

**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 III

(FOR INDEX KINDLY SEE INSIDE)

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

INDEX

S. NO.	DESCRIPTION	PAGE NOS.
1.	Issues not dealt with by the Magistrate and the Gujarat High Court A. Police Inaction / Complicity and failure of public servants	A-EE
DOCUMENTS RELIED UPON		
2.	True and translated copy of Police Control Room (PCR) message dated 28.02.2002.	1-2
3.	True and translated copy of Police Control Room messages regarding transportation of dead bodies from Godhra to Ahmedabad.	3-24
4.	Colour maps showing the close distances between the inciteful provocations, funeral processions and areas attacked/targeted.	25-27
5.	Non-Response of Fire Brigade True and translated copy of Police Control Room Messages dated 28.02.2002 regarding Fire Brigade that were also part of the State Intelligence Bureau's record.	28-109
6.	Selective Preventive Arrests/Police Firing True and correct copy of statistics of police behavior and dereliction of duty from the report titled "Crime and Humanity" published by the	110-114

	Concerned Citizens Tribunal – Gujarat 2002.	
7.	Intensity and Spread of Violence True and correct copy of documents submitted by the State Intelligence Bureau, Gandhinagar to the Election Commission, National Human Rights Commission and Nanavaty-Shah Commission.	115-166
8.	True and correct copy of statement dated 22.01.2010 of Anupam Singh Gahlaut, SP, Mehsana made before SIT, Gandhinagar.	167-175
9.	True and typed copy of report dated 24.04.2002 submitted by Addl. DG (Intelligence) and State Intelligence Bureau to DGP, Gujarat and Home Department.	176-182
10.	True and typed copy of report dated 15.06.2002 submitted by Addl. DG (Intelligence) and State Intelligence Bureau to DGP, Gujarat and Home Department.	183-186
11.	True and typed copy of report dated 20.08.2002 submitted by Addl. DG (Intelligence) and State Intelligence Bureau to DGP, Gujarat and Home Department.	187-190
12.	True and typed copy of report dated 28.08.2002 submitted by Addl. DG (Intelligence) and State	191-193

	Intelligence Bureau to DGP, Gujarat and Home Department.	
13.	True and typed copy of State Intelligence Bureau, Gujarat's note on Actionable Points Given to KPS Gill (May 2002).	194-197
14.	True and correct copy of statement dated 18.12.2009 made by Maniram, ADGP, Law and Order before SIT, Gandhinagar.	198-199
15.	True and typed copy of letter dated 19.4.2002 from PC Pande to K Chakravarthi and also to additional chief secretary Ashok Narayan mentioning criminal activities by Bajrang Dal Activists in the presence of sitting Cabinet Ministers.	200- 207
16.	Delay in declaring of curfew True and correct copy of State Intelligence Bureau Tabulations on Curfew marked "SECRET" by PB Upadhyaya of the SIB dated 14.03.2002.	208-241
17.	True and correct copy of statement dated 02.11.2009 made by M.T. Rana, ACP Div IV, Ahmedabad before SIT, Gandhinagar.	242-245
18.	True and correct copy of statements dated 26.11.2009 made by Shivanand Jha, Additional CP, Ahmedabad before SIT, Gandhinagar.	246-262

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

IN THE MATTER OF:

Zakia Ahsan Jafri & Anr.

...PETITIONERS

VERSUS

State of Gujarat & Anr.

...RESPONDENTS

**ISSUES NOT DEALT WITH BY THE MAGISTRATE AND THE GUJARAT
HIGH COURT (CONTD.)**

A. Police Inaction / Complicity and failure of public servants

1. The Original Complaint dated 8.6.2006 relying on a slew of Official and Non-Official Documents and Records made out a substantive case for investigation of conspiracy and abetment to commit Mass Crimes. The allegations concerned elected officials, policemen, bureaucrats, all in positions here they were required to act on warnings of the Build-up/prelude to Violence, take preventive measures to protect lives and property without fear or favour and account for acts of omission and commission.
2. Conspiracy and abetment is also apparent from the acts and omissions of the police officers and elected officials. The conspiracy consists as much in a meeting of minds *not to act*, evidenced through a slew of documentary evidence.
3. Reports of the State Intelligence Bureau (SIB) speak of consistent warnings from Field Officers on which for whatever reasons higher ups chose not to act. As the Inquiry and Investigation wore on, from 2006-

B

2012, despite the Investigating Agency (SIT)'s reluctance to share the documents of the investigation, which is the Complaints statutory right under the law, the Courts ensured she received copies and the Protest Petition was filed on 15.4.2013.

4. A close scrutiny and careful analysis of over 23,000 pages of official records and other documents collected during the investigation points to further substantive elements of a carefully woven conspiracy. These include:

- a. **Mob Mobilisations at Sola Civil Hospital:** Police Control Room (PCR) messages that show stockpiling of arms and also mobs gathering with impunity on the early morning of 28.2.2002 as the bodies of the Godhra Victims are brought to the Sola Civil Hospital and violence breaks out without forces being sent to prevent it (PCR Records). These records became available only after further investigation was ordered on the Petitioner's Complaint and senior officers produced details of documents that they had not made available to the SIT until then.

- b. **Non-Response from Fire Brigade:** PCR Messages also show a Non-Response to the Fire Brigade despite over 45 Distress Calls being made by hapless citizens being attacked by marauding mobs armed with and intending to kill and burn;

Ahmedabad: Protest Petition narrates the manner in which the Ahmedabad Fire Brigade failed to answer calls for help.

- c. **Selective Preventive arrests and Police Firing:**

C

- i) Episodes of firing, targeting the minority community;
- ii) Only two preventive arrests in Ahmedabad from the Astodia area on 27.02.2002 that too of persons belonging to the Minority Community;

d. **Intensity & Spread of Violence:**As many as 34 persons killed by police firing from February 28- March 1, 2002 in Ahmedabad, all of whom belong to the minority community. This was while unprecedented mob violence was unleashed in the city while the Gujarat Bandh Call was given (28.2.2002) and Bharat Bandh Call was given (1.3.2002) for which as shown in Volumes I and II despite warnings by the State Intelligence Bureau none or completely inadequate preventive measures were taken and Curfew declared belatedly.

e. Reports and documents of the Gujarat SIB including charts were shared with National Human Rights Commission (NHRC), Central Election Commission (CEC) and the Nanavaty-Shah Commission. SIB Reports submitted to the NHRC & CEC include the following

[PAGE NO. 115-166]:

f. A table showing 193 serious criminal offences committed against women and children were registered between February-May 2002; that the intra-Parliamentary Committee of Women had recommended special steps that were not taken.

D

- g. Table showing a number of Gujarat's Assembly Constituencies affected by the Continuing Spread of Violence (152 of the 182 Assembly Segments *(Source: SIB, Gandhinagar, submitted to the CEC in Aug 2002 & Nanavaty-Shah Commission)*)
- h. Detailed Table showing Damage to Religious Places from 27.2.2002 to 31.12.2002 *(Source: SIB, Gandhinagar, submitted to the CEC in Aug 2002 & Nanavaty-Shah Commission)*
- i. Document marked 'SECRET' showing details of Police Firing in the State of Gujarat from 27.2.2002 to 7.8.2002 *(Source: SIB, Gandhinagar, submitted to the CEC in Aug 2002 & Nanavaty-Shah Commission)*
- j. In terms of intensity of violence, Ahmedabad city with maximum police force and Army was ironically the worst affected with officially 326 persons admittedly killed; the second was Panchmahals with 93 deaths minus the 59 persons who died in the train; Mehsana District with 61 deaths; Vadodara City with 36 deaths, Ahmedabad Rural with 33 deaths and Sabarkantha with 32 lives being lost; Kheda 31 dead; Dahod 24 dead and Banaskantha 20 persons being killed; Anand 28 among others. (these are official figures; the total of charge sheets in individual cases show the figures to be higher). Official records provided by the SIT itself show that violence continued unabated until May 2002.
- k. The Violence in Mehsana (3rd worst affected district) was exacerbated by the actions of some elected officials. Often by implication if the Police Officers worked as per Law and Standard Operating procedures (SOPs), the District Magistrates did not.

E

Some of these are accused in the Petitioner's Complaint dated 08.06.2006.

- l. The Violence in Anand districts (that recorded 35 killings), Kheda (that recorded the brute Ghodasar mutilation and killings), the violence in Vadodara (Baroda) was also severe suggesting an abdication of responsibility by those in charge (IPS and IAS); though often what was recorded was again beset by interference in police functioning by elected officials. Despite the fact that as many as 1,68,000 hapless Gujarati Citizens were compelled to move to Relief Camps, the forcible closure of these to create a picture of normalcy was also a factor in the subversion. Arguably, Ahmedabad, Panchmahals and Mehsana were the worst affected districts followed by Vadodara, Banaskantha, Dahod and Anand among others.
- m. The statement of then SP, Mehsana, Anupam Gahlaut who appeared before the SIT on 22.01.2010, revealed how this officer traversed the length and breadth of the district to save lives of the Minorities, ensuring he was a hands on Policeman in Charge unlike many others who were mute spectators. The said officer who had ensured the safety of over 1,000 persons taking shelter in a Dargah that was sought to be mob attacked was transferred along with other officers like Rahul Sharma from Bhavnagar district that had similarly done a worthy and upright job.
- n. Serious incidents of violence had taken place in Ahmedabad and rest of the state on 27.02.2002 itself with warnings of these coming

F

in through the state intelligence (SIB) –all carefully documented in the Protest Petition.

- o. After the outbreak of violence post Godhra, IB Reports dated 24.04.2002 **[PAGE NO. 176-182]**, 15.06.2002 **[PAGE NO. 183-186]**, 20.08.2002 **[PAGE NO. 187-190]**, and 28.08.2002 **[PAGE NO. 191-193]** submitted by ADGP Sreekumar were deliberately ignored since they suggested strong corrective measures to enable a return to normalcy. These reports contain details of the ground level situation and the continuing subversion by the administration and sections of government.
- i. The first report dated 24.04.2002 **[PAGE NO. 176-182]** speaks of senior ministers of the government and MLAs influencing Police Station Inspectors (over and above the authority of their seniors) to obey political masters and not arrest Hindu communal elements who had been named by victims in the FIRs related to Mass Crimes. The report records that despite warnings of acute tension and violence being fomented on 27.02.2002 after the Godhra incident, only two preventive arrests had been made in Ahmedabad, that compliant public prosecutors were deliberately being appointed by the state government to ensure easy bail for powerful accused and a subversion of the justice system. These reports as a matter of course had been sent to the Home Department but appear to have been completely ignored by the state government.
- ii. In report dated 20.08.2002 **[PAGE NO. 187-190]** submitted by a senior IPS officer of the State, E Radhakrishnan, Dty IG to the DGP and State IB he states clearly that as late as August 2002, few remedial measures were in place in the state. He

G

reiterates that as per the statistics provided by the State IB (for the period between 27.02.2002 to 07.08.2002) continuing spread of communal violence was reported from 993 villages and 151 towns covering 284 police stations (out of 464 police stations) spread over to 154 Assembly Constituencies out of 182 Assembly Constituencies. He comments on the latent communal tension in most of the places where incidents have broken out. He provides statistics of the vast damage caused to lives, homes and business:

“During the communal riots 10,472 houses , 12,588 shops, 2724 larry/gallas were damaged or destroyed due to arson while 1333 shops were ransacked. In this process thousands of people have lost all their documents of identity. Unless remedial measures are taken they would also pose a problem in the process of their re-enumeration as electors and subsequent exercise of their franchise.”

“The minorities also continue to complain that many rioters belonging to Hindu community are not arrested since they hold important positions in Hindu organizations. The minorities are also dejected about non-implementation of most of the recommendations by the National Human Right Commission and National Commission for Minorities. They also harp upon the point that out of 302 Dargahs, 209 Mosques and 30 Madrassas damaged during the riots , a handful only had been repaired and restored to their original position. In many places the riots victims belonging to Minority Community could not restart their commercial activities or petty business pursued by them in the pre-riot period, due to the prevalence of an atmosphere of

H

insecurity. In one instance , in Baroda District a father and son, (Muslim) who returned to their native place were murdered on 04.7.2002.”

- iii. Additionally, Actionable Points were given to KPS Gill by ADGP, Intelligence, SIB (May, 2002) **[PAGE NO. 194-197]**.

- 5. A statement dated 18.12.2009 made by Maniram, ADGP (Law and Order) from 2001-2003 to SIT **[PAGE NO. 198-199]** contains the following relevant extracts:

“The communal riots continued during the months of March and April, 2002 in the whole of Gujarat. It was sometime in the first week of May, 2002 that Shri K.P.S. Gill, former DGP of Punjab was appointed as an Adviser to the Chief Minister. Shri K.P.S. Gill held a meeting on 4-5-2002 at C.R.P.F. camp which was attended to by the DGP Shri K. Chakravarthi, Shri P.C. Pande, the then CP, Ahmedabad, Shri R.B. Sreekumar, the then Addl. DG (Int.), Shri M.K. Tandon, Jt. CP, Sector-II, Ahmedabad City and myself whose names, I do not recollect. In this meeting, Shri K.P.S. Gill reviewed Law & Order situation in the State. The DGP and the Commissioner of Police gave their assessments of the current situation as normal due to effective police action and painted a rosy picture about Law & Order situation in the State. I informed Shri Gill that the tension continued to prevail in Ahmedabad City amongst the Hindus and Muslims. I further pointed out to Shri Gill that officers who were responsible for not preventing the riots resulting in loss of life and property in their jurisdiction should be immediately transferred irrespective of their status and good officers posted back. I also mentioned it to Shri Gill that wherever effective officers had been posted, the Law &

I

Order situation was under control like whole of Saurasthra, South Gujarat namely Surat City, Naysari, Bharuch, Valsad and Dang districts Shri R.B. Sreekumar, the then Addl. DG, (Int.) fully supported me and endorsed my views. Shortly thereafter, the concerned police officers at all the levels were transferred as a result of which the riots could be controlled in May 2002 itself.”

6. A document containing the letter of then Commissioner of Police Ahmedabad PC Pande to Director General of Police, Gujarat (K Chakravarthi) mentioning instances of criminal extortion by a sitting member of the Gujarat Cabinet is self-revelatory of the impunity with which powerful persons were committing targeted crimes. **[PAGE NO. 200-207]**

7. ACS (Home) Ashok Narayan states in his statement recorded by the SIT that though he had spoken in detail to the chief minister about this extortion and violence by BJP-VHP-Bajrang Dal activists as late as April 2002, no concrete action appears to have been taken around the same.

8. **Delay in Declaring Curfew in several Violence affected districts and issues regarding the deployment of the Army:**

A. **Curfew:** From the Zakia Jafri Original Complaint dated 8.6.2006 to the filing of the Protest Petition on 15.4.2013, the issue of Delayed and tardy declaration of Curfew was alleged to be part of the Inaction that constituted the Conspiracy to allow Mass Violence to erupt all over the state. This was evidenced in curfew being declared in some areas and not others despite the fact that violence targeted against vulnerable sections was already widespread and visible.

J

Statements of senior police officers and district magistrates from all over Gujarat reveal that part and parcel of the Conspiracy of Inaction was the delay in declaration of curfew and deputing the Army that had, been summoned late night 28.2.2002/1.3.2002. For instance:

- a) State Intelligence Bureau Tabulations on Curfew marked "SECRET" by PB Upadhyaya of the SIB dated 14.03.2002 **[PAGE NO. 208-241]**
- b) Statement dtd 02.11.2009 MT Rana, ACP Div IV , Ahmedabad before SIT **[PAGE NO. 242-245]**
- c) Statements dtd 26.11.2009 & 11.12.2009 of Additional CP, Ahmedabad, Shivanand Jha before SIT **[PAGE NO. 246-262]** **[PAGE NO. 263-272]**
- d) Statement dtd 24.03.2010 of then CP, Ahmedabad, PC Pande before SIT **[PAGE NO. 273-284]**
- e) Affidavit of VV Rabari before the Nanavati Shah Commission dtd 22.06.2002 **[PAGE NO. 285-314]**

B. Deployment of the Army: [PAGE NO. 315-325]

The Army in Charge of Gujarat, of Lt Gen Zameer Uddin Shah PVSM, SM, VSM (Retd) in charge of the Army Deployment in Gujarat in 2002 was not examined by the SIT. Excerpted here also is a chapter excerpted from his published book. The Petitioners have, since 2010 attempted through use of the Right to Information Act (RTI) get copies of the *Operation Aman* report from the Indian Army. National security was cited as a reason for not sharing the document. Failure of the SIT to Investigate is evident from the questions posed to senior officers on the issue despite evidence of violent mobilisations, attacks on and before 27.2.2002.

Excerpts from the Chapter:

Operation Aman:

K

“There are several reasons for the uncontrolled violence. The initial reaction of the civil administration was tardy. No civil officials could be contacted on the night of 28 February-1 March 2002. The Chief Secretary was abroad and the officiating incumbent was a non-performer. The initial reception, briefing and provisioning of suitable transport and maps were inadequate and delayed. It required the intervention of the RM to nudge the civil administration into action.

“Officials never said ‘no’ but seldom lived up to commitments. The civil administration appeared to lack resolve to stem the violence. They were reluctant to impose / enforce curfew because it was politically unpopular. Curfew was selective, indicating partiality. The media widely highlighted the involvement of the political hierarchy in the riots. I had mentioned in my ‘Prologue’ that I will not reopen old wounds. I will be prudent and play the role of a despicable ‘Sarkari Mussalman.’

“I found the Para Military Forces (PMF) and Central Police Organisations (CPO) very ineffective. A total of 44 companies of PMF and CPO were available in Gujarat at that time. These forces, which should have acted as the middle rung of the ladder between the state police and the Armed Forces, should have been able to deal with the serious law and order situation. However, the manner of their deployment, absence of communal and control structure, and lack of professional commitment resulted in their gross under-utilisation.

L

“..... What 110 companies of the Para Military Forces and police could not do was done in 48 hours by six Army Battalions (24 companies). Sometimes I wonder why? The men and officers are the same with similar backgrounds. I am convinced that the police forces have become progressively communalized and un-representational. In case they had more members of the minority community it would shame them into taking a more fair and unbiased posture. What about the Army? Minority representation is even lower but there has never been a case of bias and the Army columns have always instilled confidence in all communities whenever committed on internal security duties.

“..... The Gujarat riots of 2002 were different from earlier riots. There were some striking dissimilarities: There were no attempts to convene Peace Committees. The inter-community chasm had become far too wide to allow this to happen. Earlier, riots were the handiwork of a handful of trouble-makers. This time rioting assumed the dimension of a mass activity, involving the middle class citizens too. The self-deluding belief that riots were the handiwork of the lumpen elements and outsiders no longer rang true. The most disturbing factor was the participation of women provocateurs. Women of the majority community, taking a cue from Jammu and Kashmir and the NE region, participated, for the first time, as instigators. The minority community too used women as ‘shields’ to discourage police incursions into minority pockets.

M

9. The Tehelka Sting Operation of Dilip Trivedi, Public Prosecutor, Mehsana is illustrative of the Subversion of justice post investigation by the prosecutors themselves. This lawyer claims that out of the 74 criminal cases of killing, arson and destruction of property related to the 2002 Violence, he “ensured” there was conviction in only two. Both these, incidentally were the two in which this Hon’ble Court ensured Transfer of Investigation, Protection of Witnesses and the Appointment of Special Judges. (Sardarpura and Deepda Darwaza).**[PAGE NO. 326-351]**

10. A newspaper clipping of the Indian Express of April 2002 suggesting the Vishwa Hindu Parishad’s direct hand in the Violence that broke out in Gujarat in 2002. **[PAGE NO. 352-353]**

Sr Nos	Facts/Details	Supporting Documents/Evidence	Page Numbers & References
1.	Police Control Room (PCR) Message on Arms build-up at Rakhial Ahmedabad on Night of 27.2.2002	This file of Police Control Room (PCR) messages contains a chilling Message dated 27/2/02 sent at 21: hours. The message is at page 7126 in the file. It records that police informer Ashokbhai has informed the SIB that “Nr. Rakhiyal Char Rasta mentions that at Rakhial Char Rasta a truck full of arms is present and that these arms are liable to be misused. The message has been	References: 1. Protest Petition at Para 239 at Page 312 of Volume IV of the SC SLP Record 2. Also Listed at Annex IV File XVII (6941to 7368) which is a file of the “Print outs from CD submitted by PC Pande former CP Ahmedabad containing scanned copy of Wireless Message Book of PCR Ahmd City for 28,2.2002

N

		sent from the Rakhial 2 Wireless Van.	
2.	<p>Early Morning of 28.2.2002</p> <p>PCR (Police Control Room messages) reporting Mob Mobilisations & Communal Fury as Bodies were Brought to Ahmedabad (SOLA CIVIL HOSPITAL)</p>	<p>Seventeen files provided by the DGP that relate to field reports of the State Intelligence Bureau (SIB) and the PCR wireless messages of police vans (provided by one of the senior police officers named in the complaint, the then Commissioner of Police A-29 Mr PC Pande) indicate that:</p> <p>a) Large crowds were allowed to gather from 4 a.m. onwards to receive at the Sola Civil Hospital, Ahmedabad, the aggressively mobilised Motor Cavalcade of dead bodies being brought by A-21Dr Jaideep Patel, VHP strongman, from Godhra to Ahmedabad;</p> <p>b)These critical wireless messages reveal that from 1:51 hours of 28.2.2002, and again at 1:59 hours there was panic expressed by local vans demanding protection from SRP platoon immediately. That no such</p>	<p>References:</p> <p>1.Protest Petition on Dead Body messages: Para 957-961 at Pages 637-638 of the SC Record</p> <p>2. Also Listed at Page 839, Volume XIII of the SC Record, Reference at Annex IV File XVII (6141 to 7368) which is a file of the "Print outs from CD submitted by PC Pande former CP Ahmedabad containing scanned copy of Wireless Message Book of PCR Ahmd City for 28.2.2002</p> <p>1.Protest Petition on Messages from PCR conveying mob and crowd mobilisations on arrival of the Motor Cavalcade with the Dead Bodies of the Godhra Victims on the early morning of 28.2.2002</p> <p>References at (i)Para 353 Volume IV of the Protest Petition at Page 347 of Volume IV</p>

O

		<p>enforcements were sent by the higher-ups is apparent since the conspiracy hatched three hours before of letting mobs control the streets had been cynically hatched.</p> <p>c) By 2:44 hours on 28.2.2002, the motor cavalcade had reached Sola Civil Hospital and there is another confirmatory message at 4:00 hours of this fact. By 6:55 hours, i.e., within three hours an aggressive mob of swayamsevaks belonging to a sister organization of the ruling party, Rashtriya Swayamsevak Sangh (RSS) has already gathered at the Civil Sola Hospital</p> <p>d) Another message 20 minutes later at 7:14 hours informs the Police Control Room that is under the charge of Accused No. 29 (Commissioner of Police) that a large mob has gathered.</p> <p>e) Again another message three minutes</p>	<p>of the Protest Petition</p> <p>(ii) Para 552-553 at Page 435-436 of Volume IV of the Protest Petition of Volume IV of the SC SLP Record</p> <p>(iii) Para 559 at Pages 438 -440 of Volume IV of the SC SLP Record which Contains Detailed Tables of all these Messages</p> <p>(iv) Para 562 at Page 442 of Volume IV of the SC SLP Record</p> <p>(v) Para 957-961 at Pages 637-638 of Volume V of the SC Record</p> <p>2.Original Documents/references from the SIT Record at:</p> <p>(i) Listed at Pages 838-839, Volume XIII of the SC SLP Record which is a List of the Index of the SIT Index filed in CRA 205/2014.</p> <p>"Print Outs taken from CD submitted by Shri PC Pande, former Commissioner of Police, Ahmedabad City</p>
--	--	---	---

P

		<p>later at 7:17 hours saysthat another mob of 500 was holding up the traffic. This message is received by Control and passed on to Sola 1. An hour later, at 8:10 hours, a message records that three SRP platoons were sent from Police Control to Sola Hospital for bandobast.</p> <p>Thereafter, through the day wireless messages record that there are aggressive and tense crowds at the Hospital, en route and both locations of the cremations.</p> <p>f) Again, another message, three minutes later – at 7:17 hours, says that a mob of 500 people was holding up traffic.10 bodies were taken to Ramol, an area near Naroda, and a massive funeral rally of over 5 to 6,000 mourners took the bodies to Hatkeshwar crematorium in the afternoon.</p> <p>g) At 11:55 a.m. a PCR message is sent out saying that the Hindu</p>	<p>containing scanned copies of Wireless Message, Book of Police Control Room, Ahmedabad City for date 28.2.2002”</p> <ul style="list-style-type: none"> - Page No. 5794, Annexure IV, File XIV of the documents). - Page 5796 of Annexure IV, File XIV of the documents. - Page 5797 of Annexure IV, File XIV of the documents - Page 5826 of Annexure IV, File XIV of the documents - Page No. 6162 Annexure IV File XV, - Page No 6172 of 28.2.2002 - Annexure IV File XIV- Message Nos. 5907 and 5925
--	--	--	--

Q

		<p>mob had become violent and had set a vehicle on fire and was indulging in arson on the highway.</p> <p>h) A message is sent out at 11.55 a.m. on 28.2.2002 saying that "Sayyed Saheb, the Protocol Officer, had informed Sola-1 that riots have started at Sola Civil Hospital at (near) the High Court where the dead bodies were brought."</p> <p>i) Again, there is another message with no indication of time , which states that the officers and employees of the hospital had been surrounded by a mob of 500 and they could not come out. The message also made a demand for more security for the Civil Hospital at Sola. dated 11:58 hours on 28.2.2002) show that when 10 dead bodies were taken from Jantanagar, Ramol, to the Hatkeshwar cremation ground, a crowd of 5 to 6,000 persons accompanied this procession.</p>	
--	--	---	--

R

	<p>Colour Maps showing the close distances between the inciteful provocations, funeral processions and areas attacked/targeted</p>	<p>These Maps Collated by the Petitioner show the Proximity of the Points of Mob Mobilisation and Violence that took place in Ahmedabad from 4 a.m. on 28.2.2002 as soon as the Motor Cavalcade with Godhra Corpses arrived at the Sola Civil Hospital, Ahmedabad:</p> <ul style="list-style-type: none"> a) Sola Civil Hospital is located barely 11 kms from the Shahibaug of the Commissioner of Police b) Sola Civil Hospital is located barely 3 kms from the Gota Crematorium where Aggressive Funeral Processions were allowed to take place c) Sola Civil Hospital is located barely 18-20 kms from the Hatkeshwar Crematorium where Aggressive Funeral Processions were allowed to take place d) Sola Civil Hospital is located barely 16 kms from the 	<p>Maps annexed at Pages 1688-1694 of Volume (Part) II of Protest Petition dated 15.4.2013 in CRA 205/2014 HC Record</p>
--	--	---	--

S

		<p>Airport where leaders who made Inciteful speeches were given special escort when otherwise top police officials were claiming shortage of staff;</p> <p>e) Sola Civil Hospital is located barely 800 metres from the Gujarat HC – Judges were also attacked that day</p> <p>f) Sola Civil Hospital is located barely 23 kms from the Naroda Patiya area where the most ghastly carnage took place</p>	
	<p>Non-Response of Fire Brigade, Ahmedabad City with Documentary Evidence to Show this:</p> <p>Officers on duty failed to respond to distress calls from victims, fire brigade response as recorded in PCR messages. Several Messages from the Police Control Room (PCR) messages</p>	<p>Detailed Table of the PCR Messages related to Non-Response of Fire Brigade in Protest Petition and being filed here with Actual PCR Messages</p> <p>These were also part of the State Intelligence Bureau (SIB) Record</p> <p>For example:</p> <p>a) At Page No.6138, even before the above mentioned incident at</p>	<p>References:</p> <p>1) Protest Petition: Tabulation at Pages 564-568, Volume V of the SC SLP Record;</p> <p>2)Details of PCR Messages to Fire Brigade at</p> <p>-- Paras No. 818-827 at Pages 561-568 of Volume V Of the SC Record</p> <p>Original Documents on Non Response of Fire</p>

T

	<p>record the Non-Response by the Fire Brigade</p> <p>This is recorded by the State Intelligence Bureau Gujarat</p> <p>Of the approximately 47 calls desperately asking for the Fire Brigade from different parts of Ahmedabad (there may be many more but given the concealment and conspiracy all records have not been seized), at least 10 of the records clearly state that repeated calls elicited no response.</p>	<p>1122 hrs on 28.2.2002 (Annexure IV File XIV), Samir Patel had informed Mr. Gordhanbhai, an officer from Shahpur Fire Brigade about the setting on fire of two restaurants at Ronak complex, Panjrapole, Navrangpura.</p> <p>b) Another message dated 28.2.2002 1220 hrs records a fire at Parikshit Nagar, Dani Limda. Again there was no response from the Fire Brigade despite the fact that repeated calls were made from the wireless phones of the local police. (PCR Message at page 5945)</p> <p>c) A third message dated 28.2.2002, 1228 hours reports the fire at Sujata Flat, Shahibaug. (Office of the Commissioner of Police, Ahmedabad is also located at Shahibaug, not far away from Sujata flat).</p> <p>d) At page 5950, Annexure IV File XIV, dated 28.2.2002 time</p>	<p>Brigade listed at:</p> <p>---Original document at Page 5939 of Annexure IV File XIV of the SIT Records</p> <p>---Original Document/ Message at page 5945 in annexure IV File XIV dated 28.2.2002 of the SIT Records at Page 838-839 in Vol XIII of the SC SLP Record</p> <p>-- Original Document/ Message at page 5947 from Annexure IV File XIV, dated 28.2.2002 at Page 838- 839 in Vol XIII of the SC SLP Record</p> <p>-- Annex IV File XVII 6941-7368 Team-B Fire Brigade Message-28-02-2002; Listed at Page No 839, Volume III of the SC Record (Title: Print Outs taken out from CDs submitted by Shri PC Pande, former CP, Ahmedabad containing Scanned Copy of Wireless Messages Book of Police Control</p>
--	---	---	---

U

		<p>1236 hrs information of fire at Lati Bazaar, Kagdapeet is sent out by the wireless police van; and again there nobody picks up the telephone at the Fire Brigade station</p> <p>e) A Police Control Room Message dated 28.2.2002, a message timed at 1240 hrs records that a polytechnic college was set on fire but nobody was there in the Ahmedabad Fire Brigade to pick up the phone. The remark in this message states that Fire Brigade officer Mr. Jadeja was informed about this criminal lapse.</p> <p>f) A message from the Table of PCR Messages (Page 5952) at 1244 hrs indicates that the wireless police van has again informed Mr. Gordhanbhai at Shahpur Fire Brigade of the fire near Gawri cinema.</p> <p>g) Mr. Gordhanbhai from the Shapur Fire Brigade</p>	<p>Room, Ahmedabad City dtd 28.2.2002</p>
--	--	--	---

V

		<p>had been informed; wireless of Mani Nagar again request the Fire Brigade from Gandhinagar at 1313 hrs (Page 5856) dated 28.2.2002 1313 hrs); Page 5954-5955</p> <p>h) The police even inform Gordhanbhai from Shahpur Fire Brigade at 1330 hrs about this serious lapse. But neither the Gujarat police, nor the crime branch nor the SIT do any investigation into this shocking conduct of the Fire Brigade. The wireless police vans from Various Local Jurisdictions repeatedly calls the Fire Brigade to come to the rescue of the residents but yet again no one picks up the telephone.</p>	
	<p><u>Selective Preventive Arrests & Police Firing on 27.2.2002:</u></p> <p>Documents from Annexures to the Concerned Citizens Tribunal headed by Justices VR Krishna Iyer, PB Sawant &</p>	<p>These Documents are Revealing:</p> <p>Preventive Arrests Selective:</p> <p>The only two arrests made on February 27 were those of Mr. Mohammed Ismail</p>	<p>Reference:</p> <p>Protest Petition at Para 12 onwards of the Targeted and Spiralling Violence at Pages 201-206 of Volume III of the SC SLP Record;</p> <p>Originals in Annexure III, File I, D-2, Pages</p>

W

	<p>Hosbet Suresh among others were obtained from Officials who deposed before the Tribunal.</p> <p>Many of these documents were actually from those that had been handed over to the Chief Election Commissioner by ADGP-Intelligence on 31.7.2002 on the former's visit to the state.</p>	<p>Jalaluddin and Mr. Fateh Mohammed, who were picked up at Astodia that night, for shouting slogans. On February 28, of the 40 persons shot dead by the police in Ahmedabad city, 36 were Muslims</p> <p>Episodes of firing, targeting the minority community on 27.2.2002 Onwards</p> <p>Police Firing Selective: Document of Astodia, Area of Ahmedabad showing statistics of police behaviour part of the report of the Concerned Citizens Tribunal headed by Justices VR Krishna Iyer, PB Sawant and Hosbet Suresh, (Volume 1), November 21-22,2002</p>	<p>254-255, SIT Record/Papers Listed at Page 779, Volume XIII of the SC Record (Concerned Citizens Tribunal Report, 2002)</p> <p>Page 01720 to 01753 of Annexure E-1 of the Protest Petition dtd 15.4.2013 submitted to the HC in CRA 205/2014</p> <p>Reference: Page 794 of the Protest Petition dtd 15.4.2013 Annexure E-1 of the Protest Petition submitted to the HC in CRA 205/2014</p> <p>Original Documents in Annexure III, File I, D-2, Pages 254-255, SIT Record/Papers Listed at Page 779, Volume XIII of the SC Record (Concerned Citizens Tribunal Report, 2002) (Paragraph No.283-284 of Protest Petition, Annexure E-I Page No. 1229)</p> <p>Annexure H of the HC Record, Page No.3520-3549 - PCR and SIB Messages)</p>
--	--	---	--



	<p><u>Intensity and Spread of Violence:</u></p> <p>Documents submitted to the NHRC, CEC, Nanavaty-Shah Commission</p> <p>(Source: <i>State Intelligence Bureau, Gandhinagar</i>)</p>	<p>Intensity and Spread: What these Documents Reveal:</p> <p>a. Official Statistics/Documents on Police Firing, Preventive Arrests, Curfew Orders etc</p> <p>b. A Table showing 193 serious criminal offences committed against women and children were registered between February-May 2002; that the intra-Parliamentary Committee of Woman Table showing Number of Gujarat's Assembly Constituencies affected by the Continuing Spread of Violence (152 of the 182 Assembly Segments (<i>Source: SIB, Gandhinagar, submitted to the CEC in Aug 2002 & Nanavaty-Shah Commission</i>)).</p> <p>c. Detailed Table Showing Table of Damage to Religious Places from 27.2.2002 to 31.12.2002 (<i>Source: SIB, Gandhinagar,</i></p>	<p>References:</p> <p>1. Zakia Jafri Complaint at Para (4), Page 12, Volume III of the SC SLP Record</p> <p>2. Zakia Jafri Complaint at Para (12), Page 14, Volume III of the SC SLP Record;</p> <p>3. Zakia Jafri Complaint at Para (33), Page 23, Volume III of the SC SLP Record</p> <p>4. Zakia Jafri Complaint at Para (61), Page 36-37, Volume III of the SC SLP Record</p> <p>5. Zakia Jafri Complaint at Para (85)(6)(7), Page 56 , Volume III of the SC SLP Record</p> <p>5. Protest Petition at Paras 524-527 at Pages 425-426, Volume IV of the SC SLP Record</p> <p>6. Protest Petition at Paras 529 at Pages 427, Volume IV of the SC SLP Record</p> <p>7. Protest Petition at Paras 663-669 at Pages 492- 494, Volume IV of the SC SLP Record</p> <p>8. Protest Petition at Paras 1028 at Pages</p>

Y

		<p><i>submitted to the CEC in Aug 2002 & Nanavaty-Shah Commission)</i></p> <p>d. Document marked 'SECRET' showing Details of Police Firing in the State of Gujarat from 27.2.2002 to 7.8.2002 (Source: SIB, Gandhinagar, submitted to the CEC in Aug 2002 & Nanavaty-Shah Commission)</p> <p>e. Details of Incidents that took place all over the State of Gujarat between 27.02.2002, extent of damage to life, property etc</p>	<p>660, Volume V of the SC SLP Record</p> <p>9. Protest Petition at Paras 1091 at Pages 688-689, Volume V of the SC SLP Record</p> <p>Original Documents List of Documents Collected During Further Investigation U/S 173(8) CRPC by SIT & Annexure E-1, Volume 1, to Protest Petition : Page Nos 1716-1767 documents of the SIB In the HC Record</p>
	<p>Violence in Mehsana,, Bhavnagar described by two serving Police Officers (IPS Rahul Sharma and Anupam Gahlot). Violence controlled despite Mob Fury because of the Observance of Procedure by the Two SPs (Superintendents of Police in Charge)</p> <p>SP, Bhavnagar, Rahul Sharma in his statement before the</p>	<p>Statement of SP, Mehsana, Anupam Gahlot before the SIT dated 22.01.2010</p>	<p>References: Protest Petition at Page 212, Volume III of the SC SLP Record; Page 264 (Para 124), Volume III of the SC SLP Record; Page 353 (Para 377), Volume IV of the SC SLP Record; Page 500 (Para 681), Volume IV of the SC SLP Record; Page 501 (Para 683), Volume IV of the SC SLP Record;</p>

Z

	<p>SIT record show the MOS Home, Gordhan Zadaphiya had sought to interfere on the issue of strict action against rioters and those indulging in mob violence.</p> <p>See Statement of SP, Mehsana, Anupam Gahlot before the SIT dated 22.01.2010</p>		<p>Pages 526-527 (Paras 748-749), Volume IV of the SC SLP Record;</p> <p>Original Documents at Statement dated 02.07.2009 made by Rahul Sharma, DIG, Armed Unit, Rajkot before the SIT, Gandhinagar at Annexure I, Volume I, Sr Nos IV, Pages 764 of Volume XIII of the SC SLP Record</p> <p>Reference: Statement of Anupam Gehlaut, SP Mehsana Annexure I Volume II, Sr Nos 72 Listed at Page 767, Volume XIII of the SC SLP Record</p>
	<p>April 2002- August 2002</p> <p><u>Submitted reports of Gujarat State Intelligence:</u> Reports dated 24.04.2002, 15.06.2002, 20.08.2002 (E Radhakrishnan), 28.08.2002 submitted by Addl. DG (Intelligence) and SIB to DGP, Gujarat and Home Department.</p> <p>Additionally, Actionable</p>	<p>Official SIB Reports of the Gujarat SIB reveal that:</p> <p>Ground Level Officers were Warning of the Widespread Impunity that the Perpetrators of Violence Enjoyed;</p> <p>That Violence Continued till way beyond August 2002;</p> <p>That Extortion and Arson was being employed by</p>	<p>References:</p> <p>1. Zakia Jafri Complaint dtd 8.6.2006 at Para 40, Page 27, Volume III of the SC SLP Record</p> <p>2. Zakia Jafri Complaint dtd 8.6.2006 at Paras 55-57, Pages 33-35, Volume III of the SC SLP Record</p> <p>3. Protest Petition dtd 15.4.2013 at Para 262, Pages 321-323, Volume IV of the SC SLP Record</p>

AA

	<p>Points given to KPS Gill by ADGP, Intelligence, SIB.</p>	<p>those who enjoyed Impunity;</p> <p>That Recommendations to Mitigate and Prosecute the Violence were tardily followed if at all</p> <p>A detailed reading of these Reports was ignored by the SIT and also completely disregarded by the Ld Magistrate and the Gujarat HC</p>	<p>4. Protest Petition at Para 268-269, Pages 324-325, Volume IV of the SC SLP Record</p> <p>5. Protest Petition dtd 15.4.2013 at Para 281, Page 327, Volume IV of the SC SLP Record</p> <p>6. Protest Petition dtd 15.4.2013 at Para 287, Pages 329-330, Volume IV of the SC SLP Record</p> <p>7. Protest Petition dtd 15.4.2013 at Paras 295-297, Pages 331-332, Volume IV of the SC SLP Record</p> <p>Original Documents to be Found at : SIB Reports 24.04.2002 to Gujarat Home Department</p> <p>Annexure III, File II, D-21 from the SIT Record Listed at Page 779 Volume XIII of the SC Record</p> <p>SIB Report dated 15.06.2002 to Gujarat Home Department</p> <p>SIB Report dated 20.08.2002 (E Radhakrishnan), to Gujarat Home Department</p> <p>SIB Report dated 28.08.2002 to Gujarat Home Department</p>
--	---	---	---

BB

			State Intelligence Bureau Gujarat Note on Actionable Points Given to KPS Gill (May 2002) Annexure III, File III, D-22, 23, 24, of the SIT Record) Page 780-781, Volume XIII of the SC Record
	A statement of Maniram a senior officer in 2002 dated 18.12.2009 , Maniram ADGP Law and Order from 2001-2003 statement to SIT states that only when IPS Officer and former DGP, Punjab, KPS Gill who was sent down by the then Central Government to control the continuing Violence, violence simmered was urged by him and seniors in the State Intelligence Bureau that Gill should recommend and order transfer of delinquent officers who had not contained the violence, did these transfers actually take place.	Maniram's Statement Corroborates the Evidence provided by former ADGP-Int RB Sreekumar and is completely disregarded by the Investigating Agency and also by the Ld Magistrate and the Guj HC	References: 1. Zakia Jafri Complaint dtd 8.6.2006, Para 87, Page 60, Volume III of the SC Record 2. Protest Petition , Para 302 at Pages 333, Volume IV of the SC SLP Record Listed at Sr Nos 66, (Annexure I, SIT Papers-Statements Recorded during preliminary Inquiry) Page 766, Volume XIII of the SC Record
	A document containing the letter of then Commissioner of Police Ahmedabad PC Pande	This Letter by PC Pande, Also copied to Additional Chief Secretary (ACS) Home, Ashok Narayan	References: Protest Petition at Para 1091 in Volume V of the SC SLP Record

CC

	to Director General of Police, Gujarat (K Chakravarthi) dtd April 19, 2002 is crucial.	mentions instances of criminal extortion by a sitting member of the Gujarat Cabinet is self-revelatory of the impunity with which powerful persons including and with organisations like the Bajrang Dal were committing targeted crimes.	Original Document at: This letter dated 19.4.2002 from PC Pande to K Chakravarthi and also to additional chief secretary Ashok Narayan is available in the SIT Papers (Confidential letter by P.C. Pandey Annexure III File XL D-195) Listed at Index in Volume XIII
	<p>Delay in Declaring Curfew:</p> <p>Statements of Senior Police Officers to SIT; Affidavit before Nanavati-Commission, Charts and Documents from the SIT Papers on</p> <p>a) Delay in Declaring Curfew (Evidence from Record) despite mass mob mobilisations prior to and on 27.2.2002</p> <p>b) Contradictions between Charts/Tables supplies by SIB (State Intelligence Bureau) and evasive statements of</p>	<p><u>Delay in Declaring Curfew (Evidence from Record)</u></p> <p>a) Tabular Evidence on Curfew Declaration all over the state from the Documents supplied by PB Upadhyaya SIT made SECRET dtd 14.3.2002</p> <p>b) Affidavit (and Translation) of VV Rabari before the Nanavati Shah Commission dtd 22.06.2002</p> <p>c) Statement dtd 2.11.2009 MT Rana, ACP Div IV , Ahmedabad before SIT</p>	<p>References:</p> <p>1. Original Complaint dtd 8.6.2006 at Paras 25, 28, 55 and 77 at Pages 19-20, 21, 33-34, 46-47 respectively at Volume III of the SC SLP Record</p> <p>2. Protest Petition at Pages 205-206, Volume III of the SLP Record</p> <p>b) Para 526 at Page 426,</p> <p>c) Para 574 (iii)(iv) at Page 449,</p> <p>d) Para 584 at Page 453-454,</p> <p>e) Para 590-592, Pages 455-456;</p> <p>f) Para 595 at Pg 457;</p> <p>g) Para 653-657 at Pgs 487-489</p> <p>h) Para 693-694 at Pgs 504</p>

DD

	those examined	<p>d) Statements dtd 26.11.2009 & 11.12.2009 of Additional CP, Ahmedabad, Shivanand Jha before SIT</p> <p>e) Statement dtd 24.8.2010 of then CP, Ahmedabad, PC Pande before SIT</p>	<p>i) Para 736 at Pg 517; k) Para 748 at Pg 526-527 All the Above references are in Volume IV of the SC SLP Rceord l) Para 813 at Pg 557-558 Volume V of the SC SLP Rceord; m) Para 928 at Pg 627-629 of Volume V of the SC SLP Record</p> <p>Original Documents: 1. Annexure "S" Colly from the CRA 205/2014 Record "Official Statistics and Documents" (Annexure III, File XXXVI, D-179 (Pg 17) and at various points in the SIT documents collated by the Petitioners: D-179 (Pg 24), D-180 (Pg 12) D-180 (pg 26), D-179 (Pg 31) Listed at Page 796, Vol XIII of the SC SLP Record</p>
	Deployment of Army in Gujarat 2002	The issue of Deployment of the Army by the local Magistracy was a serious allegation in the Complaint and Protest Petition. Through	<p>References:</p> <p>1. Original Complaint dtd 8.6.2006 at Para (9) at Page 13, Volume III of the SC SLP Record</p>

EE

		statements of Police Officers, Independent Tables of the SIB and now a Chapter in the Book of Md Zameeruddin Shah where he details this the issue of Non-Investigation by SIT, and disregard of the allegation by the Ld Magistrate and Guj HC becomes pertinent	2.Protest Petition at Para 651-653 at Pgs 479-487 Volume IV of the SC SLP Record; b) Para 934 at Pg 632; c) Para 1006, Page 652 VolumeV of the SC SLP Record
	Tehelka Sting Operation on the Subversion of the Justice Process (VHP persons appointed as Public Prosecutors)	In the Tehelka Sting Operation of Dilip Trivedi, Public Prosecutor, Mehsana: Illustrative of the Subversion of justice post investigation by the prosecutors themselves. This lawyer claims that out of the 74 criminal cases of killing, arson and destruction of property related to the 2002 Violence, he “ensured” there was conviction in only two! Both these, incidentally were the two in which this Hon’ble Court ensured Transfer of Investigation, Protection of Witnesses and the Appointment of Special Judges. (Sardarpura and Deepda Darwaza).	References: 1.Pages 54-55 of Original Zakia Jafri Complaint dtd 8.6.2006, Volume III of the SC SLP Protest Petition, Para 1058-1059 at Page 676, Volume V of the SC SLP Record

FF

	VHP "Hand" In Gujarat's Murder Weapons –Indian Express Clipping, April 9, 2002		
--	--	--	--