from the police and amongst advocated... that if you go to jail, we will get you released...

True and correct copy of statement dated 02.07.2009 made by Rahul Sharma, DIG, Armed Unit, Rajkot before the SIT, Gandhinagar.

Translation

Date: 12/04/2011

My name is Dhaval Jayantibhai Patel, aged years 30, occupation – Transport, resident Vishnukrupa Society, Vadagam, Taluka Dhansura, District – Sabarkantha.

Being interrogated personally, I state that I have been residing at the above address with my family and have been driving rented tucks. I have only Truck No. GJ 9 Y 6894. I have studied upto Standard XII. I was going to the RSS Sakha since 1994-95 as a worker and I was going there till 1996-97 only. I became a member of Vishwa Hindu Parishad in 1999 and I was a member of Vishwa Hindu Parishad for one year only.

Today you have asked me questions about my interview taken by the Tahelka Magazine reporter Ashish Khetan and in reply thereto, I state as:-

Question:- Did the Tahelka reporter Ashish Khetan take your interview on 13/06/2007, or not?

Reply:- On 13/06/2007, while I was present in my office near Vadagam bus stand at about 10.00 / 11.00 a.m. then a person came there and identified himself as a RSS member and disclosed his acquaintance with Anilbhai Patel of Dhansura and I seated him. At that time he told me that – In the North – Eastern States, where the Hindus are in minority, in order that their morale are raised high, I am writing a book and I shall make a film based on it. I would like to get some dialogues of the said film to be delivered / recited by you and due to this, you will also get publicity and it will be known to others that you will have done some work for the Hindu religion. The dialogues which I was to deliver to him were written in Hindi language. He first got me recited (uttered) and as there were mistakes committed in uttering the said dialogue, he got the same uttered by me primarily and then he said that – you do some acting and show – and I showed action also.

Question:- You stated in your interview that in the year 2002, you made bombs and sent them to Kalupur and Juhapura areas and you also showed how you had made the said bombs and you also stated facts like how to burst out the said bomb etc. What have you to say about it?

Reply:- As stated above, Ashish Khetan whose name, I could not know subsequently, brought his prepared dialogue with him and I recited them with action, but no actual incidents of these sorts have happened.

Question:- Do you want to say anything in particular?

Reply:- Ashish Khetan at the relevant time gave his name wrongly to me and identified himself as a member of RSS and told me that he would write a book on Hinduism and make a film on it and recorded his written dialogue. Actually nothing of the same sorts did happen.

The above facts are true and correct as per my statement recorded.

Before me

Sd/- illegible

(Himanshu Shukla)

Deputy Police Commissioner

Crime Branch and SIT (Godhra Riot Case),
Ahmedabad City.

Date: 02-07-2009

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Statement of Shri Rahul Sharma, DIG, Armed Unit, Rajkot

I belong to the 1992 batch of the Indian Police Service and had been allotted the Gujarat Cadre. I had joined the present post on 30.05.2009. I had joined Bhavnagar District as the District Superintendent of Police on 16.02.2002. At the time of occurrence of the Godhra train carnage on 27-2-2002, I was on leave and was availing joining time. Upon hearing the news of the incident, I rushed to Bhavnagar and reached there in the evening of 27-2-2002. I held a meeting of the officers and satisfied myself regarding the 'bandobast' that had been organised for the 'Gujarat Bandh' on 28-2-2002.

Next day, i.e. 28-2-2002, passed off peacefully. On 1-3-2002 a report was published in the local 'Sandesh' news paper castigating the local populace for not having avenged the Godhra carnage. I had, subsequently written to the government seeking permission to register a criminal case against the said newspaper in accordance with the provisions of Rule 53 (10) of the Gujarat Police Manual Volume III.

In the evening of 01.03.2002, a procession was sought to be taken by the Sadhu Samaj in Bhavnagar city. Permission was granted by the District Administration to the Sadhu Samaj for taking out this procession on the belief that since nothing had happened the previous day; this too would pass off peacefully. The rally started at about 17:10 hrs. After the said rally submitted its petition to the District Collector, it was addressed by its leader after which riots broke out in Bhavnagar city. By 18:00 hrs mob had started gathering at different places of Bhavnagar city.

One Kishor Bhatt, who was the President of the Bhavnagar branch of the Shiv Sena, was arrested by the police the same evening. By this time reports of stone pelting, arson and rioting had started coming in. Around 8.30 pm on 1-3-2002, curfew was imposed in the whole of Bhavnagar city by the District Collector at my request. Initially, there was only a partial response to the imposition of curfew. Even my officers and men felt outnumbered. The entire police force had been deployed all over the district for bandobast purposes and there were only about 180 men available to control the riots in Bhavnagar city. Different officers requested for additional forces, which were not available. Therefore, I instructed them to use maximum force. After about ten minutes I clarified

Rahul Sharma
2/7/2009

that they should resort to effective firing. After another a few minutes I again passed the message over the wireless set that any officer calling for additional forces without first resorting to firing would be placed under suspension. These three instructions, especially the last one, passed directly by me, over the wireless set produced immediate results and the Bhavnagar police was successful in effectively controlling the communal riots. By the evening of 2-3-2002, most of the riots had been crushed and only sporadic incidents were happening.

In the afternoon of 2-3-2002, around 2:30 pm, I heard a message being passed by Police Inspector, Bhavnagar 'B' Division Police Station, requesting for more forces at the Akwada Madarsa, which was 14 kms. away from Bhavnagar city. In view of my instructions passed over the previous night, a request for more forces signalled some kind of an emergency. I was patrolling the roads of Bhavnagar, which had become quiet. I, therefore, rushed to the Madarsa. On the way to Madarsa, I dispersed a riotous mob near the workshop of Gujarat Travels. On reaching the Madarsa, I found that a huge riotous and armed mob had surrounded the Madarsa and was throwing burning rags on the children, aged between 6 to 14 years and who had gathered on the terrace of the Madarsa. The children were also throwing back the stones on the mob in self defence. I sounded a warning to the rioting mob directing them to disperse or else police would be constrained to use force against them. However, the crowd did not disperse. Hence, the police was compelled to use appropriate force. The mob dispersed. I then visited the local village, met the village leaders and requested them not to attack the Madarsa. However, later in the evening and in view of the fact that the Madarsa was 14 kms away, we decided to shift the inmates of Madarsa to a safer location in Bhavnagar city. Subsequently, we did the same and shifted all the inmates numbering about 400 to Ibrahim Masjid at night carefully negotiating burning logs and tyres that had been kept to block the approach road to the Madarsa.

On 1-3-2002, at about 10:22 pm, I had contacted the DGP & IGP, Gujarat State Shri K. Chakravarthy for additional forces. He had promised to send me one company of SRP by next morning. He also promised to send me some Border Wing Home Guards and Army. At that time he had told me that he did not have any more force. He had also told me that the entire bureaucracy had been completely neutralised.

Rohit Sharma
21/7/2009

On 16-3-2002, the then Minister of State (Home), Shri Gordhan Zadaphia had contacted me at about 10:10 am and told me that while I had done a good job in controlling the communal riots, the ratio of deaths as a result of police firing in the communal riots was not proper. In my understanding of things, he was referring to the more number of deaths of Hindus compared to the Muslims during the communal riots.

On 23.03.2002, a Mosque was suddenly attacked in the Chavdi Gate area of Bhavnagar city by a riotous mob. Following this, 21 people were arrested by the police. I was informed that the local leaders had been given the assurance that these persons would be released by evening. However, I had disagreed to this and had taken a stand that the persons would have to spend at least 24 hours in police custody. Over this stand, I had differences of opinion with the Collector, Bhavnagar, the IGP, Junagadh Range and the DGP & IGP. I must clarify that these differences of opinion were strictly professional in nature and no *mala fide* can be attributed to any of the officers. At this point, when my opinion prevailed, one of the leaders of the BJP congratulated me on having taken this stand and told me that these kinds of incidents were being resorted to, to keep the issue alive till elections (that were due in early 2003). I had also written a letter to the DGP & IGP narrating the events that had taken place on 23.03.2002.

During the riots, a total number of 162 rounds were fired by the police. In addition, 126 tear gas shells were also fired to disperse the mobs. Following police firing a total of 17 people were injured while 06 persons were killed. I had also insisted that FIRs should be registered for every individual up who came with a complaint with the result that a total of 278 FIRs were registered in Bhavnagar City relating to these riots. On being asked, I state that at this time I do not remember as to against how many persons, preventive action was taken at the relevant point of time. I also state that curfew in Bhavnagar City was imposed from 20:30 hrs on 01.03.2002 and gradually relaxed before it was completely lifted after 05:00 hrs on 11.03.2002. Curfew was not imposed at any other place in Bhavnagar District except Bhavnagar City.

I was transferred as DCP, Control Room, Ahmedabad City, by the Government of Gujarat. I relinquished charge of SP, Bhavnagar on 26.03.2002 and joined duties as DCP, Control Room, Ahmedabad City, on 08.04.2002. I would not be able to comment on the circumstances that

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led to my transfer from Bhavnagar. I believe it is the prerogative of the Government to post an officer.

While functioning as DCP, Control Room, Ahmedabad City, I was assigned miscellaneous duties and even held charges of different zones of Ahmedabad City Police from time to time when the regular incumbent was on leave. On 07.05.2002, I was instructed by the then Commissioner of Police, Ahmedabad City, Shri P.C. Pande to report to the Crime Branch, Ahmedabad City and assist the then Additional CP, Crime Branch, Shri A.K. Surolia in the investigation of serious riot-related offences. I was also told by Shri P.C. Pande that there would be no formal written order in this regard. I later came to know that I had been asked to assist the Crime Branch in the investigations at the insistence of Shri Surolia, who wanted some officer to help him out with the investigations of the cases. Shri Surolia had also written a letter to the DG & IGP, Gujarat State, confirming that I had reported for assisting him in the investigations.

Accordingly, I reported to Shri Surolia the same afternoon. As a matter of prudence, it was decided to collect scientific evidence in support of the investigation that was undergoing. We had information of the use of mobile phones in a big way in the alleged organising of communal riots throughout the state including Ahmedabad City. Accordingly, I myself drafted a letter calling for data from the two mobile phone service providers – 'Celforce' (now Vodafone) and 'AT&T' (now Idea). The letters were issued under the signature of the then ACP, Crime Branch, Shri S.S. Chudasama, who was also investigating the two serious cases of massacres at Naroda Patiya and Gulbarg Society. The information that had been asked for was the telephone directory of the two mobile phone companies, calling time, called/calling number, location of the mobile phone when they were calling/receiving the calls, etc. for the period from 25.02.2002 to 04.03.2002 in respect of all mobile phones operating from Ahmedabad city area. The idea behind the collection of this data was, amongst others, to establish the location of the alleged perpetrators of crime and their accomplices at the time of commission of the offence. It was also required to prove the contact established between the different accused persons as also with 'erring' policemen, bureaucrats and politicians.

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In response to the letter of Shri Chudasama, data was sent in the correct format by 'AT&T' within a week on a CD-R. On being asked, I state that I may have personally gone to collect the said information from AT&T from their office in Suman Towers in Gandhinagar. The data provided by AT&T was in the "TEXT" format and had all the relevant information that had been asked for. The data was copied on to my computer kept at my home and the CD was returned to Shri Chudasma. This copying was required to be done if the data from the two mobile phone companies were to be analysed together.

The data from the 'Celforce' was sent quite late. By this time probably Shri A.K. Surolia had been sent on deputation to BSF and Shri P.P. Pandey had taken over as the Joint CP, Crime Branch. To the best of my knowledge, while the information from the AT&T had come while Shri Surolia was in-charge of the Crime Branch, the information from 'Celforce' had never come during his tenure. However, I am not very sure of when the information from 'Celforce' was first received.

To the best of my knowledge, the information from the 'Celforce' came during Shri Pandey's tenure as the Joint CP, Crime Branch, Ahmedabad City Police. The data was sent as an MS Access database. Since I had no knowledge of MS Access, I took the assistance of PSI Shri K.J. Chandana, who was in the computer section of Ahmedabad Police Commissionerate. He used to open the files before me in the computer kept in my office. Initially, the data sent was not as had been requested by us. The correct data was obtained only after several attempts. On all these occasions, it was Shri Chandana who usually went to the office of the 'Celforce' to get the correct data.

However, the final CD-R containing the correct and required data was not sent to me through Shri Chandana but was forwarded to me through a DO Letter written by Shri P.P. Pandey, Jt. CP in Gujarati. In the DO letter, he had mentioned that the CDs had been prepared on my instructions and that I alone should analyse the data. Here, it may be mentioned that 'Celforce' had also furnished data in respect of mobile phones operating from Godhra though the same had not been asked for. I am confident of this DO letter because after a few days of the receipt of this letter, I was transferred out and posted as the Commandant, SRPF, Group XI, Vav, District Surat. I do not remember whether the CDs sent by 'Celforce' were two in number or one in number but given the volume of

Rahul Chudasama
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data received from Celforce, I believe that there should have been two CDs.

When the CD was received by me, preparations for the Rath Yatra were going on in Ahmedabad City. I, as the DCP, Control Room, was completely occupied with the deployment of CPMFs and other forces and arranging for their logistics. Hence, I had no time to attend to the information contained in the CDs. Besides, I had no knowledge of MS Access at that particular point of time because of which also I could not have analysed or interpreted the contents of the CDs. However, I had also copied the contents of the CD(s) sent by 'Celforce' onto the hard disk of my computer kept at my home.

When I received my transfer orders in the first week of July, 2002, I instructed Shri Chandana to deliver the original CD(s) personally to Shri P.P. Pandey. Shri Chandana went to his office a couple of times but did not find Shri Pandey and, therefore, he came back with the CD(s). During this period the CD(s) remained in the process of Shri Chandana. On probably the second last day of my tenure as the DCP, Control Room, I had a 'Rider' called from the Control Room, took the CD(s) from Shri Chandana and directed the 'Rider' to hand over the CD(s) to Shri P.P. Pandey, Jt.CP. Accordingly, the 'Rider' handed over the CD to Shri Pandey and reported this fact to me. I am afraid that after all these years, I would not be able to identify this 'Rider'. I would also like to state that at that particular time, my PA was on leave on account of his son's marriage and, therefore, I was not able to send the CD(s) through a formal letter.

I reiterate that I never analysed the information contained in the CDs while posted as DCP, Control Room. I learnt basic MS Access only in 2004 after I joined the CBI on deputation. I also state that it is a practice in Gujarat Police to keep a copy of Case Diaries and other important documents of cases that have been investigated/supervised by an officer. Consistent with this practice, I wanted to keep a copy of the CDs data that had been copied onto my home computer's hard disk. I also wanted to have the data on one CD for compactness. I had, therefore, consulted Shri Chandana in this regard and he had advised to 'zip' the files so that they would be compressed. I did accordingly and data from the CDs sent by 'AT&T' and 'Celforce' could be copied on to one single CD, which I retained. I burnt the information on the CD Writer installed onto my computer myself.

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I also state that I submitted copies of the same CD containing the zipped data to the Nanavati-Shah Commission of Inquiry (two copies) and the Banerjee Committee (one copy). The original CD first prepared by me has been handed over to the SIT constituted by the Hon'ble Supreme Court of India.

I also state that the computer on which I had first copied the data from the CDs sent by 'Celforce' and 'AT&T' has been upgraded even though the same HARD DISK exists. The upgradation has been in regards the CPU, RAM and Mother Board. I also state that since July, 2002 the hard disk of my home computer has been formatted and re-partitioned at least 15 - 20 times out of which 'LOW LEVEL FORMATTING' has been done at least 7 - 8 times. All these formatting/partitionings have been done by me personally. The low level formatting has been done using 'KILL DISK' software that is freely available over the internet. These exercises were done following virus attacks on my system or when the OPERATING SYSTEM became unstable. Under such circumstances, I do not think that there is any chance to establish, by forensic examination, that the said information was copied onto the HARD DISK. There is even lesser chance of retrieving the said data.

On being asked as to on whose orders, I had had the CDs made, I state that the letter was signed by Shri Chudasama, who was competent to ask for such information under powers conferred upon him by the Cr.P.C. This data was asked for by him under my advice.

On being asked whether the information in the said CD could have been manipulated, I further state that for someone who is not a part of the mobile phone company, it is impossible to manipulate the data and maintain consistency. The volume of data is so enormous that it is not possible to manipulate the data and maintain consistency at the same time. The entire copying/zipping has been done by computer-controlled automatic processes, which are beyond human control.

I state that after Shri Surolia had been posted out of the Crime Branch, I had stopped visiting the Crime Branch since there was no formal order attaching me to the investigations. I had only been told to assist Shri Surolia. I was also not called to the Crime Branch for this purpose. Accordingly, I was not associated with any arrest or any other

Redd Sharma
27/2/05

investigative process in respect of these serious cases after Shri Surolia had left.

I state that the filing of the charge-sheet in the Gulbarg Society case had attracted a lot of criticism. The first charge-sheet was filed in this case on 03.06.2002. On 04.06.2002, while going to my office from my home, I was called by Shri P.P. Pandey to his office in the Crime Branch. Accordingly, I reported to the Crime Branch. After a brief introductory conversation, Shri P.P. Pandey, Jt.CP had the papers of the Naroda Patiya case called for. He asked me to go through the draft charge-sheet that was being planned to be filed in the court the next day. I expressed my reluctance to give my comments on the case since I had not been a part of the investigations. However, since Shri P.P. Pandey insisted, I perused the draft charge-sheet.

In the draft charge-sheet it had been mentioned that the mob at Naroda Patiya had got enraged and violent because some truck driver, while fleeing, had killed two persons. I did not agree with this line of argument. The question was why did the truck driver try to flee? Why was the mob gathered there? There was no conduct on the part of the mob, found during investigations, that indicated that their conduct was friendly or benign. Many people had taken refuge in SRPF, Group II Campus fearing their lives. There was no indication that the mob was not aggressive. There was a heated argument between me on one side and Shri S.S. Chudasama, ACP, and Shri D.G. Vanzara, DCP, on the other. Shri Pandey kept quiet during the interaction. At the end, I left the Crime Branch with this expression of disagreement. On reaching the DCP, Control Room Office, I wrote a DO letter to Shri K.R. Kaushik, the then Commissioner of Police, mentioning the happenings in the Crime Branch on that day. Shri Kaushik had subsequently discussed the issue with Shri P.P. Pandey and issued a formal order directing my association with the investigation of the said cases.

On being asked whether the digital recorder, which had been used by him for recording the conversation at a meeting with some officers in connection with his deposition before the Nanavati-Shah Commission, had been provided by me to Mr. R.B. Sreekumar, I confirm the same. I had given him the recorder on his request. If I remember correctly, even Shri R.B. Sreekumar did not know exactly as to who all would be party to the said conversation at the time he took the recorder from me though he

Kall Chudasama
21/7/2009

may have known that such a conversation was to take place. I would not be able to comment on this. On being asked, I state that I may have transferred the recorded conversation onto a CD at the request of Mr. R.B. Sreekumar but I do not remember it very clearly.

Rahul Sharma

21/7/09

Before me

(V.V. Chaudhary)

Superintendent of Police
S.I.T. Gandhinagar



02/7/2009

Member SIT Gandhinagar

True and correct copy of Phone Call Records dated 27.02.2002 of P.C. Pandey, Commissioner of Police, Ahmedabad.

Call History of Number : 9825048303 27-Feb-2002

P.C. PANDEY

COMMISSIONER OF POLICE, A'BAD

Sr. No.	Dialed / Received	Call Type	Call Time	Duration In Seconds	Location	Person Spoken To
1.	797499070	Incoming	08:44:57	45	Ganesh Complex, Naranpura.-3.	
2.	919825049145	Incoming	08:53:30	21	Ganesh Complex, Naranpura.-3.	Gowardhan Zadafia (Mos, Home, Government of Gujarat)
3.	796562597	Incoming	10:30:23	70	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Navrangpura Exchange Police Exchanges in Ahmedabad City
4.	919825005592	Incoming	10:47:24	1	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	

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5.	09825005592	Outgoing	10:59:23	27	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
6.	919825048301	Incoming	11:05:42	131	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Chakravarty (DG & Inspector General of Police Guj St)
7.	919820287989	Incoming	11:08:30	1	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
8.	793242999	Incoming	11:14:05	64	Nr. Bhavans colleges, Shahpur-1.	
9.	919825048301	Incoming	11:38:41	47	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Chakravarty (DG & Inspector General of Police Guj St)
10.	792167530	Incoming	11:57:50	41	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Kalupur Police Station in Ahmedabad City

11.	113014794	Incoming	12:11:31	139	Grasim Building, Releif Rd.-3.	
12.	919825024442	Incoming	12:14:29	93	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
13.	793242999	Incoming	12:37:49	33	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
14.	919825048301	Incoming	12:48:16	48	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Chakravarty (DG & Inspector General of Police Guj St)
15.	2009	Incoming	13:00:14	1	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
16.	00919825049134	Outgoing	13:08:30	74	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Srinivas (Former Collector of A'bad)

17.	919825095002	Incoming	13:29:09	43	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
18.	919825049145	Incoming	13:53:06	109	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Gowardhan Zadafia (Mos, Home, Government of Gujarat)
19.	113014794	Incoming	14:30:55	77	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
20.	7932356800	Incoming	14:32:50	64	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
21.	113350854	Incoming	14:50:00	3	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	

22.	796576777	Incoming	14:57:44	91	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
23.	919825000837	Incoming	14:59:40	25	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Tanmay Mehta (PA to Chief Minister)
24.	919825025400	Incoming	15:17:48	16	Nr. Bhavans colleges, Shahpur-1.	
25.	9824069497	Incoming	15:19:01	22	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
26.	793242999	Incoming	15:20:27	14	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
27.	919825049391	Incoming	15:35:11	38	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Anil Mukim (Addl. Principal Sec to CM)

28.	919825000837	Incoming	15:36:01	14	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Tanmay Mehta (PA to Chief Minister)
29.	919825049391	Incoming	15:36:35	42	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Anil Mukim (Addl. Principal Sec to CM)
30.	919825049145	Incoming	15:40:45	32	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Gowardhan Zadafia (Mos, Home, Government of Gujarat)
31.	919825048301	Incoming	15:50:55	65	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Chakravarty (DG & Inspector General of Police Guj St)
32.	793242999	Incoming	15:57:32	41	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	

33.	919825045971	Incoming	16:02:45	31	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
34.	919825033030	Incoming	16:12:41	43	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
35.	9824077522	Incoming	16:34:29	10	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
36.	113014794	Incoming	16:42:07	62	Nr. Bhavans colleges, Shahpur-1	
37.	2613268883	Incoming	16:47:50	17	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
38.	919825049391	Incoming	17:02:57	2	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Anil Mukim (Addl. Principal Sec to CM)

39.	00919825049391	Outgoing	17:03:50	32	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Anil Mukim (Addl. Principal Sec to CM)
40.	919825048308	Incoming	17:04:49	37	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Shivanand Jha (Addl. Commissioner of Police Sector-I A'bad)
41.	919825005051	Incoming	17:09:02	74	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
42.	919825048316	Incoming	17:20:09	105	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	M.K. Tandon (Joint Commissioner of Police Sector-II A'bad)
43.	919825048301	Incoming	17:28:05	107	Nr. Bhavans colleges, Shahpur-1.	K Chakravarty (DG & Inspector General of Police Guj St)
44.	919825113941	Incoming	17:43:40	76	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	

45.	919825019837	Incoming	17:51:43	51	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
46.	222042345	Incoming	18:03:05	154	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
47.	9824067890	Incoming	18:19:51	22	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
48.	919825007278	Incoming	18:41:43	6	Nr. Bhavans colleges, Shahpur-1.	N D Solanki (Superintendent of Police, Sabarkantha)
49.	919825005592	Incoming	18:51:34	82	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
50.	9824010860	Incoming	18:55:19	34	Nr. Bhavans colleges, Shahpur-1.	

51.	00919825049391	Outgoing	19:09:57	83	Nr. Bhavans colleges, Shahpur-1.	Anil Mukim (Addl. Principal Sec to CM)
52.	113014794	Incoming	19:15:37	63	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
53.	919825022833	Incoming	19:30:58	37	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Amarsinh Chaudhary Leader of Opposition)
54.	919825025400	Incoming	19:33:35	97	Nr. Bhavans colleges, Shahpur-1.	
55.	9824002020	Incoming	19:39:37	19	Grasim Building, Releif Rd.-3.	
56.	919825049134	Incoming	19:48:11	119	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Srinivas (Former Collector of A'bad)

57.	919825049134	Incoming	20:14:39	161	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Srinivas (Former Collector of A'bad)
58.	919825037432	Incoming	20:26:12	68	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Sanjay Bhavsar (OSD to Chief Minister)
59.	9824040931	Incoming	20:28:56	34	Grasim Building, Releif Rd.-3.	
60.	919825005592	Incoming	20:35:46	116	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
61.	796854954	Incoming	20:51:35	85	Grasim Building, Releif Rd.-3.	
62.	919825113941	Incoming	21:08:11	41	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	

63.	919825048301	Incoming	21:13:28	52	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	K Chakravarty (DG & Inspector General of Police Guj St)
64.	919825049145	Incoming	21:18:54	9	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Gowardhan Zadafia (Mos, Home, Government of Gujarat)
65.	919825049145	Incoming	21:19:18	58	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	Gowardhan Zadafia (Mos, Home, Government of Gujarat)
66.	919825049194	Incoming	21:27:03	41	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	V. M. Pargi (Deputy Commissioner Ahmedabad City)
67.	793242999	Incoming	21:29:05	62	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	
68.	795508002	Incoming	21:31:41	52	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.	

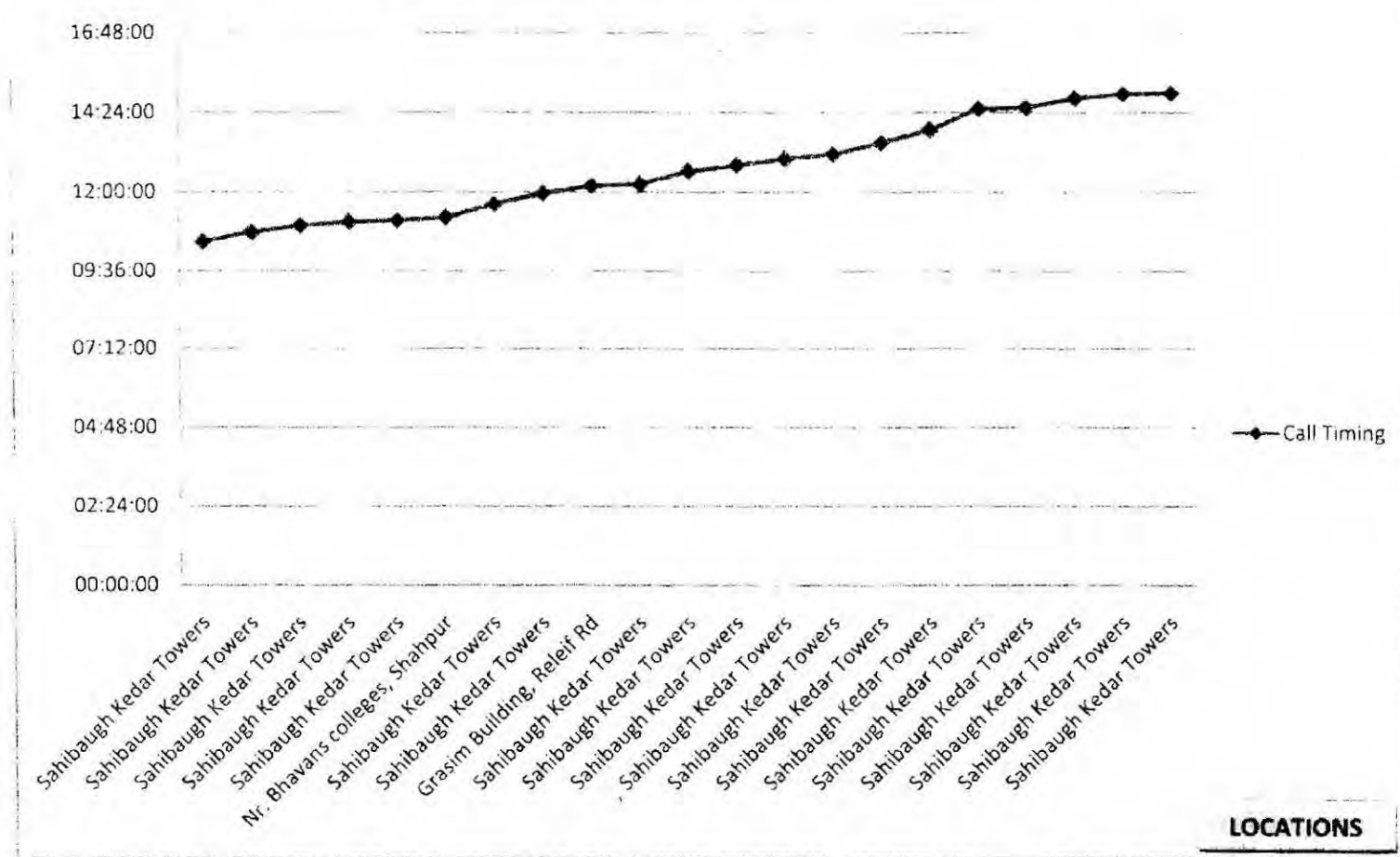
69.	795505053	Incoming	21:32:59	102	Sahibaugh Kedar Towers,C-105,Nr. Rajsthan Hospital.-2.
70.	919825017664	Incoming	21:42:51	55	PNr.Koba Circle, Gandhingr- Abad H/W.-2.
71.	9825048308	Outgoing	21:58:01	38	Shivanand Jha (Addl. Commissioner of Police Sector-I A'bad)

True and correct copy of Locational Call Records Analysis of P.C. Pandey, Commissioner of Police, Ahmedabad on 27.02.2002 from 1000 hrs to 1500 hrs and from 1730 hrs to 1930 hrs.

Location during 1000 hours to 1500 hours (27-Feb-2002)

P.C. PANDEY 9825048303

COMMISSIONER OF POLICE, A'BAD



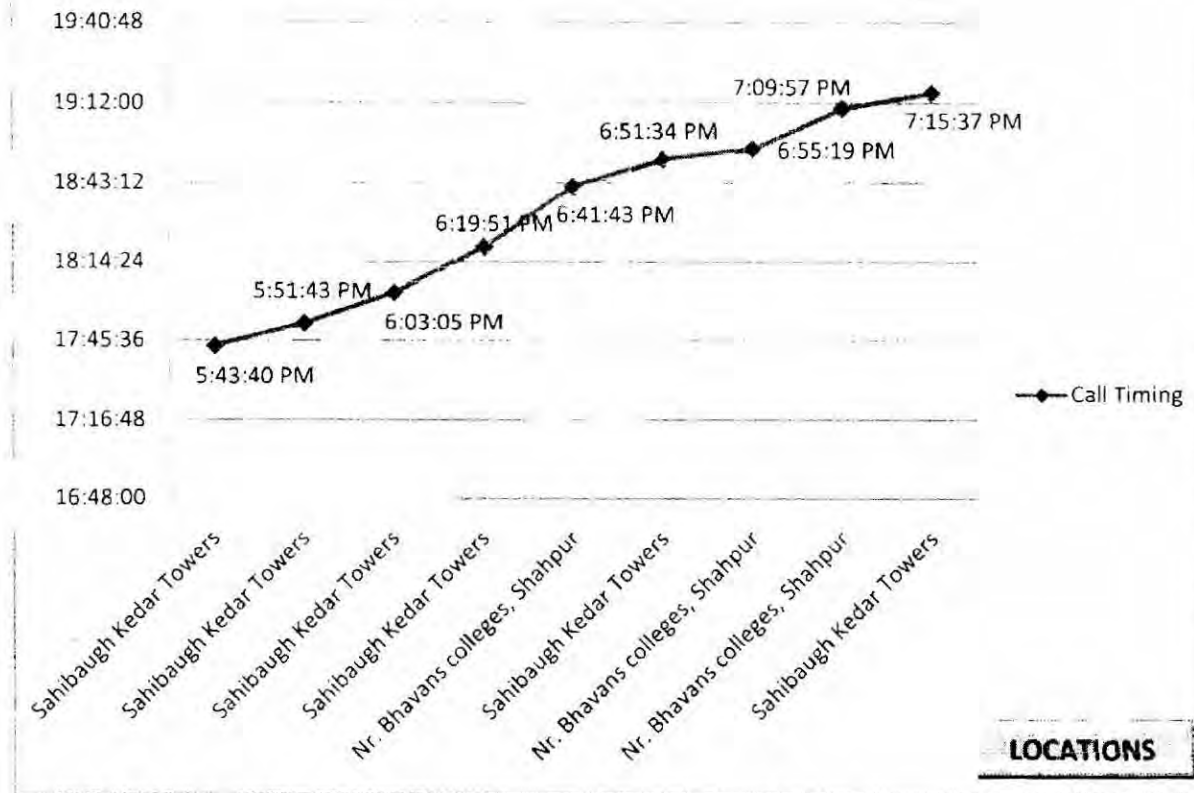
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Location during 1730 hours to 1930 hours (27-Feb-2002)

P.C. PANDEY 9825048303

COMMISSIONER OF POLICE, A'BAD



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Excerpts from Protest Petition regarding incriminating Phone Call Records.

- Afternoon (3.56 p.m.) IK Jadeja ,
Meghaninagar
- Evening (5.10 p.m., 5.14 p.m., 5.57 p.m.)
Ashok Bhatt Narol, Naroda
- Evening (5.40 p.m.) AP Patel (CMO)
Meghaninagar
- Evening 7.24 p.m. Harsh Brahmbhatt (CMO)
Narol Naroda
- Evening 7.26 p.m. Harsh Brahmbhatt (CMO)
Meghaninagar

[REDACTED]

[REDACTED]

Phone Record Contact

203. There are a total of 35 records available for the Mobile Phone No. of A-25, then DGP, Mr. Chakravarti (9825048301) for 27.2.2002. Accused No. 5, MOS Home, Mr. Zadaphiya and he speak thrice (8:54:29 hours, 98 seconds; 9:10:18 hours, 121 seconds; 14:43:27, 106 seconds), with Accused 29, Mr. PC Pande at 0925048303 seven times (11:5:42, 131 seconds; 11:38:41, 74 seconds; 12:48:16, 48 seconds; 15:50:55, 65 seconds; 17:28:05, 107 seconds; 21:13:28, 52 seconds); and CMO to accused No. 1 at Anil Mukim, Addl principal secretary to CM at 09825049391 twice (15:33:40, 29 seconds; 15:37:57 seconds, 29 seconds). Mukim had accompanied Accused No. 1 to Godhra and this was the time the two were on their way. K. Nityanandam, Secretary, Home, (A-34) is actually in charge of law and order in the state at the time. Telephone calls made by him are as follows:

Phone Call Records Contact (27.2.2002)

204. Phone call records of Mr. Dinesh Togadia, brother of Accused No. 20 Dr. Praveen Togadia, international general secretary of the VHP show that of the 48 call records available for that day, he is in touch with DCP, RJ Savani (21:31:25 hours, 117 seconds) and also with Accused No. 16 Dr. Maya Kodnani, sitting MLA from Naroda convicted for 28 years to life imprisonment for being part of a conspiracy to distribute weapons, incite violence at Naroda Patiya (13:59:37 hours, 11 seconds, 14:38:49, 26 seconds). This establishes that key persons of the ruling BJP and VHP were in

close touch around the time their compatriots were hatching and furthering the conspiracy to bring the bodies to aggressive processions, still at Godhra:

205. SIB messages dated 27.2.2002 state that many of those injured kar sevaks who reached Ahmedabad after the Godhra tragedy around 1600 hours by the same Sabarmati Express, were taken for treatment to the Dhanvantri Hospital run by the brother of A-20 Dr Praveen Togadia. Violence also broke out thereafter.
206. Accused No. 5 and co-conspirator, MOS Home, Mr. Zadaphiya had given several statements to the SIT. The first one is dated 24.9.2009, the second one is dated 24.10.2009, the third one is dated 28.10.2009 after which he gives a 33-page statement in writing. There is thereafter a further statement recorded by the SIT of Mr. Zadaphia on 21.2.2012. In his statement to the SIT dated 24.9.2009 he states that he has been a member of the RSS and remains one since 1975 and joined BJP as a district secretary at Bhavnagar in 1990. He states that he was first appointed as Minister of State for Home after Mr. Modi was brought in as chief Minister in 2001. Recounting the incident of 27.2.2002, the accused no 5 states that it was Mr. Ashok Bhai Patel, a VHP activist travelling by the same train who had informed him over the telephone from Godhra at about 7.30 a.m. and told him of the fire in the compartment in which Kar sevaks were killed. He states that he immediately spoke to Mr. Modi and informed him about the incident to which he said that he was already aware of the same. He further says that he did not do anything else. Zadaphiya then claims that he spoke to SP Godhra, Mr. Rajiv Bhargava (Accused No. 46), enquiring about the incident. He claims that Mr. Bhargava informed that the Sabarmati express train has been attacked at which point he told the SP to save Kar Sevaks and other passengers. The SP told him that he had very few policemen and asked for additional forces. Mr. Zadaphiya states that he told Mr. Bhargava that he would speak to the Range IG, Mr. Deepak Swaroop and arrange for additional forces as well as SRP from Godhra itself. He thereafter contacted Mr. Swaroop and directed that additional forces be arranged. Mr. Swaroop (Accused No. 40) told him that he himself had left for Godhra and had already made arrangements for additional forces to reach Godhra. He then left for the Assembly. On being shown a copy of the minutes of the Gujarat assembly on

Decision for a Hurried Post Mortem

473. On 27.2.2002 around 12 noon, the dead bodies were removed from the S-6 coach and laid down in the yard itself and a huge crowd was allowed to gather all around. The inquest was carried out by P.I. Mirza and this was started at 13:15, completed and signed at 18:45. Under the criminal law, it is the inquesting authority who has to decide whether to send the dead bodies for post-mortem or not. But in the present case post-mortem of almost all bodies were over by 18.45 hours, the time when inquest report was signed. The question is: under whose orders was the post-mortem being conducted in the Railway Yard itself without any facility and equipments and also by doctors who were not trained to do post-mortem? Phone records show that Accused No. 2, Ashok Bhatt, was giving these illegal instructions.

474. The mobile phone records show that Mr Bhatt, Accused No. 2 (now deceased) is in close consultation with the Chief Minister who took the decision to 'finish off' the post-mortem at Godhra itself, however illegal and unwarranted that may be. The mobile phone call records are clear indicators of who was organising doctors to start the post-mortem.

Who Took the Post-Mortem Decision and Who Decided on Parading of Bodies?

Call Type	Cell-No. (Name)	Duration Secs.	Date-Time	Dialed/Received No. – Name
Out	9825039877 (Ashok Bhatt, Accused No. 2)	35	27-Feb- 2002 13:53:44	9825000836 Omprakash Singh, CMO, (PA to CM, Accused No. 1)
Out	9825039877 (Ashok Bhatt, Accused No. 2)	15	27-feb- 2002 14:50:44	9825000836 Omprakash Singh, CMO, (PA to CM, Accused No. 1)
In	9825039877 (Ashok Bhatt, Accused No. 2)	173	27-feb- 2002 15:05:09	9825000836 Omprakash Singh, CMO, (PA to CM, Accused No. 1)
Out	9825039877 (Ashok Bhatt, Accused No. 2)	43	27-feb- 2002 15:38:10	9825000836 Omprakash Singh, CMO, (PA to CM, Accused No. 1)

Who Called the Doctors to Godhra?

Call Type	Cell-No. (Name)	Duration Secs	Date-Time	Dialed / Received No. – Name
In	9825039877 (Ashok Bhatt, Accused No. 2)	38	27-feb- 2002 13:39:24	24095557 Commissioner of Health

In	9825039877 (Ashok Bhatt, Accused No. 2)	146	27-feb- 2002 17:19:09	24095557 Commissioner of Health
Out	9825039877 (Ashok Bhatt, Accused No. 2)	118	27-feb- 2002 18:37:49	24095557 Commissioner of Health
Out	9825039877 (Ashok Bhatt, Accused No. 2)	121	27-feb- 2002 18:40:10	24095557 Commissioner of Health
Out	9825039877 (Ashok Bhatt, Accused No. 2)	251	27-feb- 2002 20:41:48	24095557 Commissioner of Health

475. These doctors should have been examined by the SIT in connection with the Complaint dated 8.6.2006 given the haste in post-mortems and the overall irregularities and illegalities of decisions take at Godhra post the incident. (This is a matter for further investigation by an independent agency).

Why was the Post-Mortem done in this Hasty and Fraudulent Manner?

476. In fact, one Passenger, Haribhai M Joshi, Income Tax Officer, has deposed before Nanavati Commission stating that: "As far as I remember, no. post-mortem was done when the dead body of my wife was given to me". Yet, Dr. Yogesh Jain has signed the post-mortem report of Shri Joshi's wife though No. date was put on the report. It is reasonable to conclude that the post-mortem was carried out in great haste and completely ignoring law and procedure at Godhra itself for three objectives linked closely to the conspiracy that was hatched:

- a. The real cause of death could get obliterated;
- b. The dead bodies could be transported to reach Ahmedabad next morning to hold a funeral rally;
- c. Passions aroused through parading of dead bodies amidst shouting of provocative slogans could be harnessed for unleashing violent reprisal killings.

477. The first objective was easily achieved. All the doctors simply attributed the cause of all 58 deaths as due to "extensive shock due to burn". These doctors were hastily summoned (see table below)

supported the 'mission' were suitably rewarded with important postings; officers, who stood up for their call of duty, were shifted to insignificant and difficult posts.

868. The mind of the political leadership can also be established by the manner in which the whole of the Godhra Carnage was handled personally by the CM – the bringing of the dead bodies by road through the busy areas of cities including Ahmedabad is just one example. Other acts intended to "provoke" would certainly be within the knowledge of the SIT.

869. **PC Pande has been one of the most crucial collaborators who have post facto benefitted for his criminal negligence.**

a) Phone call record analysis of Mr. PC Pande for the whole of Ahmedabad city but especially for the Naroda Patiya and Gaam charge sheets suggest that key questions needed to have been put to him by the investigation agencies which have not.

b) **Has his statement as CP Ahmedabad even been recorded by the SIT in the Naroda Patia case?**

The phone call records of both Mr. PC Pande and Joint Commissioner of Police Mr. MK Tandon (below) show that at the critical time when the latter visits the worst affected areas (between 11:43 a.m. and 12:42 p.m.) when the mob build up is at its height, the **two speak to each other six times**. For Mr. Pande or the latter to say in affidavits before the Commission that he was not aware of what happened is a bare untruth.

870. **Accused Nos 38, Mr. Shivanand Jha:**

He, too, was in his office late in the night till about 1:15 am on 28.02.2002. Normally, he used to leave office at around 7:00 pm. Further, he arrived at his office at about 5:10 am on the morning of 28.02.2002. As in the case of Mr. PC Pande, his being in his office till late hours and arriving very early suggests that he, too, was aware of the gravity of the situation.

871. It is seen that both the sector heads – Mr. MK Tandon (see below) and Mr. Shivanand Jha did not move out of their offices till about 11:00 a.m. despite mounting tensions and reports of gathering mobs and skirmishes. Even Mr. PC Pande, who had gone to Sola Civil Hospital, does not appear to have been involved in the control of riots. He probably was more concerned with his visit to the dead bodies at Sola Civil Hospital. As has been discussed earlier, all the three officers did not take early action to nip the riots in the bud, as has been provided for in the Gujarat Police Manual.
872. If this is true, then the acts of omission on the part of Mr. PC Pande and Mr. Jha could be part of a larger conspiracy to allow the mobs to kill and plunder. Consequently, he would stand as an accused in all the major riot cases being investigated by the SIT, namely, the massacres at Gulberg Society, Naroda Patiya and Naroda Gaam.
873. **Analysis of Calls and Location of Mr. Shivanand Jha:**
On February 27, 2002 Mr. Shivanand Jha receives **68 phone calls**, mostly from numbers out of the official government directories. This suggests they are phone numbers either owned by politicians or officials (unofficially) or they were using phones actually in other's names. On the next day, that is, February 28, 2002 Jha records as many as **192 calls** in his phone records of which four calls are ones he has made to then Gujarat Power Minister, Mr. Kaushik Jamnadas Patel (an MLA elected from his area) and another three are those that he makes to then MLA, Dr. Maya Kodnani, who was an MLA from an area outside his jurisdiction.
874. Mr. Jha's phone call records show that he speaks to Joint Commissioner Mr. MK Tandon once at 18:16 hours (Jha calls Tandon). Mr. Jha and Mr. PC Pande are in touch 9 times during the day which shows that they are clearly aware of the inaction of the police and action of the mob.

Mr Jha and the Chief Minister's Coterie

875. Mr. Jha is also in touch with Mr. Harsh Brahmbutt a close aide of the chief minister from whose number the chief minister could have made calls at 19:35 hours.

Mr. Shivanand Jha

- a. He was posted as the Additional Commissioner, Sector-I, Ahmedabad City during the riots of 2002. He had not moved out of his office till about 11.00 a.m. despite reported large-scale violence within his jurisdiction. Proof of this is found from the CDR analysis of the CD submitted by Mr. Rahul Sharma to the Nanavati-Shah Commission, which has also been submitted to the SIT. By not taking prompt action, he permitted the riots to grow in their intensity. Widespread rioting, looting and arson took place in his jurisdiction. The deaths were, however, less in number because of geographical and demographic factors. He took no preventive actions during the previous night. Therefore, he is as much a party to the riots and ironically, his name was proposed by the State Government for inclusion in the SIT.
- b. He was considered very close to Mr. PC Pande and key to exploring the complicity of the chain of command responsibility in the violence. Mr. Pande stands seriously indicted for the failure to control the violence in Ahmedabad city, the delayed imposition of curfew, the participation in illegal acts at the behest of the state government issues in unminuted meetings on the evening of February 27, 2002 and early morning of February 28, 2002. Under the circumstance, he could not be seriously expected to interrogate Mr. PC Pande and investigate his role, which are borne by the subsequent acts of omission of the SIT.
- c. The phone call records of Mr. Jha for February 28, 2002, the day of the worst violence in Ahmedabad city reveal that among other persons he did make 3 calls to MLA, Dr. Maya Kodnani who was an accused in the Naroda Patiya (since convicted) and Gaam (trial ongoing) massacres though she was not an elected representative of the zone under his jurisdiction.
- d. When he was posted to Rajkot in 2002, he managed to stay in Ahmedabad, where his family was, almost all through his tenure of more than a year with the blessings of Mr. PC Pande.

- e. He continued as a favoured officer of Mr. Pande even till the latter's tenure as DGP. He has held the most influential postings (e.g. a secretary in the Home department, IG of Police, Surat Range). He continued as the head of the Surat Range even after his promotion to the rank of Additional DGP, which has never been heard of. He was posted as Commissioner of Police, Surat City. This demonstrates that he has been consistently close to and is a trusted person of the political executive.
- f. As per his own admissions, in confidence, before some of his colleagues, he claims that he had been directed not to move out of his office and let the riots fester by Mr. PC Pande. It is only natural that the SIT chose to ignore the role Mr. PC Pande in the communal violence in Ahmedabad City given Mr. Jha's role in the SIT.
- g. He had also brought the Police Control Room, Ahmedabad City, under his charge with the permission of Mr. PC Pande. Therefore, for this reason the SIT omitted to investigate as to why politicians were sitting in the Ahmedabad City Police Control Room and whether they had any role to play in the major massacres.
- h. He was a Secretary in Home Department of the Government of Gujarat for nearly three years while the present complaint was pending before the Supreme Court when he consistently took the position and was a party to the affidavits on behalf of the State that the investigations of these cases should not be handed over to the CBI or transferred out of the State. Although it can be argued on his behalf that he was voicing the position of his Government, it cannot be denied that in him the Government had found a trustworthy and reliable instrument for its unethical and crafty manoeuvres.
- i. He is the person who personally cleared all the affidavits that had been filed by police officers, who had been employed in Ahmedabad City at the relevant time, before the Nanavati-Shah Commission enquiring into the Gujarat riots. Many of these affidavits contain false declarations and had his conscious approval.

Mr. Shivanand Jha should have been questioned on this. Was this done?

such books of all officers of the rank of DCP and above. ⁶²⁶
 Gujarat Police have submitted partial records to the Trial Courts hearing. In defence of their stand in not producing the entire record they have produced official letters stating that these records were "DESTROYED IN 2007."

The Integrity of the CD

The CD submitted by Mr Rahul Sharma contains call details of all mobile phones that were operating from Ahmedabad City areas for the period 25.02.2002 to 04.03.2002. Along with the regular details of numbers to which phones are dialled and from which they are received, the data also contains the approximate location of the mobile phone from which the call was made.

926. At that particular point of time, only two mobile phone operators were in existence – Cellforce (now Vodafone) and AT&T (now Idea). Information was called for from both the mobile phone service providers and received in separate CDs. The phone data from these separate CDs were then zipped and copied on to one single CD. Thus, to that extent, the CD produced by Mr Rahul Sharma, per se, is not an exact copy of the CDs provided by the cell phone providers.

The SIT deliberately chose not to perform these tasks in a calculated bid to leave the phone call records unauthenticated as evidence.

927. Service Providers and Senior Policemen need to be summoned to Verify and Authenticate the CD

A) It is also submitted that efforts should be made to locate the office copies of the CDs provided by the mobile phone providers. In any case, if data is provided by a mobile phone company, they should be keeping an office copy of the data provided by them. Else, how would they prove the data sent by them? The inside information is that the cell phone companies have the data but they are "scared" of coming up with it under political/police pressure.

B) Efforts should also be made to recover the original CDs, which are lying with the Crime Branch of Ahmedabad City.

C) Senior functionaries of the mobile phone companies should be summoned and made to hand over their directories and identify over 2/3rds of the phone that are unrecognisable/ unidentifiable in the SIT records. This phenomenon clearly establishes that

several of the powerful politicians, policemen and possibly ~~even~~ ⁶²⁷ the accused were using non-official phone connections not registered in their names. They have to date not been asked to give a full list of the numbers in their use. Even A-1 Mr Modi was not asked this question. This further points to a Conspiracy behind the post Godhra violence.

928. During Further Investigation, the following clear investigations need to be made thoroughly:

- Why were no minutes prepared of the meetings held by the Chief Minister and other senior officers to review the situation from February 27, 2002 onwards? Why were such minutes not circulated to concerned officials?
- If such minutes were prepared, why were no copies of such minutes submitted to the Commission?
- Why were the dead bodies of the Godhra arson victims paraded through the streets of Ahmedabad city, especially when many of the deceased belonged to places outside Ahmedabad city and a few had not even been identified at that juncture?
- Did the CP, Ahmedabad, or the DGP, Gujarat, report in writing to the Chief Minister or their superiors in government and administration on the possible adverse repercussions on law and order by this parade of dead bodies?
- If any such letters were sent to higher authorities, why were they not placed before the commission?
- Why was no preventive action taken against communal elements on February 27/28, 2000 even though the call for a *Bandh* (on February 28) by the Sangh Parivar and the BJP was issued on February 27, 2002 itself?
- Why was the Communal Riot Scheme not put into operation in relevant areas from the evening of February 27, 2002 onwards?
- Why was no prompt and effective action taken against the rioters by officers of the rank of DSP (deputy superintendent of police) and above (who had additional forces of armed policemen moving with them), particularly in Ahmedabad city that has about 40 such DSPs and Vadodara city, which has about 30?
- Why was no action taken by the policemen in approximately 100 police mobile vans stationed in Ahmedabad city, as also in