
Background:

Pursuant to the killing of *kar-sevaks* who were traveling in Sabarmati Express train at Godhra railway station on 27.02.2002, a call for Gujarat bandh was given by the Vishwa Hindu Parishad and other Hindu organizations on 28.02.2002. On the day of bandh i.e. 28.02.2002, a huge mob comprising about 20,000 Hindus gathered unlawfully, armed with deadly arm weapons, in furtherance of their common intention and indulged in attack on the properties, shops and houses of Muslims as well as a Madarasa/mosque of Gulberg society located in Meghaninagar, Ahmedabad City resulting in death of 39 Muslims including Late Ahesan Jafri, Ex-MP, injuries to 15 Muslims and 31 Muslims went missing. Late Ahesan Jafri, Ex-MP fired from his private licensed weapon in self defense causing injuries to 15 persons in the mob. One of the victims of the said private firing succumbed to his injuries later. The police lathi-charged, busted 134 teargas shells and fired 124 rounds resulting into death of four (4) Hindus and injury to 11 others.

A case no. I CR No. 67/2002 u/s 143, 147, 148, 149, 302, 323, 332, 337, 427, 435, 436, 186, 188 & 120B IPC, Section 135 of Bombay Police Act and Section 25(1)(B)(A) of the Arms Act was registered in Meghaninagar P.S. on the basis of the complaint lodged by Shri K.G. Erda, the then Sr. PI, Meghaninagar P.S. On completion of investigation, six (including five supplementary) charge-sheets were filed in the court of Metropolitan Magistrate, Court No.XI, Ghee-Kanta Road, Ahmedabad during the period 03.06.2002 to 18.10.2004. The Ld. Metropolitan Magistrate held

Sessions Court for trial. The trial of this case was stayed by the Hon'ble Supreme Court of India vide its order dated 21.11.2003. The Hon'ble Supreme Court of India formed a Special Investigation Team vide its order dated 26.03.2008 and further investigation of this case was conducted by the SIT, which submitted its further investigation report on 12.02.2009, which was accepted. The SIT filed three supplementary charge sheets in this case on 14.07.2008, 12.12.2008 & 16.12.2008. On 01.05.2009, the Hon'ble Supreme Court of India vacated the stay and Special Judge was notified by the Gujarat High Court for the trial of this case vide order dated 07.05.2009. The trial of this case commenced on 07.09.2009 and is at advanced stage at present.

In the meanwhile, Smt. Jakia Nasim Ahesan Jafri, widow of Late Ali Ahesan Jafri formerly R/o, Gulberg Society, Meghaninagar, Ahmedabad City and now residing at 25, Alvi Raw-house, Rander Road, Surat City, Gujarat submitted a complaint dated 08-06-2006 to Shri P.C. Pande, Director General of Police, Gujarat State, Police Bhavan, Gandhinagar for the registration of FIR u/s, 302 r/w 120(B) IPC & sec. 193 read with 114 IPC, 186 & 153-A, 186, 187 IPC & u/s 6 of Commission of Inquiry Act, The Gujarat Police Act & The Protection of Human Rights Act, 1951. On receipt of the complaint, the DGP, entrusted the matter to Shri J. Mahapatra, Addl. DG (Int.), Gujarat to inquire into the same. Shri J. Mahapatra sent a letter dated 18-8-2006 to Smt. Jakia Nasim to appear before him on 28-08-2006 at Sarkhej P.S., Ahmedabad for the purpose of recording her statement, to which Shri Tanveer A. Jafri S/o Late Ahesan Jafri responded and requested that her examination be arranged on 18-09-2006. In response to this request Shri J. Mahapatra sent another letter dated 30-8-2006 requesting Smt. Jakia Nasim to remain present on 18-09-2006 at Circuit House, Annexe, Ahmedabad for her statement. Subsequently, Shri S.M. Sheikh, Superintendent of Police of the office of the ADG (Int.) informed Smt. Jakia Nasim that Shri Mahapatra had proceeded on earned leave and that

leave. On 8-9-2006, Shri Tanveer A. Jafri sent another letter to Shri J. Mahapatra for a change of venue from Circuit House, Shahibaug, Ahmedabad to Police Bhavan, Gandhinagar for the purpose of recording his mother's statement. This was acknowledged by Shri N.B. Shah, PS to Addl. DG (Int.) with the remarks that her request would be placed before Shri J. Mahapatra on his return from leave after 2-10-2006. Shri J. Mahapatra sent another letter dated 7-10-2006 to Smt. Jakia Nasim to appear *before him on 16-10-2006 at 1500 hrs at Circuit House*. Annexe at Ahmedabad. Again, on 12-10-2006, Smt. Jakia Nasim was informed by Shri N.V. Patel, Dy. Commissioner (C) of the office of Addl. DG (Int.) that the venue for recording her statement had been changed at her demand from Circuit House, Ahmedabad to the office of Addl. DG (Int.), IInd floor, Police Bhavan, Gandhinagar and she was requested to remain present at the changed venue on 16-10-2006 at 1500 hrs. Finally, on 16-10-2006, Smt. Jakia Nasim appeared before Shri J. Mahapatra and stated that till an offence on the basis of her complaint was registered, she was not ready to make any statement and that the complaint given by her may be treated as an FIR. Shri Mahapatra informed Smt. Jakia Nasim vide his letter dated 02-11-2006, that in respect of the offences that took place at different places and time specified in her application, offenses had been registered in the police stations having jurisdiction and were being investigated. He further mentioned that an impartial and transparent inquiry was being conducted by him to examine, as to whether any legal action could be taken in respect of the additional accused persons and additional allegations raised by her, and that for this purpose, she was requested to make a statement and give any other evidence available with her.

On 01-03-2007, Smt. Jakia Nasim Ahesan Jafri filed an application in the Hon'ble Gujarat High Court bearing Spl. Criminal Application No. 421 of 2007 Vs. State of Gujarat, DGP, Gujarat and CBI under Articles 226/227 of the Constitution of India r/w

sec.482 Cr.PC with a prayer to pass an order of Writ of Mandamus and or appropriate Writ, and direct the DGP to register an FIR and further direct the same to be investigated by an independent agency, i.e. CBI. She further prayed that pending admission and or final disposal of this petition, DGP be directed to register the FIR and directions issued to CBI for investigation in the interest of justice and grant such other relief as deemed fit in the interest of justice. The Hon'ble Gujarat High Court vide its order dated 2-11-2007, dismissed the petition on the ground that the petitioner had not adopted the procedure to file the complaint u/s 190 r/w 200 Cr.PC and the petitioner was directed to file appropriate private complaint and that the same shall be considered in accordance with law and on merits after following due procedure under Criminal Procedure Code.

Aggrieved by said order, Smt. Jakia Nasim Ahesan Jafri and Citizens for Justice & Peace through its Secretary Ms. Teesta Setalvad filed a Special Leave Petition (Crl.) No. 1088 of 2008 on 18-12-2007, in the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India passed an order dated 27-4-2009 as follows:

"Having heard learned Counsel for the parties we direct that complaint dated 08.06.2006 which the petitioners herein claim to have sent to the DGP of Gujarat shall be examined by the Special Investigation Team (in short 'SIT') constituted pursuant to the orders of this Court. The SIT shall look into the matter and take steps as required in law and give its report to this Court within three months"

"Call this matter after three months"

"This case shall be heard along with Writ Petition (Crl.) No. 109 of 2003 and connected cases."

The Hon'ble Supreme Court of India, in their order dated 15-5-2009 in Writ Petition (Crl.) No. 109/2003, reconstituted the SIT by inducting two new Members, namely, Shri Paramvir Singh, Ex-DGP/Special Director, CBI and Shri A.K. Malhotra, former DIG, CBI and by relieving Shri C.B. Satpathy, Ex-DGP, as per his request. The Govt. of Gujarat issued a Notification regarding the

reconstituted SIT on 27-05-2009. It is recalled that the SIT was originally constituted vide order dated 26-03-2008 of the Hon'ble Supreme Court of India whereby 9 Godhra related cases were ordered to be further investigated by the SIT, which was to consist of Dr. R.K. Raghavan, Ex-Director, CBI (Chairman), Shri C.B. Satpathy, Ex-DGP, Ms. Geetha Johri, then IGP (now Addl. DGP) (Convener), Shri Shivanand Jha, then IGP (now Addl. DGP) and Shri Ashish Bhatia, IGP. In their order dated 01-05-2009 in Writ Petition (Crl.) No. 109 of 2003, the Hon'ble Supreme Court of India entrusted the SIT a larger role in the supervision of trials/prosecutions, witness protection, etc. and to carry out any investigations that were yet to be completed or any further investigation that may arise in the course of the trials.

As the allegations in the complaint dated 08-06-2006 of Smt. Jakia Nasim in the matter relating to SLP (Crl.) No. 1088 of 2008 were general in nature, mostly based on media reports as well as other documents like affidavits filed by Shri R.B. Shreekumar about which she had no personal knowledge and were against the present Chief Minister of Gujarat, several Ministers and top IPS and IAS officers etc., it was decided that the matter would be dealt with in a highly confidential manner by Shri A.K. Malhotra, former DIG, CBI and Member, SIT, Shri Paramvir Singh, former Special Director, CBI and Member, SIT and Dr. R.K. Raghavan, Chairman, SIT. However, Shri Paramvir Singh, Member, SIT resigned in the last week of February, 2010.

Smt. Jakia Nasim Ahesan Jafri in her complaint dated 08.06.2006 had named the following 63 persons as accused:-

1. Chief Minister, Narendra Modi, Chief Minister, Gujarat.
2. Ashok Bhatt, former Minister for Health, Gujarat.
3. Indravijaysinh Jadeja, former Minister for Urban Development.
4. Prabhatsinh Pratapsinh Chauhan, former Minister for Transport
5. Gordhan Zadaphiya, former Minister for Home, Gujarat State
6. Ranjitsingh Naharsinh Chawda, former Minister for Cottage

9. Niteenbhai Ratibhai Patel, former Minister of Finance, Gujarat
10. Amitbhai Anilchandra Shah, former Home Minister, Gujarat
11. Anil Tribhovandas Patel (Apollo Group), former MLA, Gujarat
12. Narayan Lalludas Patel, former Minister of Transport, Gujarat
13. Kalubhai Hirabhai Maliwad, former MLA, Gujarat State
14. Dilipbhai Manibhai Patel, former MLA, Gujarat State
15. Madhu Babubhai Srivastava, former MLA, Gujarat State
16. Dr. Maya Kodnani, former MLA, Gujarat State
17. Nalin Kantilal Bhatt, former General Secretary, BJP Gujarat
18. Rajendra Sing Rana, former Spokesperson, BJP, Gujarat
19. Dr. Kaushikbhai Jamnashanker Mehta, former Joint Secretary, Vishwa Hindu Parishad, Gujarat.
20. Dr. Praveen Togadia, International General Secretary, VHP
21. Dr. Jaideep Patel, Gujarat Secretary, VHP, Gujarat
22. Babu Bajrangi Patel, Member Bajrangdal, VHP, Ahmedabad
23. Professor Keshavram Kashiram Shastri, Former Chairman of the Gujarat unit of the Vishwa Hindu Parishad
24. Babubhai Rajput, BJP Worker, Bhartiya Janata Party,
25. K Chakravarti, Former Director General of Police, Gujarat
26. Shri A. K. Bhargava, Former DGP/ IGP of Police, Gujarat
27. Subha Rao, IPS, 1965, former Chief Secretary, Gujarat
28. Ashok Narayan, 1966 IAS, former Home Secretary, Gujarat
29. P.C. Pande, Former Commissioner of police, Ahmedabad
30. K. Srinivasan, Former Collector, Ahmedabad.
31. Dr. PK Mihsra, IAS, 1972, former PS to Chief Minister & Director, Gujarat State Disaster Management Authority.
32. Kuldeep Sharma, IPS, 1976, former IGP, Ahmedabad Range
33. M.K. Tandon, IPS 1976, former Additional CP Ahmedabad,
34. K. Nityananand IPS 1977, former Home Secretary, Gujarat
35. Rakesh Asthana, IPS, 1984, former IGP, Vadodara Range
36. A.K.Sharma, IPS 1987, former SP Mehsana
37. G.C. Murmu, former Secretary (L&O), Govt. of Gujarat
38. Shivanand Jha, former Secretary (Home), Govt. of Gujarat

40. Deepak Swaroop, IPS 1976, former IGP, Vadodara Range
41. Sudhir Sinha, presently Commissioner of Police, Surat
42. Shri K. Kumarswami, IGP Int. GS, G'nagar
43. Shri B. S. Jabaliya, former DSP, Anand
44. D.G.Vanzara, IPS, 1987 formerly DIGP (Crime) Ahmedabad
45. Shri Satish Verma, IPS, 1986, former DIG, Kutch Range
46. Raju Bhargava, former SP, Panchmahal District
47. Smt Anju Sharma, former Collector, Bharuch District
48. D.D. Tuteja, former Commissioner of Police, Vadodara city
49. Bhagyesh Jha, former Collector of Vadodara
50. Nitiraj Solanki, former SP, Sabrakantha District
51. Amrutlal Patel, former Collector, Mehsana District
52. Upendra Singh, former SP, Rakjot District
53. P.N. Patel, former Collector, Rajkot District
54. V.M. Pargi, former DCP, Zone-II, Ahmedabad City
55. K.G. Erda, former PI, Meghaninagar P. S., Ahmedabad City
56. Kerman Khurshed Mysorewala, former PI, Naroda P.S. Ahmedabad City.
57. M.T. Rana, former ACP, G-Division, Ahmedabad City
58. Tarun Barot, former PI, Crime Branch, Ahmedabad City
59. Narendra Amin, former DCP (Crime), Ahmedabad City
60. G.C.Raiger, IPS 1972, former Addl. DG (Int.)
61. K.R. Kaushik, IPS 1972 former Commissioner of Police, Ahmedabad City
62. Amitabh Pathak, IPS 1977, former IGP, Gandhinagar Range
63. Shri Satish Verma, at present S.R.P, Training Centre, Sorath, Junagadh.

Broad Allegations:

Following is the broad gist of the allegations made in the SLP (Crl.) No. 1088/2008 and the aforesaid complaint dated 08-06-2006 of Smt. Jakia Nasim w/o Ahesan Jafri, who on 28-02-2002, was allegedly pulled out of his house by a riotous mob,

brutally hacked to death, and his dismembered and mutilated limbs set on fire:

(1) Post-Godhra riots were State sponsored and unprecedented in their magnitude, spread, gruesomeness and brutality of the violence inflicted on a minority community. Besides the spread and permeation of the violence throughout the State, as an indicator of the State's orchestration of complicity in the riots, there are other such pointers as well. Majority of the complaints were lodged by the police themselves which gave them the leverage to choose the accused and thereby hide and exculpate the real perpetrators of the violence, who did so pursuant to the protection and licence given by the police themselves, obviously on instructions from their superiors, i.e. the political and executive authorities of the State.

(2) In regard to episodes where there were numerous private complaints lodged by the victim survivors, the police authorities clubbed together such complaints so as to reduce them to one or two complaints, thereby eliminating from reckoning the real perpetrators of the violence and also truncating the magnitude, intensity and horrendous character of the killings of the minority community.

(3) FIRs were thus registered, charge-sheets filed and cases committed to Sessions for trial but this was all for record. In substance, however, these criminal prosecutions were a charade calculated to shield and exculpate the Chief Minister and certain other Cabinet Ministers and high-ranking Police officers and bureaucrats through whose command the riots were reinforced and fanned.

(4) Petitioner No.1 (Mrs. Jakia Nasim Ahasan Jafri) has lost her husband who happened to be ex-Member of Parliament Mr. Ahsan Jafri in the 'conspiracy offence' that occurred atleast between 27th February 2002 and September, 2002, specifically in February, 2002. The husband of Petitioner No.1 was brutally killed along with atleast 68 others on 28th February 2002, by miscreants by surrounding the Gulberg Society where Petitioner No.1 lived along

dozen mass carnage cases that occurred over the districts of Gujarat. In the space of five days, 2500 lives were lost, 300 women were victims of brute sexual violence, more than 18,000 houses burnt down and broken and property and businesses worth Rs.4,000 crores destroyed. Over 270 Masjids and Dargahs, associated with the worship and culture of the minority community also fell victim in this genocidal carnage. The Police registered a FIR in CR No. I. 67 of 2002 with Meghaninagar Police Station, Ahmedabad related to the specific incident where 70 of the 2500 persons were slaughtered at Gulberg Society but there is no composite FIR relating to the vast extent and serious crimes committed by State functionaries in Gujarat. Petitioner No.1 is not the complainant of the aforesaid FIR (Gulberg Society case).

(5) Petitioner No.2 is an "Association of Persons from Gujarat and Mumbai constituted to lead and support the struggle for justice and peace." (a Non-Governmental Organisation), and has been instrumental in the struggle for justice for the victims including the Petitioner No.1 and several other victims. In 2006, on the strength of revelations made before the Nanavati Shah Commission, and facilitated in that behalf by Petitioner No.2, Petitioner No.1 lodged a complaint running to 128 pages supported by documentation running to over 2000 pages with the Director General of Police, Gujarat. The complaint knit together the seemingly disparate though contemporaneous incidents and locales of the riots throughout the State of Gujarat and brought out a clearly discernable pattern that showed the State Government's complicity in the riots as much as its duplicity in launching ostensible criminal prosecutions. Petitioner No.1's complaint was made possible only because of the said documentation being compiled and afforded to her by Petitioner No.2.

(6) Within the State of Gujarat, since 2002, there have been continued and consistent attempts to further this unlawful and unconstitutional mandate by using State Terror and Pressure to intimidate victim survivors, marginalise, socially and economically,

to influence the course of justice for victims of Mass Crimes when criminal trials or other such legal procedures have been initiated.

(7) The Petitioners have obtained certain documented material to show that the aforesaid offences were aided, abetted and conspired to by the co-accused persons involved in the mass carnage and master-minded by the Chief Minister of the State Shri Narendra Modi himself. Over 1,68,000 people were turned by a cynical regime into refugees in their own land, overnight.

(8) The following is the summary of allegations narrated in the complaint dated 08.06.2006 and the major evidence in brief in support of the charges about commission of offences u/s 302 r/w 120-B IPC, Sections 193 r/w 114, 186 & 153-A, 186, 187 IPC, Section 6 of Commission of Inquiry Act, The Gujarat Police Act and the Protection of Human Rights Act, 1991 :

- (i) Instruction by Shri Narendra D. Modi, Chief Minister to DGP, the Chief Secretary and other senior officials to (allow to) give vent to the Hindu anger on the minority muslims in the wake of Godhra incident during the Meeting held on 27.02.2002 evening in Gandhinagar, as testified in Affidavit No.4 of R. B. Sreekumar.
- (ii) CM's decision to bring dead bodies of those killed in Godhra train fire in Ahmedabad and parade them in Ahmedabad City as testified by Shri Ashok Narayan in his cross-examination before the Nanavati Commission.
- (iii) Numerous illegal instructions given verbally (by CM) to officials as detailed in 3rd affidavit dated 09.04.2005 by R.B. Sreekumar to the Nanavati Commission.
- (iv) Data in the 'Concerned Citizens Tribunal' Report by panel of Judges, Justice Sawant and Justice V. R. Krishna Iyer as in para 10 of the complaint dated 08.06.2006 wherein it was mentioned, inter-alia, as : What transpired in the days that followed the Godhra incident began with the Chief Minister of the State announcing on 27.02.2002 through Akashvani Radio that there was an ISI conspiracy and deciding against the advice of the

Godhra Collector, Smt. Jayanti Ravi, to take bodies of the burnt Kar sevaks in a ceremonial procession by road to Ahmedabad. The tragic Godhra killings were used and manipulated to justify pre-orchestrated mass carnage that enjoyed the political sanction of the constitutionally elected Government. Top level meetings were held between the Chief Minister, some of his Cabinet colleagues and top level bureaucrats at which illegal instructions were issued to perform illegal acts. Proof of this was documented by a Citizens Tribunal constituted and headed by a former Judge of the Hon'ble Supreme Court, when a former Minister (Late Shri Haren Pandya) testified about the details.

(v) Cabinet Ministers I. K. Jadeja and Ashok Bhatt were positioned in the DGP office and Ahmedabad City Police Control Room respectively by CM. DGP Chakravarthi was critical of the Minister I. K. Jadeja remaining in his chamber, as testified by R. B. Sreekumar in his fourth affidavit.

(vi) Officers from field executive posts were transferred (by the CM), in the thick of riots in 2002, despite DGP's objection so as to facilitate placement of those who were willing to subvert the system for political and electoral benefits as narrated in para 67 of the complaint dated 08.06.2006, wherein instances of punishment, ill-treatment etc. are listed in respect of the following officers : (1) Shri Rahul Sharma, IPS, (2) Shri Vivek Shrivastava, IPS, (3) Shri Himanshu Bhatt, IPS, (4) Shri M. D. Antani, IPS, (4) Shri R. B. Sreekumar, IPS and (6) Shri Satishchandra Verma, IPS.

(vii) Senior officials were rewarded with undue benefits, even while their conduct was under the scrutiny of Nanavati Commission, as narrated in Para 68 of the complaint dated 08.06.2006, wherein "Rewards" for collaborating with the illegal plans of CM/BJP during 2002 riots and afterwards are listed in respect of the following officers : (1) Shri G. Subba Rao, IAS, the then Chief Secretary, (2) Shri Ashok Narayan, IAS, the then ACS (Home), (3) Dr. P. K. Mishra, IAS, the then PS to CM, (4) Shri A. K. Bhargava, IPS, (5) Shri P. C. Pandey, IPS (6) Shri Kuldeep Sharma, IPS, (7) Shri M. K. Tandon, IPS, (8) Shri Deepak Swaroop, IPS, (9) Shri K.

Nityanandam, IPS, (9) Shri Rakesh Asthana, IPS, (10) Shri A. K. Sharma, IPS, (11) Shri Shivanand Jha, IPS, (12) Shri S. K. Sinha, IPS, (13) Shri D. G. Vanzara, IPS.

(viii) No follow up action was taken (by the Gujarat Government/CM) on the reports sent by R. B. Sreekumar on 24.04.2002, 15.06.2002, 20.08.2002 and 28.08.2002 about anti-minority stance of the Administration. Copies of these reports are appended in second Affidavit dated 06.10.2004 of R. B. Sreekumar to the Nanavati Commission.

(ix) Indictment by the Hon'ble Supreme Court about injustice done to minority community and riot victims in the investigation of riot cases in respect of (1) Bilkis Bano case and (2) Best Bakery case, as narrated in paras 13 and 14 of the complaint dated 08.06.2006.

(x) Partisan investigations were conducted betraying prejudice against riot victims, as indicated by Rahul Sharma, then SP, Bhavnagar District during his cross-examination before the Nanavati Commission, as noted in Para 18 of the complaint dated 08.06.2006.

(xi) CM Shri Narendra Modi did not visit the riot affected areas in the initial days, though he visited Godhra Railway Station on 27.02.2002 itself.

(xii) A press statement was made by Shri Narendra Modi that the reaction against the Muslim community was the operation of Newton's law of action.

(xiii) No direction was given by Shri Narendra Modi to Hindu organisations against the observance of Bandh on 28.02.2002. Bandhs had been declared illegal by Kerala High Court.

(xiv) There was undue delay in requisition and deployment of army, though anti-minority violence had broken out on 27.02.2002 afternoon itself in cities of Vadodara, Ahmedabad etc.

(xv) Pro-VHP advocates were appointed as Public Prosecutors in riot cases as noted in Para 4 under the caption 'Present Situation' in the complaint dated 08.06.2006, wherein appointments of

advocates Shri Chetan Shah (as District Government Pleader), Shri V.P. Atre (as Special PP in the Gulberg case), Shri Raghuvir Pandya (as Special PP in the Best Bakery case), Shri Dilip Trivedi (as Special PP in the Sardarpura case), Shri Rajendra Darji (as Special PP in the Dipda Darwaja case), Shri Piyush Gandhi (PP in Panchmahal District), have been questioned.

(xvi) Officers at grass-root level were not transferred as per State Intelligence Bureau's recommendation till the arrival of Shri K.P.S. Gill as Advisor to CM, as indicated by Sreekumar in his second affidavit dated 06.10.2004 to the Nanavati Commission.

(xvii) Failure to take action against the print media making communally inciting reports though State Intelligence Bureau and some field officers had recommended for action, as noted in the first Affidavit dated 06.07.2002 of R. B. Sreekumar during his cross-examination before the Nanavati-Shah Commission on 31.08.2004.

(xviii) State Home Department gave misleading reports about normalcy in the State to Central Election Commission for ensuring early Assembly Elections. The assessment of the Home Department was adjudged as false by the Election Commission in its order dated 16-08-2002. As per the Register for recording verbal instructions from higher formations kept by ADGP (Shri R.B. Sreekumar), as noted in his third Affidavit, he was directed by the Home Department officials to give favourable reports about law and order for facilitating holding of early elections.

(xix) The State Home Secretary Shri G.C. Murmu was presumably detailed for tutoring, cajoling and even intimidating officials deposing before the Nanavati Commission so that they do not tell the truth and harm the interests of CM and ruling party, as narrated in third Affidavit of Shri R.B. Sreekumar.

(xx) Shri G.C. Murmu's exercise was for ensuring that officials will not file affidavits relating to the second terms of reference to the Nanavati Commission about the role of CM and other Ministers in the riots as narrated in Para 52 of the the complaint dated

08.06.2006 wherein gross dereliction of duty has been alleged in not filing Affidavits relating to second terms of reference to the Commission on the part of 16 specifically named officials including top ranking IAS/IPS officers.

(xxi) No action was initiated against senior police officers by the Home Department for their grave dereliction of duty in supervision of investigation of serious offences as noted in fourth Affidavit (Para 94) of Shri R.B. Sreekumar

(xxii) No departmental action was taken against Shri Jadeja, the then Superintendent of Police, Dahod District for his misconduct despite recommendation by CBI, who investigated the Bilkis Bano case as per the direction of Hon'ble Supreme Court.

(xxiii) The CD regarding telephone calls by BJP leaders and police officers during riots was not probed into by the Investigating Officers of the Naroda Patia and Gulberg Society cases. The CD was produced by Rahul Sharma, SP, CBI before the Nanavati Commission.

(xxiv) Conducive situation was not created for rehabilitation of riot victims, though a contrary claim is made by the State Administration in its report to NHRC. Instead, the riot victims were pressurized for compromising with the perpetrators of violence, as a condition precedent for their safe return as rehabilitation.

(xxv) Police inaction facilitated riots as part of conspiracy, as detailed in paras 13, 14, 61 and 62 of the complaint dated 08.06.2006. In Para 13 of the complaint, some of the 'glaring examples of State sponsored events' are given. In para 61 of the complaint, it is alleged that over two dozen survivors of the Naroda Patiya massacre case have confirmed that they made over a hundred distress calls to Shri P.C. Pande, then Commissioner of Police but that his mobile was permanently switched off. There was a similar callous response from most of the DCPs and Addl.CPs (of Ahmedabad City) as also by Shri Tuteja, the then Commissioner of Police, Baroda. In para 60 of the complaint, telephone calls made from Gulberg Society to Shri P. C. Pande

and the DGP are alleged but no police action despite presence of three mobile vans near the spot. It is also alleged in Para 61 of the complaint that police was aiding mobs who were attacking Muslims and that on 28th February, of the 40 persons shot dead by police in Ahmedabad City, 36 were Muslims. In Para 62 of the complaint, it is alleged that police acted as mute spectators to acts of lawlessness, offences were not investigated properly, real culprits were not arrested and no timely preventive action was taken etc.

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

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

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

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

(xxx) The fact that victims of riots and police firings were predominantly of the Muslim community, will establish that rioters, the administration, cohorts of the ruling party (BJP) were moving in collaboration for achieving the satanic objectives of CM. Statistics

in this regard are given in the second Affidavit dated 06.10.2004 (Para 3 / Appendix V) of Sreekumar to the Nanavati Commission.

Smt. Jakia Nasim was first examined by the local police on 06-03-2002 and her statement recorded u/s 161 Cr.PC, but she never came up with all the details mentioned by her in the aforesaid complaint. In her statement before the local police, she had stated that while they were being shifted from the Gulberg Society in jail vans, the mob assembled there would have lynched all of them to death, but for the timely action taken by the police. Smt. Jakia Nasim subsequently appeared before the Nanavati Commission of Inquiry on 29-08-2003, but did not disclose the facts given by her in the said complaint. In September, 2003, Smt. Jakia Nasim filed an affidavit in the Hon'ble Supreme Court of India, but did not mention these facts. It was for the first time on 08-06-2006, i.e. after a lapse of more than four years of the incident, that she came up with the lengthy complaint in question. Smt. Jakia Nasim was examined by the SIT on 07-11-2008, but she failed to state any of these facts as mentioned in her complaint dated 08-06-2006. She does not have any personal knowledge about the facts mentioned in the affidavits filed by Shri R.B. Sreekumar during the years 2002, 2004 and 2005 on his own. In this complaint the following glaring discrepancies/errors have been noticed:

a. The allegations are vague, general and stereotyped and nothing specific had been mentioned in respect of the following accused persons as specifically stated and illustrated thereafter:

- Accused Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16:

".....Then and Now Cabinet Minister/elected member of the Gujarat Government, under oath of the Indian Constitution to defend the Fundamental Rights, the Right to Life and Property of every citizen regardless of caste, creed of (or) gender, accused of using political influence to prevent the administration and the law and order machinery from carrying

out their constitutionally bound duty to prevent violence and protect the citizen."

- Accused nos. 25, 26, 29, 32, 33, 35, 36, 40 :-

".....In the pyramid of authority the man from the police administration responsible for ensuring that the rule of law is preserved in the state, that Constitutional requisite of protection of life and property, as well as the IPS/IAS Rules that every officer abide by the Constitution and hence, in some sense answerable for the utter collapse of constitutional governance. The affidavit and deposition filed before the Nanavati-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act.."

- Accused Nos. 27, 28, 31, 34, 37, :-

".....The top/senior man of the Gujarat bureaucracy and responsible through the Constitution, Criminal Law and the IAS/IPS Service Rules to scotch any political attempts to subvert the Constitution and the Fundamental Rights of every Citizen. He is alleged to have participated in a meeting with then chief minister Narendra Modi where illegal instructions were issued by the constitutionally elected chief minister. Not filed any say before the Nanavati-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act."

- Accused No. 43, 45, 46, 48, & 63:-

".....An officer who has been privy to breakout of unimaginable violence in Anand district, especially in Ode village and is witness to continuing subversion of the justice process by a brazen connivance between the alleged accused and the prominent members of the political class. An IPS officer who was in a responsible position in 2002 and thereafter and who abetted the breakdown of constitutional governance in the state of Gujarat."

- Accused Nos. 26, 27, 28, 31 & 34:-

".....He is alleged to have participated in a meeting with then chief minister Narendra Modi where illegal instructions were issued by the constitutionally elected chief minister."

- Accused Nos. 30,31,32,34,37, 47, 49, 51 & 53 :-

".....Not filed any say before the Nanavati-Shah Commission not conducive to transparency and exposure of what went thoroughly wrong in 2002 violating the Commission of Inquiry Act."

- Accused Nos. 57, 58 & 59 :-

".....An officer of the Gujarat police who has been involved in many of the controversial mass carnage investigations that have serious allegations of subversion of justice and tampering of evidence."

- Accused Nos. 50 & 52 :-

".....An officer who has been privy to breakout of unimaginable violence in parts of Gujarat and under his jurisdiction. An IPS officer who was in a responsible position in 2002 and thereafter and who aided and abetted the breakdown of constitutional governance in the state of Gujarat."

- Paras 29 to 57, 77, 79, 80, 81, 82 & 86 of the complaint have been copied out verbatim from the Affidavits No. I, II, III & IV filed by Shri R.B. Sreekumar, formerly Addl. DG (Int.), before Nanavati-Shah Commission of Inquiry. The complainant Smt. Jakia Nasim has no personal knowledge of the allegations levelled by Shri R.B. Sreekumar in his affidavits.
- No specific allegations have been mentioned against Accused Nos. 17, 18, 19 & 60.
- Accused No. 24 Babubhai Rajput is not traceable at the given address and it has come to light that no such person was ever in existence at the relevant point of time.

- e. Accused No. 11 Anil Tribhovandas Patel was not in public life at the time of riots and had joined Bharatiya Janta Party only towards the end of 2002. He was elected as a MLA only in December, 2002 and as such he has been wrongly implicated as an accused in the complaint without any specific role.
- f. Accused No. 45 Shri Rahul Sharma and Accused No. 63 Shri Satish Verma have been listed as witnesses as well as accused persons. Smt. Jakia Nasim, Complainant and Ms. Teesta Setalvad, have stated that they are witnesses and have been inadvertently listed as accused persons.
- g. Accused No. 23 Keshavram Kashiram Shastri, Chairman, VHP, Gujarat Unit and Editor Vishwa Hindu Samachar, Ahmedabad has since expired.
- h. Four of the accused No.16- Dr. Mayaben Kodnani, Accused No.21- Jaydeep Patel, Accused No.22- Babu Bajrangi Patel and Accused No.55- K.G. Erda have since been charge-sheeted by SIT and are now facing trial.

The result of enquiries in respect of the aforesaid allegations levelled in the complaint is given below:-

➤ **ALLEGATION No. I : Instructions by Shri Narendra D. Modi, Chief Minister to DGP, the Chief Secretary and other senior officials to (allow to) give vent to the Hindu anger on the minority Muslims in the wake of Godhra incident during the Meeting held on 27.02.2002 evening in Gandhinagar, as testified in Affidavit No.4 of Shri R. B. Sreekumar.**

&

➤ **ALLEGATION No. IV : Data in the 'Concerned Citizens Tribunal' Report by panel of Judges, Justice Sawant and Justice V. R. Krishna Iyer as in Para 10 of the complaint dated 08.06.2006) wherein it was mentioned, inter-alia, as : What transpired in the days that followed the Godhra incident began with the Chief Minister of the State announcing on 27.02.2002 through Akashvani Radio that there was an ISI**

conspiracy, and deciding against the advice of the Godhra Collector, Smt. Jayanti Ravi, to take the bodies of the burnt Kar sevaks in a ceremonial procession by road to Ahmedabad. The tragic Godhra killings were used and manipulated to justify pre-orchestrated mass carnage that enjoyed the political sanction of the constitutionally elected Government. Top level meetings were held between the Chief Minister, some of his Cabinet and top level bureaucrats at which illegal instructions were issued to perform illegal acts. Proof of this was documented by a Citizens Tribunal constituted and headed by a former Judge of the Hon'ble Supreme Court, when a former Minister (Late Shri Haren Pandya) testified about the details.

Enquiries conducted into the aforesaid two allegations revealed that on 27-02-2002, information about the burning of a railway coach of Sabarmati Express near Godhra Railway Station was received by the Chief Minister Shri Narendra Modi around 0900 hrs from Shri Ashok Narayan, the then ACS (Home). Shri Narendra Modi called a meeting at his residence at about 1030 hrs and discussed the matter with Shri Gordhan Zadafia, the then MoS (Home), Shri Ashok Narayan, the then ACS (Home), Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City and other staff of CM secretariat. Shri Ashok Narayan stated that till then no news had been received about the exact number of casualties and the information was being received piecemeal. In this meeting, Shri Narendra Modi, Chief Minister emphasized that the miscreants should be apprehended and not allowed to escape. The Chief Minister was also concerned about the number of casualties in the incident. The Chief Minister had given direction that the steps should be taken not to delay the medical help for serving passengers and also to impose curfew to avoid any untoward incident, Godhra being a communally sensitive place. The Chief Minister also instructed that the senior officers and the extra force, if required must reach Godhra without any delay. However, no minutes of the meeting were prepared.

Under the instructions of the Chief Minister Shri Ashok Narayan had prepared a note about the incident on the basis of information provided by the DGP and submitted the same to the Chief Minister for his approval, as the issue was going to be raised in the Assembly. The Chief Minister had also given directions that necessary steps be taken so that surviving passengers are not delayed, which may lead to tension. It has further come to light that the Assembly started at 1300 hrs. A calling attention motion relating to Godhra incident moved by Shri Punjabhai Vansh, MLA came up for discussions at 1300 hrs, but the Hon'ble member was not present in the house and as such Dr. Mayaben Kodnani, MLA from Naroda was allowed to speak on the issue. Shri Gordhan Zadafia read out a statement prepared by the Home Department based on the available information at that point of time. In this session Shri Rajendrasinh Patel, Congress MLA from Godhra had made a demand for a compensation of Rs. 2 lakh each to the victims of Godhra incident. Shri Narendra Modi, Chief Minister informed the Assembly that he had discussed the matter with the then Prime Minister Shri Atal Bihari Vajpai and announced an ex-gratia payment of Rs. 2 lakhs to the next of kin of those killed in the Godhra incident and also ordered a high level inquiry into the incident. All these facts were mentioned in the Assembly proceedings as well as in the press release issued by the Govt. of Gujarat on 27.02.2002. It has further come to light that it was a budget day in the Assembly and thereafter, the budget was presented by Shri Nitinbhai Ratibhai Patel, Finance Minister in the afternoon. Shri Gordhan Zadafia, MoS left for Godhra by road at about 1400 hrs and reached there at about 1630 hrs. Shri Ashok Bhatt, Health Minister had reached Godhra sometime between 1200 to 1230 hrs. Shri Bhupendra Lakhawala, in charge Minister, Godhra District had already arrived. After the Assembly proceedings were completed at about 1500 hrs, Shri Narendra Modi left for Baroda by a Govt. Aircraft at about 1600 hrs and reached there at about 1630 hrs. At Baroda, a helicopter had been requisitioned from ONGC to go to Godhra. Since, the helicopter

had limited seats, Shri Anil Mukim, PS to CM and Shri Jagdish Thakker, PRO accompanied the Chief Minister to Godhra and reached there around 1645 hrs. The Chief Minister was received by Smt. Jayanti Ravi, Collector & District Magistrate and some other Govt. officials and politicians. The Chief Minister straightaway drove to the Godhra Railway Station. By that time, two burnt bogies had been detached from the train and parked in the railway yard and the dead bodies of the victims were lying covered in the railway yard. The Chief Minister climbed up and inspected the burnt coach. By that time, the crowd present over there was agitated and demanded from the Govt. that the culprits should be punished at the earliest. The Chief Minister assured the crowd of action against the culprit and asked them to maintain the peace. Thereafter, the Chief Minister visited Civil Hospital, Godhra, saw the injured admitted there and assured them all help and best treatment. Thereafter, he went to Collectorate and had a meeting with the Government, Police and Railway officials. In this meeting Shri Ashok Bhatt and Shri Gordhan Zadafia, Shri Bhupendra Lakhawala, Shri Prabhatsinh Chauhan (all Ministers in the State Govt.) and Shri Bhupendrasinh Solanki, Lok-Sabha MP for Godhra were also present. The Chief Minister had also met the press briefly thereafter. Shri Jaydeep Patel, VHP leader, who was at Godhra on that day, did not meet him. Shri Narendra Modi, Chief Minister left Godhra by road around 1945 hrs along with his personal staff and reached Baroda airport at about 2130 hrs. From Baroda he came to Ahmedabad by the same Govt. aircraft. He reached his Gandhinagar residence at about 2230 hrs.

On his return, he called for a Law & Order meeting at his residence at about 2300 hrs, which was attended by Smt. Swarna Kanta Varma, Acting Chief Secretary, Shri Ashok Narayan, ACS (Home), Shri K. Chakravarthi, DGP, Shri P.C. Pande, CP, Ahmedabad City, Shri K. Nityanandam, Secretary, Home Department, Dr. P.K. Mishra, Principal Secretary to CM, Shri Anil Mukim, Secretary to CM and Shri Prakash S. Shah, the then Addl. Secretary (L & O) were in the said meeting. However, Shri G.C.

Raiger, Addl. DG (Int.) was not present in the said meeting. Shri Sanjiv Bhatt, the then Deputy Commissioner of Intelligence (Security) has claimed to have attended the said meeting at the instance of DGP. No Cabinet Minister was present in the said meeting. Shri Gordhan Zadafia, MoS (Home) also did not attend the meeting, as he had stayed back at Godhra. Shri Sanjiv Bhatt, the then Deputy Commissioner of Intelligence (Security) has claimed after more than seven years, to have attended the said meeting at the instance of the then DGP.

According to Smt. Swarna Kanta Varma, the then acting Chief Secretary, she was present in the said meeting, but she cannot recollect, as to whether any Minister or other police/Govt. officials (besides the individuals indicated above) were present there. On being shown the photograph of Shri Sanjiv Bhatt, she has stated that she cannot recollect having met or seen him in this meeting or in any meeting during the period of her charge as Chief Secretary. Smt. Swarna Kanta Varma has stated that the Chief Minister had said in the aforesaid meeting that the Godhra incident was very unfortunate and that it should be handled with a firm hand. However, she has denied that there was any mention by the Chief Minister of balancing action against Hindus and Muslims or Muslims be taught a lesson or Hindus be allowed to vent their anger.

Shri Ashok Narayan, the then ACS (Home) has stated that Shri Sanjiv Bhatt, the then DCI (Security) did not attend the said meeting on 27-02-2002. He has further stated that no Minister was present in the said meeting. He has also stated that DGP gave sequence of events of Godhra incident, possible repercussions of the same and also about his requirement of additional forces. He has denied any utterances by the Chief Minister to the effect that the police approach of balancing action against Hindus and Muslims would not work anymore, Muslims should be taught a lesson and that Hindus should be allowed to vent their feelings/anger. He has, however, stated that the Chief Minister did

say that the people were outraged by the Godhra incident and therefore, effective steps should be taken to control the communal riots.

Shri P.K. Mishra, the then Principal Secretary to CM has categorically denied the presence of Shri Sanjiv Bhatt, the then DCI (Security) in the meeting of 27-02-2002. He has further denied the presence of any politicians in the said meeting. As regards the observations allegedly made by CM that for too long the Gujarat Police had been following the principle of balancing actions against the Hindus and Muslims while dealing with the communal riots in Gujarat; the situation warranted that the Muslims be taught a lesson to ensure that such incidents do not recur and that the emotions were running very high amongst the Hindus and they be allowed to vent their anger, Shri Mishra has stated that it was not true that the Chief Minister talked in these terms. He has further stated that in this meeting, officials of the Home Department and police officers apprised CM about the action already taken to prevent any untoward incident in view of the emerging situation and the bandh call. He has also stated that CM briefed the officials about his Godhra visit and impressed upon them to take all possible steps including preventive arrests to avoid any untoward incident.

Shri K. Chakravarthi, the then DGP has stated that Shri G.C. Raiger, the then Addl. DG (Int.) was on casual leave on 27-02-2002, and therefore, he did not attend the said meeting. He does not recollect, as to whether Shri Raiger contacted him over phone on 27-02-2002 evening and informed him about his arrival at Ahmedabad. He has stated that he directly reached Chief Minister's residence office from Ahmedabad to attend the meeting. He has categorically stated that Shri Sanjiv Bhatt did not attend the said meeting on 27-02-2002 night at CM's residence and no such instructions as alleged were given by the Chief Minister. Shri Chakravarthi has added that in case Shri G.C. Raiger was available at Ahmedabad, he would have given instructions to him

to attend this meeting through the State Control Room rather than asking Shri Sanjiv Bhatt to attend. According to Shri Chakravarthi, Shri O.P. Mathur, the then IGP (Admn. & Security) was available and could have been called in the said meeting instead of calling a junior officer of SP level (Shri Sanjiv Bhatt). Shri Chakravarthi has further stated that as per his recollection, none of the Ministers/ politicians had attended the said meeting on 27-02-2002. Shri Chakravarthi has also stated to have briefed CM about the bandobast made by him in the wake of the bandh call given by VHP on 28-02-2002, and also about the additional requirement of forces. Shri Chakravarthi had also informed CM about the appeal made by him to the general public on Door-Darshan/All India Radio to maintain peace. As per Shri Chakravarthi, CM had said that the Godhra incident was very serious and bound to affect the public at large and therefore, adequate arrangements should be made. Shri Chakravarthi has stated that CM had also spoken about the Govt. decision to transport dead bodies of Godhra victims to Ahmedabad City by road and to keep them in Sola Civil Hospital, which was then on the outskirts of Ahmedabad City. According to Shri Chakravarthi, this decision was not opposed by anyone in the meeting, as considerable number of victims belonged to Ahmedabad and nearby places. Regarding the allegation against the Chief Minister for speaking in the terms that for too long the Gujarat Police had been following the principle of balancing the action against the Hindus and Muslims etc. and the Hindus be allowed to vent their anger, Shri Chakravarthi has denied any such utterances by the Chief Minister in the meeting.

Shri P.C. Pande, the then Commissioner of Police, Ahmedabad City has denied the presence of Shri Sanjiv Bhatt in Law & order meeting called by the Chief Minister on 27-02-2002 night. He has further stated that the meeting lasted for 15-20 minutes and that the discussions centred around maintenance of Law & order in view of the bandh call for the next day, its likely repercussions and availability of forces. As regards the allegations against the Chief Minister about having said that for too long the

Gujarat Police had been following the principle of balancing the actions against Hindus and Muslims etc. etc. and the Hindus be allowed to vent their anger, Shri Pande has categorically stated that no such instructions to allow any freedom to any law breaker were given by the Chief Minister. He has out rightly denied the presence of any Minister or Shri Sanjiv Bhatt, the then DCI (Security) in the said meeting. Regarding the Govt. decision to transport the dead bodies of Godhra victims to Ahmedabad, Shri Pande has stated that he does not recollect the exact talks, which took place in the said meeting, but the sum and substance of the discussions was that since majority of deceased belong to places around Ahmedabad, the dead bodies were being brought to Ahmedabad City with a view to facilitate the relatives of the deceased persons to identify and claim the same.

Shri Anil Mukim, IAS, the then Addl. PS to CM has stated that he attended the said meeting for some time and then left after taking permission from Shri P.K. Mishra, IAS (Retd.) the then Principal Secretary to CM. He has further stated that as long as he was present in the meeting, general discussions were held regarding the Godhra incident and necessary preventive measures required to be taken under the circumstances were also discussed. He has out rightly denied any utterances/instructions by CM about Muslims being taught a lesson and the Hindus allowed to vent their anger, in his presence. He has denied the presence of Shri Sanjiv Bhatt, the then DCI (Security) in the said meeting. He has also denied the presence of any Minister or politician in the meeting.

Shri K. Nityanandam, the then Secretary (Home) has stated that he attended the Law & order meeting called by the Chief Minister at his residence on 27-02-2002, at about 2300 hrs. He has further stated that the deliberations in the meeting mainly revolved around the Law & order situation post Godhra train incident and efforts to handle future Law & order problems in view of the bandh call on 28-02-2002. He has denied the presence of

any Minister or Shri Sanjiv Bhatt in the said meeting. He has also denied any such alleged observations made by the Chief Minister about Muslims being taught a lesson etc. etc. and the Hindus be allowed to vent their anger. According to Shri K. Nityanandam, he does not recollect Shri Sanjiv Bhatt being present in any Law & order meeting called by the Chief Minister as IGP/Addl. DGP rank officer were available in the State Intelligence Bureau to present the issues relating to intelligence.

Shri Prakash S. Shah, the then Addl. Secretary (Law & order) has confirmed to have attended the Law & order meeting called by the Chief Minister at his residence on 27-02-2002 night. He has further stated that the Chief Minister gave an account of Godhra incident, while Shri Chakravarthi and Shri Pande briefed CM about the possible repercussions of Godhra incident, about the arrangement and bandobast made by them and also about the deployment of forces. According to Shri Shah, the Chief Minister instructed all the officers that communal peace and harmony be maintained at all costs and all possible steps be taken to control the possible communal flare up. He has denied the presence of any Minister or Shri Sanjiv Bhatt in the said meeting. He has further stated that the Chief Minister did not say anything on the lines of the police approach of balancing action against Hindus and Muslims and also that the Hindus should be allowed to vent their anger.

Shri R.B. Sreekumar, who was Addl. DGP in charge of Armed Units at that period, has claimed that Shri K. Chakravarthi had told him on 28-2-2002 (A.N.) about a meeting convened by Shri Narendra Modi on 27-02-2002 late in the evening on his return from Godhra, in which the latter had said, "in communal riots police takes action against Hindus on one to one basis. This will not do now.... allow Hindus to give vent to their anger." However, Shri K. Chakravarthi has denied to have held any such talks with Shri R.B. Sreekumar.

Shri Sanjiv Bhatt, the then DCI (Security) stated that he received intelligence inputs on 27-02-2002, regarding the despatch of dead bodies from Godhra to Ahmedabad under police escort, the State supported bandh call and the intention of the Sangh Parivar activists to parade the dead bodies in the form of funeral procession in communally sensitive areas of Ahmedabad City. He has further stated that he attended a late night meeting of 27-02-2002 called by the Chief Minister at his residence about which he was intimated by State IB Control Room and State Police Control Room that Shri K. Chakravarthi, the then DGP wanted him to accompany the latter in the said meeting. He also stated that he had accompanied Shri K. Chakravarthi in the latter's car from DGP's office to CM's residence and claimed that he attended the said meeting, which was also attended by Incharge Chief Secretary Smt. Swarna Kanta Varma, ACS (Home) Shri Ashok Narayan, Shri Anil Mukim, the then Addl. PS to CM, Shri P.C. Pande, the then CP, Ahmedabad City and Shri K. Nityanandam, the then Secretary (Home). However, he is unable to recollect, as to whether Shri P.K. Mishra, the then Principal Secretary to CM was present in the said meeting or not. Shri Bhatt has further stated that to the best of his recollection, no politician/Minister was present in the said meeting. He has also stated that Shri G.C. Raiger, the then Addl. DG (Int.) did not attend the said meeting being on casual leave and that he was not aware, as to whether Shri Raiger had returned to Ahmedabad on 27-02-2002 evening. He has denied to have contacted Shri Raiger on 27-02-2002 evening, at his residence. Shri Sanjiv Bhatt has claimed that he used to attend the intelligence related meetings called by the Chief Minister. As per Shri Bhatt, this meeting was essentially a Law & order review meeting and the main issues discussed during the said meeting revolved around the bandh call given by VHP and supported by ruling BJP as well the decision to bring the dead bodies of Godhra victims to Ahmedabad. Shri Sanjiv Bhatt has also stated that Shri P.C. Pande, the then CP, Ahmedabad City had strongly opposed the Govt. decision for the transportation of

dead bodies of Godhra victims to Ahmedabad as the same was likely to lead to serious communal riots in Ahmedabad City and these views were supported by Shri K. Chakravarthi, the then DGP. According to Shri Sanjiv Bhatt, Shri Chakravarthi had conveyed to CM that the available resources of Gujarat Police were over stretched to cope with the Law & order situation that was likely to arise in the wake of bandh call given by the VHP on the next day and had expressed his inability to supplement the manpower resources of CP, Ahmedabad City. Shri Sanjiv Bhatt has stated that as per his recollection, there was no meaningful contribution from Shri K. Nityanandam, the then Secretary (Home), Shri Ashok Narayan, the then ACS (Home) and Smt. Swarna Kanta Varma, the then acting Chief Secretary. Shri Sanjiv Bhatt has further stated that DGP and CP, Ahmedabad City tried to impress upon the Chief Minister that the bandh call given by VHP on 28-02-2002, which was supported by the ruling party BJP was not a good idea, as far as the Law & order situation of the State was concerned but the Chief Minister did not seem to be convinced by their arguments and stated that the incident like burning of kar-sevaks at Godhra could not be tolerated. As claimed by Shri Bhatt, CM impressed upon the gathering as below:-

"that for too long the Gujarat Police had been following the principle of balancing the actions against the Hindus and Muslims while dealing with the communal riots in Gujarat. This time the situation warranted that the Muslims be taught a lesson to ensure that such incidents do not recur ever again. The Chief Minister Shri Narendra Modi expressed the view that the emotions were running very high amongst the Hindus and it was imperative that they be allowed to vent out their anger".

According to Shri Sanjiv Bhatt, no minutes of the meeting were prepared by him or DGP, but he had no knowledge as to whether any minutes were kept by CM's office or Home

Department. He also claimed of making a mention of the said meeting in his movement diary for February, 2002. Shri Sanjiv Bhatt has further claimed that he expressed his opinion against the decision of BJP to support the bandh call given by VHP and also the decision of the administration to bring the dead bodies of the victims from Godhra to Ahmedabad City. He also stated that he expressed a view that the taking out of the funeral procession of the victims in the respective areas would lead to major communal violence in Ahmedabad City and other communally sensitive areas across the State.

Shri Sanjiv Bhatt stated that he took leave thereafter from Shri K. Chakravarthi, the then DGP, and returned to State IB office in order to send alert messages and instructions to the concerned police/intelligence units. Subsequent to the aforesaid meeting at CM's residence, Shri Bhatt has claimed to have issued several messages to the Police units as well as the field units of the IB with respect to the developing situation including the possibility of wide spread communal violence during the Gujarat bandh and wherein, he reiterated to different CsP and SsP to take all possible measures to prevent untoward incidents in their respective jurisdiction. He has denied to have contacted Shri G.C. Raiger over phone in the night of 27-02-2002 and has stated that he briefed Shri Raiger about the said meeting and the deliberations that had taken place, when he had attended office on the next day, i.e. 28-02-2002 morning, at about 1000 hrs. He has further claimed that the details of the discussions held during the said meeting were not mentioned in any of the official correspondence/reports as he had attended the said meeting in the capacity of an Intelligence Officer. Further, Shri Sanjiv Bhatt has claimed that the reports had started coming in the office of the State IB regarding the preparations made by the cadres of Sangh Parivar to carry out strict enforcement of the bandh call given by them on 28-02-2002, and that same should be available in the records of State IB. Sanjiv Bhatt has also claimed to have attended the second meeting at CM's residence on 28-02-2002 at

about 1030 hrs along with Shri G.C. Raiger, the then Addl. DG (Int.), in which the deployment of manpower during the Gujarat bandh was discussed to monitor the developing situation and that this meeting was also attended by Shri K. Chakravarthi, the then DGP, Shri Anil Mukim, the then Addl. PS to CM, Late Ashok Bhatt, the then Health Minister and Shri I.K. Jadeja, the then Urban Development Minister. Shri Bhatt has further stated that on the conclusion of the said meeting, the Chief Minister had instructed DGP that Late Ashok Bhatt and Shri I.K. Jadeja would be assisting the police in monitoring the situation and that all necessary assistance must be rendered to the Ministers. Shri Sanjiv Bhatt has also stated that CM had not specifically instructed as to how the Ministers would assist the police. Further, according to Shri Sanjiv Bhatt, the issue relating to the requisitioning of the Army was also discussed on the basis of the suggestions given by DGP and Addl. DG (Int.), but the Chief Minister seemed to be reluctant and was of the view that they should wait and watch, as to how the situation developed and not rush for the requisitioning of Army.

According to Shri Bhatt, he returned to the Police Bhavan and went to his chamber on the second floor, but shortly thereafter went to DGP's chamber around 1100 hrs to obtain his signature for requisitioning additional forces and found Late Ashok Bhatt and Shri I.K. Jadeja seated in his chamber, where everyone took tea. Shri Sanjiv Bhatt has further stated that sometime later, he visited State Control Room on the first floor of Police Bhavan to collect some documents and saw Shri I.K. Jadeja and his staff members occupying the chamber of Dy.SP, Control Room. Finding this arrangement to be little odd and inconvenient, with the permission of the DGP, he shifted Shri Jadeja and his staff to the chamber of Shri P.C. Thakur, the then IGP, who was on leave. Later during the day, Shri Sanjiv Bhatt came to know that Shri Jadeja had left the Police Bhavan. However, as per Shri Sanjiv Bhatt, Shri Jadeja did not interfere with the working of State Police Control Room on 28-02-2002, or thereafter. Shri Sanjiv Bhatt has also claimed that

he came to know from his staff later that Late Ashok Bhatt was stationed in Ahmedabad City Police Control Room on 28-02-2002.

On being questioned, as to whether deliberations in CM's meeting or the developments in the Control Rooms were mentioned by him in any of the reports submitted to the senior officers at any stage, Shri Sanjiv Bhatt has claimed that he had attended the said meeting along with the DGP and Addl. DG (Int.) as a Staff Officer and as such there was no necessity to submit any report to them. Shri Sanjiv Bhatt has claimed to have received information about a mob attack on Gulberg Society around 1130 hrs on 28-02-2002, and he had deputed PI Shri Bharwad of Ahmedabad Regional Office located in Meghaninagar to go to Gulberg Society, to report on the developing situation and inform the State IB. According to Shri Bhatt, he had conveyed these developments to DGP and Addl. DG (Int.) personally. In view of the fact that Late Ahesan Jafri, Ex-MP was residing in the Gulberg Society, he (Sanjiv Bhatt) claimed to have telephonically conveyed the details about the developing situation to the Chief Minister directly. However, he does not recollect, as to whether he had spoken to the Chief Minister over landline or over the mobile phone of Shri O.P. Singh, PA to CM.

Shri Sanjiv Bhatt has claimed to have attended another meeting at CM's residence on 28.02.2002 afternoon for the assessment of the ongoing situation, which was attended to by ACS (Home), DGP, Addl. DG (Int.), and Secretary (Home), in which the Chief Minister had agreed to send a formal requisition to Govt. of India for deployment of Army. He has claimed that he briefed the Chief Minister about the ongoing developments at Gulberg Society and also about the threat to the life of Late Ahesan Jafri and other residents of the Gulberg Society. Shri Sanjiv Bhatt has gone to the extent of claiming that the Chief Minister took him aside after the meeting and informed him that he had learnt that Late Ahesan Jafri had opened fire on Hindus during earlier communal riots. According to Shri Sanjiv Bhatt, the Chief

Minister asked him to dig out all the facts pertaining to earlier instances, wherein Late Ahesan Jafri had opened fire during the past communal riots. Shri Bhatt claimed that he conveyed these facts to Shri G.C. Raiger, the then Addl. DG (Int.). However, Shri Bhatt has stated that he could not check/collect this information as he remained busy with certain urgent matters connected with the riots. Shri Sanjiv Bhatt has denied that he submitted any report in this regard to his department and claimed that he had attended this meeting as a Staff Officer to the DGP or Addl. DG (Int.).

On being questioned, as to why did he not appear as a witness in response to a public notice issued by SIT on 11-03-2008, he claimed that he did not disclose the same to anyone, as it would not have been appropriate on his part to divulge any information that he was privy to as an Intelligence Officer unless he was under a legal obligation to do so. He has also stated that he did not file any affidavit or appeared before any commission or body enquiring into the communal riots of 2002, because he was not asked by the Govt. of Gujarat, DGP or Addl. DG (Int.) to do so. However, he denied knowledge as to whether the so called instructions given by the Chief Minister were passed on to the field units by any of the officers, who had attended the meeting on 27-02-2002.

Shri Sanjiv Bhatt, on his own and without being summoned came to the office of the SIT on 25-03-2011, i.e. two days after the recording of his statement, along with one constable named Shri K.D. Panth and requested that his (Bhatt's) further statement should be recorded by SIT. In his further statement, Shri Sanjiv Bhatt mentioned the names of two Assistant Intelligence Officers (AIOs) namely, Shri Shallesh Raval and Shri K.D. Panth, who used to accompany him to most of the meetings. He has further stated that subsequent to the recording of his statement by SIT, he has now been able to recollect that Shri K.D. Panth had followed him to CM's residence with the files in his staff car from DGP's office, whereas he had accompanied DGP Shri K. Chakravarthi in

the latter's staff car. He has also stated that Shri K.D. Panth returned with him in his car to Police Bhavan and remained in the office till late in the night and attended to urgent official work. Shri Sanjiv Bhatt also informed that then Shri Tarachand Yadav, was his driver who is presently attached to Shri V.K. Mall, Joint Director, Gujarat Police Academy, Karai, Gandhinagar. Shri Sanjiv Bhatt also disclosed that as DCI (Security), he was using the Govt. mobile phone no. 98250 49398.

During the course of further investigation conducted by the SIT, seven senior administrative and police officers namely, Shri Ashok Narayan, the then ACS (Home), Shri P.K. Mishra, the then Principal Secretary to CM, Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri Anil Mukim, the then Addl. PS to CM, Shri K. Nityanandam, the then Secretary (Home) and Shri Prakash S. Shah, the then Addl. Secretary (L&O), who had been earlier examined during 2009-10 have categorically stated that Shri Sanjiv Bhatt, the then DCI (Security) was not present in the said meeting held at CM's residence on 27-02-2002 night, which has not been disputed by anyone whereas the presence of Shri Sanjiv Bhatt has been denied by all of them. They have also confirmed that no Minister/Politician were present in the said meeting.

Smt. Swarna Kanta Varma, being ACS (Health & Family Deptt.) and the then acting Chief Secretary was never posted in the Home Department and therefore, she did not know Shri Sanjiv Bhatt, the then DCI (Security). On being shown the photograph of Shri Sanjiv Bhatt, she has stated that she can not recollect having ever met or seen him in any meeting. According to Smt. Swarna Kanta Varma, the Chief Minister had stated in the said meeting that incident in Godhra was very unfortunate and it should be dealt with a heavy hand. She also does not recollect having seen any Cabinet Minister in the said meeting. All the participants of the meeting held on 27-02-2002 night, have denied that CM had uttered any words on the lines that Gujarat Police had been

following the principle of balancing the actions against the Hindus and Muslims, while dealing with the communal riots in Gujarat and that the situation warranted that Muslims be taught a lesson to ensure that such incident do not recur ever again and that the emotions were running very high amongst the Hindus and they be allowed to vent their anger.

There is unanimity amongst all the participants of the said meeting that no Minister/politician was present in the meeting. Shri Bhatt has claimed that Shri P.C. Pande, the then CP, Ahmedabad City had strongly opposed the Government's decision regarding transportation of the dead bodies to Ahmedabad City as the same was likely to lead to communal riots and that his views were allegedly supported by Shri K. Chakravarthi, the then DGP. His version stands contradicted by Shri P.C. Pande, the then CP, Ahmedabad City, who had stated that the sum and the substance of the meeting was that the dead bodies were being brought to Ahmedabad City with a view to facilitate the relatives of the deceased to identify and claim the same.

Shri K. Chakravarthi, the then DGP has clearly stated that the decision of the Govt. to bring the dead bodies of Godhra victims at Ahmedabad City, was not opposed by anyone on the ground that a large number of victims belonged to Ahmedabad and nearby places, which were easily approachable from Ahmedabad. This would go to show that Shri Sanjiv Bhatt was giving an imaginary account of the deliberations of the meeting and did not know as to what exactly transpired there. Further, it has been contended by Shri Sanjiv Bhatt that both DGP and CP, Ahmedabad City had tried to impress upon the Chief Minister that the bandh call given by the VHP on 28-02-2002, which was supported by the ruling party BJP was not a good idea as far as the Law & order situation of the State was concerned and that the Chief Minister was not convinced by their arguments. In this regard, Shri K. Chakravarthi, the then DGP has stated that in the night of 27-02-2002, he did not know that the bandh call given by

the VHP was supported by the ruling party BJP and as such there was no question of any such opposition by him. Shri P.C. Pande has also stated that on 27-02-2002, he did not know that the bandh was supported by the BJP and came to know about it only on 28-02-2002, through newspaper reports. All the participants of the meeting have stated that the Chief Minister had expressed the apprehension that the Godhra incident was very serious and bound to affect the public at large, as a result of which there could be repercussions and therefore, adequate bandobast was needed to avoid any untoward incident.

Shri Sanjiv Bhatt has claimed that he mentioned the fact of having attended the said meeting on 27-02-2002 night in his movement diary. However, the State IB has reported that no such diary was being submitted by Shri Sanjiv Bhatt. Shri G.C. Raiger, the then Addl. DG (Int.) has stated that there was no such system of submitting any monthly movement diary by DCI and that Shri Sanjiv Bhatt had never submitted any such diary. The claim of Shri Sanjiv Bhatt that he had opposed the bringing of dead bodies to Ahmedabad from Godhra, is belied from the fact that all the participants of the said meeting have categorically stated that Shri Sanjiv Bhatt did not attend the said meeting.

It is a fact that Shri Sanjiv Bhatt did send four wireless messages on 27-02-2002 to all the jurisdictional officers to take all precautionary measures to prevent communal riots as Godhra incident was likely to have State wide repercussions. These wireless messages were sent by him as DCI (Communal) as Shri P.B. Upadhyay, the then DCI (Communal) was on casual leave on that day i.e 27-02-2002. However, he (Shri P.B. Upadhyay) had resumed duty in the evening. Significantly, on 28-02-2002, all the concerned wireless messages were sent by Shri P.B. Upadhyay, the then DCI (Communal), who was dealing with the subject. Shri Sanjiv Bhatt as DCI (Security) had also sent a fax message on 28-02-2002, to Home Secretary, Gandhinagar with information to PS to CM, PS to MoS (Home), DGP and Commissioner of Police,

Ahmedabad City, in which he had intimated about a Hindu mob attack on Gulberg Society resulting into death of at least 18 persons including Late Ahesan Jafri, Ex-MP and its family members and the attack was continuing. Shri Bhatt had expressed his apprehension that this incident could have State wide ramifications. Though no time had been mentioned on this message, yet it appears that this fax message was sent only after the killings had taken place and the Gulberg Society had been set on fire. In all probability this message had been sent on the basis of the fax message sent by PI C.J. Bharwad, the then PI, Ahmedabad City Regional State IB office at 1700 hrs.

Shri Sanjiv Bhatt has further contended that in view of the fact that Late Ahesan Jafri, Ex-MP was residing in Gulberg Society, he had telephonically conveyed the details directly to the Chief Minister either on landline or on the mobile phone of Shri O.P. Singh, PA to CM. However, he has not been able to specify on which telephone he rang up the Chief Minister. Shri O.P. Singh has denied that he received any call from Shri Sanjiv Bhatt. The call details of Gandhinagar tower are not available with the SIT as the same had not been requisitioned by Shri Rahul Sharma, the then SP, during investigation of the riot cases. Notably there is no practice in Gujarat of SP level officers speaking directly to CM over phone.

Shri C.J. Bharwad, the then PI, State IB, Ahmedabad Region has stated that on 28-02-2002, he was posted in State IB, Ahmedabad City region and on the basis of information collected by him during the riots, he had gone to Gulberg Society, Meghaninagar of his own and passed on the various information reports collected by him to State IB Control Room. He has further stated that around 1215 hrs on 28-02-2002, he had sent a message to State IB Control Room that since Muslims reside in Gulberg Society in Meghaninagar area, a strict watch should be kept there. He has contradicted the statement made by Shri Sanjiv Bhatt, the then DCI (Security), and has denied to have any

telephonic discussions with him about the situation in Gulberg Society in as much as the subject concerned the "Communal" Desk of IB being looked after by Shri P.B. Upadhyay, the then DCI (Communal). He has further stated to have passed on a message at 1450 hrs on 28-02-2002, that a mob of 3000 rioters had surrounded Gulberg Society. On 28-02-2002 itself, he had passed on another message at 1700 hrs that a mob of 5000 rioters had surrounded and set fire to the Gulberg Society, in which several persons including Late Ahesan Jafri, Ex-MP had been burnt alive and that police deployment was required. The version of Shri Bharwad belies the testimony of Shri Sanjiv Bhatt, the then DCI (Security), who has claimed that he had given directions to Shri Bharwad to go to the Gulberg Society and give the latest updates and that Shri Bharwad was in constant touch with him.

Investigation further revealed that the headquarters of State Intelligence Bureau is located at Gandhinagar and is headed by an Addl. DG, assisted by IGP (Security), DIG (Political & Communal) and three Deputy Commissioners of Intelligence and other officers and supporting staff. Besides State IB, there are intelligence units headed by Inspectors/Dy.SsP working independently in the Districts. The State IB has been entrusted with the duties of collection of intelligence in respect of maintenance of Law & order including communal intelligence in Gujarat State. In brief, the functions of the State IB relate to collection and collation of information regarding political, industrial and other similar developments in the State, verification of antecedents, protection and security of the VIP's, watch over anti-national activities, movements of foreigners and all other matters pertaining to the internal security, collection of intelligence regarding all types of communal activities and to keep the Govt. informed of all these activities from time to time.

In February, 2002, Shri G.C. Raiger was posted as Addl. DG (Int.) and was assisted by Shri O.P. Mathur, IGP (Security &

Admn.). In addition, there was another post of IGP (Political & Communal), which was lying vacant due to the death of Shri S.Kumar in January, 2002. There were three SP rank officers out of which, Shri Sanjiv Bhatt was posted as DCI (Security), Shri P.B. Upadhyay as DCI (Political & Communal) and the third post was DCI (Admn.) which was lying vacant. It has further come to light that Shri G.C. Raiger was on casual leave from 26-02-2002 to 28-02-2002 and was away to Rajasthan, but returned on 27-02-2002 evening. Shri P.B. Upadhyay, -the then DCI (Communal) was on leave from 26-02-2002 onwards to arrange for sacred thread ceremony of his grand son fixed for 01-03-2002. However, Shri O.P. Mathur, IGP had called him up on 27-02-2002 afternoon, informed him about the Godhra incident and instructed to resume duties immediately. Accordingly, Shri Upadhyay had resumed duties on 27-02-2002 evening. However in his absence during the day, his work was being looked after by Shri Sanjiv Bhatt, who was the only other SP rank officer in the State IB.

Shri G.C. Raiger has stated that on his return to Ahmedabad on 27-02-2002, he had come to know about the Godhra incident and had telephonically informed DGP Shri K. Chakravarthi on 27-02-2002 evening that he would cut short his leave and come to Gandhinagar, if necessary, to which the DGP asked him to join on 28-02-2002. Shri Raiger has denied having been informed by the DGP about the meeting called at CM's residence on 27-02-2002 late in the night. Shri Raiger denied having received any information about the meeting from either the State IB Control Room, State Control Room or even Shri Sanjiv Bhatt, the then DCI (Security). Shri O.P. Mathur has also denied that he received any such information about a meeting called at CM's residence on 27-02-2002 night. Shri P.B. Upadhyay, the then DCI (Communal), who had resumed the duties on 27-02-2002 evening, and used to look after Communal and Political section and was the concerned officer to be associated with the said meeting, was also not informed about it.

Shri K. Chakravarthi, the then DGP has stated that he had gone to studios of Door-Darshan, Ahmedabad City on 27-02-2002 late in the evening, for the telecast of an appeal to the general public to maintain communal harmony and peace, when he received a message from State Control Room that CM had called for a meeting at his residence at Gandhinagar around 2230 hrs. Shri Chakravarthi has stated that he straight away went to CM's residence at Gandhinagar and reached there a little earlier and waited as CM had not arrived from Godhra by that time. According to Shri Chakravarthi, Smt. Swarna Kanta Varma, the then acting CS, Shri Ashok Narayan, the then ACS (Home), Shri P.C. Pande, the then CP, Ahmedabad City and Shri K. Nityanandam, the then Secretary (Home) arrived only subsequently. Shri Chakravarthi has categorically denied having given any instructions to Shri Sanjiv Bhatt, the then DCI (Security) to attend the aforesaid meeting. He has further stated that Shri Sanjiv Bhatt did not accompany him to CM's residence in his car from DG's office, as he (DGP) did not visit office at that time. He has also stated that in case Shri Raiger was available at Ahmedabad, he would have given instructions to State Control Room to call him. According to Shri Chakravarthi even otherwise, Shri O.P. Mathur, the then IGP (Admn. & Sec.) was available and Shri Upadhyay resumed his duties in the evening, who could have been called to attend the meeting rather than asking Shri Sanjiv Bhatt, a junior officer of SP level to attend the said meeting.

Shri Sanjiv Bhatt, the then DCI (Security) has named two AIOs namely Shri K.D. Panth and Shri Shailesh Raval, who used to accompany him to such meetings along with the files. After Shri Sanjiv Bhatt's further statement was recorded at his own request on 25-03-2011, he insisted that Shri K.D. Panth, who was accompanying him and was waiting outside, should also be examined. He stressed that Shri Panth should be examined in his presence. However, Shri Bhatt was informed that Shri K.D. Panth would be called on a date convenient to the IO and examined.

Accordingly, Shri Panth was informed on 04-04-2011, to attend SIT office on 05-04-2011, for his examination.

Shri K.D. Panth in his examination has stated that he was on casual leave on 27-02-2002 and does not recollect as to whether he had resumed duties or not on that day. Further, he has denied that he followed Shri Sanjiv Bhatt, the then DCI (Security) to CM's residence on 27-02-2002 night. However, he has stated that Shri Sanjiv Bhatt had called him to his residence on 24-03-2011 night and informed that he was going to make a statement before the SIT that he (K.D. Panth) had gone to attend a meeting at CM's residence on 27-02-2002 night, and that he had been called at State IB office and to be ready with the files for the said meeting. Shri Sanjiv Bhatt further informed Shri Panth that he should accompany him to SIT office on 25-03-2011, and make a statement about the said meeting.

During his examination, Shri Panth further stated that he has contacted Shri Sanjiv Bhatt over his landline telephone no. 27455117 from mobile no. 8140657775 (belonging to one of his friends) after he was called by SIT for examination on 05-04-2011. Shri Sanjiv Bhatt called him at his residence on 04-04-2011 at 2030 hrs. At his residence, Shri Sanjiv Bhatt informed Shri Panth that he has made a statement to the SIT that he had accompanied DGP Shri K. Chakravarthi in his official car to CM's office from DGP's office on 27-02-2002 night and that he (Shri Panth) had followed him in his (Shri Sanjiv Bhatt's) staff car along with the files. Shri Sanjiv Bhatt asked Shri Panth to make a statement accordingly.

This conduct of Shri Sanjiv Bhatt in arranging, prompting and controlling the witness to corroborate his statement is highly suspicious and undesirable. Shri Sanjiv Bhatt also contacted Shri Shailesh Raval on 28-03-2011/ 29-03-2011, over mobile phone no. 9825688223 of one Shri N.J. Chauhan, a clerk in CM's Security and informed him that he would be called by SIT for his examination. Shri Sanjiv Bhatt also asked Shri Shailesh Raval that

he had worked with him in Security Branch for a long time and was aware that he (Sanjiv Bhatt) used to attend meetings, to which Shri Raval reacted by saying that he had accompanied him in Border Security Nodal Committee meetings, which used to deal with the Border Security only. Shri Raval also informed Shri Sanjiv Bhatt that he never worked in the Communal Branch and was not aware anything about it. Shri Sanjiv Bhatt thereafter disconnected the phone. Shri Shailesh Raval, PI later sent a complaint in writing to the Chairman, SIT that he feared reprisal from Shri Sanjiv Bhatt as he had refused to support the false claims of Shri Bhatt. This is yet another attempt on the part of Shri Sanjiv Bhatt to tutor a witness to depose in a particular manner so as to support the statement made by him, which further makes his claim of having attended the meeting at CM's residence on 27-02-2002, false.

Shri Tarachand B. Yadav, driver constable in SRP Group-XII, who had been dismissed from service on the charge of getting employment in Gujarat Police on the basis of false and forged certificate, has stated that he used to drive the staff car allotted to Shri Sanjiv Bhatt, the then DCI (Security) during February-March, 2002. However, he does not remember the registration number of the staff car. Shri Yadav could not give the name of Personal Security Officer of Shri Sanjiv Bhatt, the then DCI (Security). However, he has stated that he recollects that Shri Sanjiv Bhatt, the then DCI (Security) had gone to CM's residence in a three star car with either DGP or some ADGP from Police Bhavan and that he had followed him in his staff car, in which Shri K.D. Panth, the then AIO, State IB sat with some files. He has also stated that Shri Sanjiv Bhatt, the then DCI (Security) returned after about 25 minutes and he took him to Police Bhavan, where he worked till midnight i.e. 0030 hrs and then drove him back to his residence at Ahmedabad. Shri Yadav could not say as to whether Shri Sanjiv Bhatt, the then DCI (Security) accompanied DGP or some ADGP rank officer. He has denied knowledge, as to whether Shri Sanjiv Bhatt went inside CM's office to attend the meeting or not, as he was waiting outside. He has also stated that on 28-02-2002, Shri

Sanjiv Bhatt reached Police Bhavan at about 0900 hrs and worked in his office and did not go out to attend any meeting at CM's house. On 28-02-2002, he has stated that he started from Gandhinagar in the evening and dropped Shri Sanjiv Bhatt at his residence at about 1900 hrs. However, he could not recollect the details of the various events of 1st, 2nd & 3rd March, 2002 due to passage of time.

The version of Shri Tarachand B. Yadav is unreliable due to his background. He has been dismissed from service due to his own misconduct. Moreover, he has admitted to have gone to the residence of Shri Sanjiv Bhatt, the then DCI (Security) on 17-04-2011 afternoon, for getting a briefing before making a statement in SIT. The call details of his mobile phone clearly show that he was in touch with Shri Sanjiv Bhatt, the then DCI (Security) during April, 2011. Even when he was being interrogated in SIT office, Shri Sanjiv Bhatt was repeatedly contacting him over his mobile phone, to which he was not allowed to respond. In addition, the version of Shri Tarachand Yadav about the movements of Shri Sanjiv Bhatt on 28-02-2002, are proved to be false in as much as Shri Sanjiv Bhatt did not come to Gandhinagar at 0900 hrs, as the call detail records of his official mobile phone show his location at Ahmedabad City till 1057 hrs. Significantly, Shri K.D. Panth, the then AIO, State, IB, in his examination by SIT has denied that he (Panth) had accompanied Shri Sanjiv Bhatt to CM's residence on 27-02-2002. Shri Tarachand Yadav further contradicts the version of Shri Sanjiv Bhatt, who claims to have attended a meeting on 28-02-2002 at 1030 hrs, at CM's residence. The overall impression left after his examination is that Shri Sanjiv Bhatt has introduced him as a false witness with a view to corroborate his own version about having attended a meeting at CM's residence on 27-02-2002 night, whereas in fact Shri Tarachand Yadav does not recollect anything about the events of 27-02-2002 onwards. Moreover, he is a motivated witness, who has got an axe to grind against the Govt. on account of his dismissal from service. In view of this no reliance can be placed upon his evidence.

During further investigation, PSOs of the then DGP Shri K. Chakravarthi were examined. PSI Dilip Jivaram Ahir and Head Constable Dharampal Jagaram Yadav stated that they had never seen Shri Sanjiv Bhatt sitting in the vehicle along with DGP.

Shri G.C. Raiger, the then Addl. DG (Int.) has stated that Shri Sanjiv Bhatt was never posted as Staff Officer to Addl. DG (Int.), because there is no post like that in the State IB. Further, Shri Sanjiv Bhatt could not have been a Staff Officer to the DGP, as Late V.S. Shinde, Dy.SP was posted as Staff Officer to the DGP. Shri Raiger has further stated that Shri Sanjiv Bhatt used to accompany him in the meetings called by the Chief Minister sometime, but was normally made to wait outside with the relevant files/information and did not join the meetings. Shri Raiger was unable to recollect any meeting called by the Chief Minister, which Shri Sanjiv Bhatt attended along with him. Shri Raiger has further stated that on 28-02-2002, he did come to know about the meeting called by the Chief Minister at his residence on 27-02-2002, but Shri Sanjiv Bhatt did not inform him of having attended the said meeting and also about its agenda or the matters discussed in the said meeting.

Shri R. B. Sreekumar formerly ADGP Intelligence, in his interview given to the Star Hindi News Channel at 12.35 hrs on 22.04.2011 has stated that Shri Sanjiv Bhatt, DCI (Security) had never informed him about having attended a meeting at CM's residence on 27.02.2002. He has further stated that at the time of filing an affidavit before Nanavati Shah Inquiry Commission, he had asked all the officers of State IB to provide him with the relevant information and documents in respect of Godhra riots but Shri Sanjiv Bhatt did not give him any information about the said meeting. According to Shri Sreekumar, Shri Sanjiv Bhatt was handling security portfolio and communal portfolio was being looked after by another officer. Shri Sreekumar has also stated in the interview that it was a normal procedure that if a junior officer had attended a meeting on behalf of senior, he was required to

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submit a report to his superior and that Shri G. C. Raigar, the then ADGP (Int.) should be asked about it. As already stated above, Shri Raigar has denied having received any information/report from Shri Sanjiv Bhatt in this regard.

The call detail records of the Govt. mobile phone no. 9825049398 allotted to Shri Sanjiv Bhatt show that on 27-02-2002, Shri Sanjiv Bhatt remained at Ahmedabad till about 1120 hrs and returned to Ahmedabad at 1925 hrs. He attended to various calls till 2040 hrs and thereafter, there is no record of any calls made or received by him. Further, on 28-02-2002, he remained at Ahmedabad till 1057 hrs and then returned to Ahmedabad at 2056 hrs. The claim of Shri Sanjiv Bhatt that he had attended a meeting at CM's residence on 28-02-2002, at 1030 hrs is therefore proved to be false and incorrect. CM's residence is at Gandhinagar, more than 25 KMs from Ahmedabad, and normally takes 30 to 45 minutes to reach there. His further claim that he had seen Late Ashok Bhatt and Shri I.K. Jadeja, the then Ministers in the DGP's office at about 1100 hrs on 28-02-2002, is also belied from the call detail records in as much as the location of the mobile phone of Shri Sanjiv Bhatt was at Prerna Tower, Vastrapur -1, Ahmedabad, which happened to be at a distance of 1.5 Kms approximately from his residence and Shri Bhatt could not have reached Police Bhavan, Gandhinagar before 1130 hrs by any stretch of imagination. Further, both Shri K. Chakravarthi, the then DGP and Shri G.C. Raiger, the then Addl. DG (Int.) do not recollect having attended any meeting at CM's residence at about 1030 hrs on 28-02-2002.

Shri Ashok Narayan, the then ACS (Home) has stated that a meeting was held by the Chief Minister in the morning of 28-02-2002, which was attended by acting Chief Secretary, DGP and Addl. DG (Int.) and the matter relating to the calling of Army was also discussed, but no decision was taken and it was decided to watch the situation. He has categorically denied that Late Ashok Bhatt and Shri I.K. Jadeja, Ministers had attended the said

meeting. The claim of Shri Sanjiv Bhatt that he had attended the said meeting at 1030 hrs at CM's residence is proved to be false from the location of his mobile phone, which was at Prerna Tower, Vastrapur-I, Ahmedabad City at 10:57:43 hrs. Moreover, his contention that the aforesaid two Ministers were present in the said meeting is proved to be false from the statement of Shri Ashok Narayan, the then ACS (Home), categorically stated that they were not present in the said meeting. His subsequent conduct of getting his statement corroborated by way of introduction of two police personnel would also go to show that he is trying to introduce himself into the meeting. As regards the alleged utterances made by the Chief Minister in the meeting called on 27-02-2002 night at his residence, it may be mentioned here that Shri R.B. Sreekumar, the then Addl. DG (Int.) had claimed that Shri K. Chakravarthi, the then DGP had informed him on 28-02-2002 that the Chief Minister had allegedly said in the meeting that "*KOMI HULLADO MA TAME POLICE BARABARI KAROCHO. TAME BE HINDU NE PAKDO TO TAME BE MUSALMANO NE PAN PAKDO CHO. HAVE EM NAHI CHALE. HINDUONO GUSSO UTTARWADO.*" (*In communal riots police takes action against Hindus and Muslims on one to one basis. This will not do now- allow Hindus to give vent to their anger.*) Shri Chakravarthi has denied that he held any such talks with Shri R.B. Sreekumar. Even otherwise, the version of Shri R.B. Sreekumar becomes hearsay and inadmissible in view of denial of Shri K. Chakravarthi.

However, on the other hand Shri Sanjiv Bhatt, who insists that he was in the said meeting, has stated "*that the Chief Minister had said that for too long the Gujarat Police had been following the principle of balancing the actions against the Hindus and Muslims while dealing with the communal riots in Gujarat. This time the situation warranted that the Muslims be taught a lesson to ensure that such incidents do not recur ever again. The Chief Minister Shri Narendra Modi expressed the view that the emotions were running very high amongst the Hindus and it was imperative that they be allowed to vent out their anger*". Assuming for the time being that

the Chief Minister did make some utterances, there is a material difference between the two versions in as much as Shri Sanjiv Bhatt has tried to improve his version by way of addition that this time the situation warranted, that the Muslims be taught a lesson to ensure that such incidents do not recur ever again. Since the version of Shri R.B. Sreekumar is on hearsay basis and the testimony of Shri Sanjiv Bhatt does not have any corroboration, no reliance can be placed on either of them.

Shri Sanjiv Bhatt has not been able to give any satisfactory explanation that when he was in possession of plethora of information and was an eyewitness to some of the important events, then why did he not file an affidavit before Nanavati Commission and also did not appear as a witness in response to the Govt. circular before any legal authority. He does not explain as to why he did not respond to a public notice issued by SIT on 11-04-2008. His silence for a period of more than nine years without any proper explanation appears to be callous and gives an impression that he is trying to manipulate the things to his personal advantage to settle his service matters.

During the course of further investigation a complaint was received from Shri Dharmesh P. Shukla, an accused in I CR No. 67/2002 of Meghaninagar P.S. (Gulberg Society Case), who is facing trial, in which he contended that there was no justification to record the statement of Shri Sanjiv Bhatt on account of the following reasons:-

- i. Shri Sanjiv Bhatt, IPS is known to be a police officer with a dubious character facing several criminal cases of serious nature and whenever he wants a favour from the Govt., he creates a situation whereby the Govt. is compelled to help him.
- ii. Shri Sanjiv Bhatt, who had not even whispered about any such meeting in the past contemporaneously, surprisingly came out with a new theory that he was a part of the meeting.

iii. That a sudden taking up a position by Shri Sanjiv Bhatt after nine years of silence and his insistence to record his statement only after an offence is registered, is at the behest of some vested interest.

iv. It is a matter known to almost everyone in Gujarat that Shri Sanjiv Bhatt is known to be an officer pressuring everyone to get illegal favour.

Since the allegations levelled by the complainant were serious, a communication was sent to the Govt. to make available the details of all complaints / pending inquiries / prosecutions / departmental proceedings etc. against Shri Sanjiv Bhatt. A detailed reply has been received from the Govt. of Gujarat, which shows that Shri Sanjiv Bhatt has faced a number of departmental inquiries and he was granted three promotions of Junior Administrative Grade, Selection Grade and DIG Grade on one day i.e. 21-09-2007, after dropping of three departmental inquiries pending against him vide orders dated 06-08-2005, 03-09-2005 & 24-07-2006. Shri Sanjiv Bhatt, who is eligible for the IGP grade has not been promoted because of the departmental inquiries and criminal cases pending against him. A chargesheet served upon him on 29-12-2010, for irregularities in police recruitment under his Chairmanship as SP, Banaskantha is still pending.

While handling a law and order situation during his posting as ASP Jamnagar in the year 1990, Shri Sanjiv Bhatt committed atrocities on peaceful and innocent villagers belonging to a particular community at a place called Jam Jodhpur. In the beatings by police, one person was killed. The victims included a pregnant woman, two assistant engineers of Irrigation department and one Circle officer of Revenue Department. Shri Bhatt applied provisions of draconian law TADA against the innocent persons and arrested 140 individuals under this Act. Due to public pressure, the Government got an inquiry conducted by a retired Judicial Officer into the incident and Shri Bhatt was found guilty of (a) misuse of TADA (b) police atrocities and (c) unnecessary

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imposition of curfew for 70 hrs leading to hardship and harassment to the people.

The Criminal case of death of a person due to police atrocities in the incident was investigated by State CID (Crime) against Shri Sanjiv Bhatt and others. After completion of investigation, the IO sought prosecution sanction from the Government u/s 197 Cr.PC, which was declined and therefore, a closure report was filed in the competent court. However, the Court rejected the closure report on 20.12.1995 and took the cognizance. The State Government filed a Criminal Revision Application in the Sessions Court, which was rejected.

The case u/s 302, 323, 506(1), 114 of IPC has now been committed to Sessions Court, Jamnagar and is presently pending with the Fast Track Court, Khambhalia for framing of charges against Shri Sanjiv Bhatt and others.

Significantly, Gujarat High Court awarded a compensation of Rs. 1,50,000/- to the victim who had died due to police atrocities in the above case.

Another criminal complaint was filed against Shri Sanjiv Bhatt, while he was posted as SP, Banaskantha District in 1996 by Shri Sumersingh Rajpurohit, an Advocate practising at Pali, Rajasthan and a criminal case was registered against Shri Sanjiv Bhatt & others vide FIR No. 403/96 dtd. 18-11-1996 u/s 120B, 195, 196, 342, 347, 357, 365, 388, 458, 482 IPC and Sec. 58 (1) & 58 (2) of NDPS Act. On completion of the investigation, the chargesheet was filed against Shri Sanjiv Bhatt & others u/s 114, 120B, 323, 342, 348, 357, 365, 368, 388, 452, 201 & 482 IPC and Sec. 9, 17, 18, 29, 58 (1) & 58 (2) r/w Sec. 37 of NDPS Act in the court of Spl. Judge, NDPS Act, Jodhpur, Rajasthan. The allegations in brief are that the complainant Advocate was occupying a property as a tenant in Pali (Rajasthan), which was owned by a lady, who happened to be a sister of Shri R.R. Jain, a sitting Judge of Gujarat High Court. As per the said criminal

complaint Shri Sanjiv Bhatt and his subordinate police officers allegedly planted 1 ½ kg of Narcotic drug in one room in a hotel at Palanpur, Gujarat, which was shown as occupied by the said complainant, though he was at Pali (Rajasthan) at that time. The said Advocate was abducted at midnight on the instructions of Shri Sanjiv Bhatt by his subordinate police officers of Gujarat police, who went from Palanpur, Gujarat to Pali (Rajasthan) to abduct him. The said Advocate was brought to Palanpur, Gujarat and pressurized by Shri Sanjiv Bhatt and his subordinate police officers to vacate the said property by showing him arrested under NDPS offence. The said Advocate, while in the custody of Gujarat Police and due to police torture, vacated the property and physical possession of the property was handed over to the sister of Shri R.R. Jain, Judge of Gujarat High Court. Shri Sanjiv Bhatt and his subordinate police officers, thereafter released Shri Sumersingh Rajpurohit on 08-05-1996, by filing a report u/s 169 Cr.PC, in which it was mentioned that Shri Sumersingh could not be identified in the Test Identification Parade. Quashing Petitions were filed in this matter by the accused persons in Rajasthan and Gujarat High Court, but the same had been dismissed. The matter is now pending before the Hon'ble Supreme Court of India.

In the meantime, on the complaint of Shri Sidheshwar Puri, Secretary, Bar Association, Pali (Rajasthan), National Human Rights Commission taking a very serious view of this false case under NDPS Act vide its order dated 15-09-2010 asked Govt. of Gujarat to pay a sum of Rs. one lakh as monetary relief to Shri Sumersingh, Advocate, Pali.

Significantly, Gujarat Vigilance Commission recommended twice on 15-07-2002 and 19-10-2006 that Shri Sanjiv Bhatt should be placed under suspension for his professional misconducts, but the Govt. of Gujarat did not do so.

In view of the aforesaid position, it can be inferred that Shri Sanjiv Bhatt is facing a lot of problems in service matters and has

got an axe to grind against the Govt. of Gujarat and, therefore, his evidence is ill motivated and cannot be relied upon.

Mr. Justice P.B. Sawant, Retired Judge of Hon'ble Supreme Court of India and Mr. Justice Hosbet Suresh, Retired Judge of Bombay High Court, members of the Concerned Citizens Tribunal - Gujarat 2002 that was conceived in response to the Godhra carnage on 27-02-2002, have stated that one Minister of the Gujarat Govt. namely Late Haren Pandya, appeared and deposed before the Tribunal on 13-05-2002, on condition of anonymity, that he had attended a meeting on 27-02-2002 night at the residence of Shri Narendra Modi, CM, in which the latter had made it clear that there would be a backlash from the Hindus on the next day and that the police should not come in their way. According to Justice Sawant, Late Haren Pandya revealed that Shri Modi also instructed the police officers and Civil servants that a Hindu reaction was expected and the same must not be curtailed or controlled. However, his deposition had not been recorded anywhere by the Tribunal.

Further investigation revealed that an inquiry into the Godhra incident as well the riots that followed the Godhra carnage was conducted by Concerned Citizen Tribunal sometime in April-May, 2002 and their report was published on 21-11-2002, in the form of a book titled "Crime Against Humanity", which bears the signatures of Mr. Justice P.B. Sawant, (Retd.) and Mr. Justice Hosbet Suresh, (Retd.), besides others. The extracts from page 249 of volume-I of "Crime Against Humanity" are reproduced below:-

- "Witnesses deposing before us testified to the fact that the chief minister called a meeting of senior police and other officers on that very night of February 27, 2002. At this meeting specific instructions were given by him in the presence of state home minister on how the police should deal with the situation on the bandh day. We were informed that

instructions were given in this meeting by the chief minister specifically not to take action against any Hindu reaction to Godhra”.

This report would go to show that the State Home Minister i.e. Shri Gordhan Zadafia, the then MoS (Home) was present in the said meeting, whereas there is conclusive evidence to establish that Shri Gordhan Zadafia had stayed at Godhra on 27-02-2002, and returned on 28-02-2002 morning. Nowhere, the name of Late Haren Pandya, who was holding the portfolio of Minister of State for Revenue had been mentioned in the said report. On the contrary, Late Haren Pandya had been severely criticized for his alleged complicity by the Concerned Citizen Tribunal in its report. Some of the extracts from the said complicity report are reproduced below:-

- "Naroda Patiya and Naroda Gaon have a long history of VHP provocation. Police sources revealed to expert witnesses who deposed before the Tribunal, that in 1999 a dargah was broken down and an idol installed in its place. At the time, the local police repaired the dargah and arrested 10-15 persons, including Dr. Jaideep Patel, Maya Kodnani and Amrish Pandey. Pressure was mounted on the police by the then home minister, Haren Pandya, but the police stood their ground and the law-breakers were forced to back down". (page-36 of Vol.1)
- "On the night of February 27-28, the elephants that are kept inside the temple premises were made to drink liquor. The sounds and trumpeting that followed caused terror in the entire locality. During the last election, former minister Haren Pandya, who won from the Paldi area, had openly proclaimed during his campaign, .Baandyo nahin bachwo joyiye. (Not a single baandyo, abusive term for a Muslim/circumcised person must be spared..)" (page-44 of Vol.1)

- “Three eyewitnesses, who deposed before the Tribunal, saw former revenue minister Haren Pandya opposite the VS Hospital, setting fire to the Apna Bazaar Medical. Aa Miyaone aag lagadiye. (.Let us burn these Muslims.), he was shouting, after he had burnt it down himself. The Ellis Bridge police station is close by but they did nothing. The fire brigade was called and they tried desperately to put out the fire. But Pandya, leading the mob, prevented them. An FIR has been launched against him and BJP MLA Ashok Bhatt. Just outside the Ellis Bridge police station, Haren Pandya was overheard telling the PI, even as Hotel Ellis was aflame, .Aah samaj kayi nathi kartoo. (This community does nothing..) The PI concerned had a special room permanently booked for him at Hotel Ellis”. (page-44 of Vol.1)
- “There were attacks on 6 housing societies in Paldi, where about 1,000 Muslims live. In all, there are about 5-6,000 Hindus living in this area. Kazmi Apartments, Elite, Delite, Corner 2, Tarana Apartments and Bungalows No. 16 and 24 in Paldi, occupied by the owners of Motimahal, were completely burnt. Eyewitnesses testified to seeing the then Gujarat revenue minister, Haren Pandya, leading mobs who then committed arson”. (page-48 of Vol.1)
- “Detailed evidence was recorded by us regarding the desecration of the tomb of Wali Gujarati, a renowned poet remembered as the founder of Urdu poetry. On March 1, his tomb, located not more than 10 metres from the office of Ahmedabad’s commissioner of police (also the police headquarters) was demolished and a saffron flag hoisted on the site. It is believed that the shrine was torn down by marauding mobs under the directions of Gujarat’s revenue minister, Shri Haren Pandya. This flag was removed on the night of March 2. On March 8, a tarred road was constructed

at the site, leaving no trace whatsoever of the tomb that had stood there for nearly three centuries. It is shocking that a callous government and an unprincipled administration participated in the utter obliteration of this cultural monument and allowed a road to be constructed over it". (page-48 of Vol.2)

- "On the night of March 3, a 400-year-old mosque owned by the Wakf Board, and located near Anjali Cinema in Ahmedabad, was broken down in the presence of state ministers Shri Haren Pandya and Shri Amit Shah. As in many other cases, a .Hulladiya Hanuman. idol was installed there, followed by darshans and artis". (page-49 of Vol.2)
- "The Tribunal observes that in Gujarat, many cabinet ministers are simultaneously prominent leaders of the VHP. The home minister, Shri Gordhan Zadaphiya, is one of them. So, too, is the former revenue minister Shri Haren Pandya, a senior VHP functionary. He has been named by many witnesses who appeared before us, as trying to influence police not to take action against the accused. Minister for forests, Shri Prabhat Singh Chauhan and minister for cottage industries, Shri Narayan Laloo Patel are also two clear examples of this". (page-52 of Vol.2)
- "Some of the senior BJP leaders and ministers in Shri Modi's cabinet were also alleged to have participated in the destruction of minority places of worship. Minister for revenue, Shri Haren Pandya and health minister, Shri Ashok Bhatt led the mobs enthusiastically in Ahmedabad. Shri Bharat Barot, a sitting MLA, was also at the forefront. Residents of Paldi, from where Shri Pandya was elected, actually saw him lead arson attacks. Shri Pandya's election

promise the last time was to wipe any trace of Muslims out of Paldi". (page-77 of Vol.2)

- "One of the most shocking aspects of the Gujarat carnage was that the constituencies of some ministers and sitting MLAs were the arena for the worst incidents of carnage. Bapunagar in Ahmedabad, one of the worst affected areas, is the home constituency of the minister of state for home, Shri Gordhan Zadaphiya. Paldi, Ahmedabad is the constituency of Shri Haren Pandya, former state home minister and, until recently, revenue minister in Shri Modi's cabinet". (page-87 of Vol.2)

As regards the deposition of Late Haren Pandya before the Concerned Citizens Tribunal, further investigation has established that the meeting convened at CM's residence, was an essentially law and order review meeting that was held on 27-02-2002 and that none of the Cabinet Ministers attended the same. Late Haren Pandya was not even a Cabinet Minister at that time and was holding the portfolio of Minister of State for Revenue. Shri Gordhan Zadafia also did not attend this meeting, as he had stayed back at Godhra. In view of the version of all the senior officials of the Home and Police Department the alleged testimony of Late Haren Pandya before the Tribunal cannot inspire confidence.

As regards the entries made by Shri R.B. Sreekumar at page 21 on 12-06-2002, in a register unauthorisedly maintained by him that the call details of the mobile phone of Late Haren Pandya were handed over to Shri P.K. Mishra, the then Principal Secretary to CM through Shri O.P. Mathur in his office, the same appears to be doubtful as Shri Mathur has denied to have handed over any such call details to Dr. P.K. Mishra in his office and that Principal Secretary to CM never visited the office of the State IB, as stated in the said entry made in the register. Moreover, Shri S.M. Pathak, the then Dy. SP, State IB has confirmed to have conducted secret inquiry about one of the Ministers, who had met a Forum of which

Justice Krishna Iyer, a retired Judge of Supreme Court and some others were the members, who had come to Ahmedabad to enquire into the riots in the State. Shri Pathak has also confirmed to have conducted secret inquiries, which revealed that Late Haren Pandya had met and deposed before them and that this fact was reported to Shri R.B. Sreekumar orally. However, Shri Pathak has stated that he does not recollect, as to whether he was asked to collect the mobile phone details of Late Haren Pandya or not, which again creates a doubt about the entry made by Shri R.B. Sreekumar in his register. Shri P.K. Mishra, the then Principal Secretary to CM has stated that he does not recollect, as to whether he asked Shri R.B. Sreekumar to collect the mobile call records of Late Haren Pandya and that no phone call details were made available to him by either Shri Sreekumar or Shri O.P. Mathur. The said call details are not available now. No disclosure was made by Shri R.B. Sreekumar about the said register in his deposition before the Commission on 31-08-2004 or in any of the two affidavits filed by him on 15-07-2002 & 06-10-2004. It is rather surprising that this register saw the light of the day for the first time in the year 2005, when Shri R.B. Sreekumar filed a copy of the same along with his third affidavit filed before the Nanavati-Shah Commission of Inquiry on 09-04-2005. It may be mentioned here that this affidavit was filed by Shri R.B. Sreekumar after his supersession in promotion in February, 2005. In view of the fact that the register maintained by Shri R.B. Sreekumar cannot be considered to be an authenticated document, therefore, the entries made by him in his said register cannot be considered to be reliable.

Further investigation revealed that Govt. mobile no. 9825039852 was allotted to Late Haren Pandya. The call detail records of the said mobile phone for 27-02-2002 have been sorted out and the same show that Late Haren Pandya remained at Ahmedabad City till 10:46:55 on 27-02-2002. His location at Ahmedabad City again comes at 16:24:24 hrs and thereafter he remained at Ahmedabad City till 22:52:07 hrs on 27-02-2002 and therefore, this would conclusively establish that Late Haren

Pandya did not attend the law & order review meeting that took place at CM's residence at Gandhinagar on 27-02-2002 at about 2300 hrs.

In view of the aforesaid position, it appears that Late Haren Pandya had misled the Hon'ble Members of Concerned Citizen Forum namely Mr. Justice (Retd.) P.B. Sawant and Mr. Justice (Retd.) Hosbet Suresh that he was present in the meeting called by the Chief Minister at his residence on the night of 27-02-2002 with a view to increase his credibility. It has been established beyond doubt that Late Haren Pandya could not have been present in the said meeting and that the so called evidence given by him was only on hearsay basis. Since the statement made by Late Haren Pandya is based on hearsay basis, it deserves to be discarded as it is not admissible under any provisions of law.

Shri Narendra Modi has denied during SIT examination having stated in the said meeting that in communal riots police takes action against Hindus and Muslims on one to one basis and this will not do now, but allow Hindus to give vent to their anger. On the contrary, he claimed to have given categorical and clear cut instructions to maintain peace and communal harmony at any cost. He has further stated during examination by SIT that a similar appeal had earlier been made to the people at Godhra through media.

It has, therefore, been established that a meeting did take place at CM's residence at about 2230 hrs on 27-02-2002, which was attended to by Smt. Swarna Kanta Varma, the then acting Chief Secretary (Shri G. Subba Rao, the then Chief Secretary had gone abroad on 22-02-2002), Shri Ashok Narayan, the then ACS (Home), Shri K. Chakravarthi, the then DGP, Shri P.C. Pande, the then CP, Ahmedabad City, Shri K. Nityanandam, the then Secretary, Home Department, Dr. P.K. Mishra, the then Principal Secretary to CM, Shri Anil Mukim, the then Secretary to CM and Shri Prakash Shah, Addl. Secretary (L&O). It has further been established that Shri G.C. Raiger, the then Addl. DG (Int.) was on

leave and did not attend the said meeting. It has also been established that Shri A.K. Sharma, the then Secretary to CM was on earned leave between 19-02-2002 to 05-03-2002 in connection with his sister's marriage and was not present in the said meeting. None of the senior officers, who had attended the said meeting, have confirmed the alleged utterances made by Shri Narendra Modi, Chief Minister. The statement made by Shri R.B. Sreekumar is hearsay, which has not been confirmed by Shri K. Chakravarthi. Shri R.B. Sreekumar has no personal knowledge, as he did not attend the said meeting. The participation of Shri Sanjiv Bhatt has not been confirmed by any of the participants of the said meeting or any other source. The very fact that he broke his silence after a period of nine years makes his deposition suspicious and motivated and therefore, cannot be relied upon. As regards the deposition of Late Haren Pandya before the Concerned Citizens Tribunal, enquiries have established that the meeting convened at CM's residence, was an essentially law and order situation review meeting that was held on 27-02-2002 and that none of the Cabinet Ministers attended the same. Late Haren Pandya was not even a Cabinet Minister at that time. Shri Gordhan Zadafia also did not attend this meeting, as he had stayed back at Godhra. In view of the version of all the senior officials of the Home and Police Department the testimony of Late Haren Pandya before the Tribunal becomes unreliable. Moreover, the call records of the mobile phone of Shri Pandya show that he was at Ahmedabad till 22:52:07 hrs on 27.02.2002, and therefore, he could not have participated in the said meeting at CM's residence at Gandhinagar. No minutes of the 27-02-2002 meeting were prepared.

In the light of the aforesaid discussions, it can be concluded that a Law & Order review meeting was in fact held by Shri Narendra Modi, Chief Minister at his residence late in the evening of 27-02-2002. However, the allegation that the Chief Minister instructed the Chief Secretary, DGP and other senior officials to

allow the Hindu community to give vent to their anger on the minority Muslims in the wake of Godhra incident is not established.

➤ **ALLEGATION No. II :**

CM's decision to bring the dead bodies of victims of Godhra train fire incident to Ahmedabad and parade them in Ahmedabad City.

Enquiries revealed that Smt. Jayanti Ravi, the then Collector & District Magistrate, Godhra - Panchmahals District received a telephone call at about 0800 hrs from Shri Raju Bhargava, the then Superintendent of Police, Panchmahals District that there had been an incident of stone pelting as also torching of railway coach of the Sabarmati Express near Godhra Railway Station. Immediately, messages were conveyed to the concerned Municipal Authorities at Godhra, Lunawada and Kalol to send the fire tenders to the spot. According to Smt. Jayanti Ravi, she reached the spot near Godhra Railway Station at about 0845 hrs. By that time, a crowd had assembled at Godhra Railway Station and the immediate problem was to take care of the transit passengers who had been stranded there, because of the fire and stone pelting incident. The injured passengers were given medical aid by the Civil Hospital, Godhra, whereas those, who had received severe burn injuries, were immediately admitted to the Civil Hospital, Godhra. Around 1200 hrs, the District Administrative officials could step into the S6 coach of Sabarmati Express with a view to assess the actual number of deaths in the incident. As the bodies in the coach were charred and in mutilated condition, it was virtually impossible to count the heads. In order to ensure that the stranded passengers were not put to any further inconvenience, the railway authorities detached the two affected/burnt bogies from the main train, parked them in the railway yard and joined the rest of the bogies together. Finally, the Sabarmati Express left Godhra around 1300 hrs for Ahmedabad, its destination.

Shri Narendra Modi, Chief Minister arrived at Godhra by helicopter sometime between 1600hrs to 1700 hrs and was accompanied by Shri Anil Mukim, the then Secretary to CM. He was received at the helipad by Smt. Jayanti Ravi and Shri Ashok Bhatt and he straightaway drove to the Godhra Railway Station. CM inspected the spot and talked to some of the persons gathered there. Since, curfew had been imposed in the Godhra town, the Chief Minister decided to go to Collectorate and meet the people as well as press. At that time Shri Gordhan Zadafia and Shri Prabhasinh Chauhan, the then Minister of Civil Aviation & Pilgrimage and being a local MLA, had also come and they all went to the Collectorate. Smt. Jayanti Ravi has stated that in the meeting held at Collectorate, one Shri Jaydeep Patel, a VHP activist was also present. Smt. Jayanti Ravi has also stated that after holding discussions, a unanimous decision was taken that the dead bodies, which had been identified should be handed over to their relatives at Godhra itself and those bodies whose legal heirs or guardians had not come, could be sent to Sola Civil Hospital, Ahmedabad since, they belonged to Sabarmati Express heading towards Ahmedabad. Smt. Jayanti Ravi has categorically denied that decision was taken against her wishes. The decision to send the bodies to Sola Civil Hospital was taken in view of the fact that it was situated on the outskirts of Ahmedabad City and thus away from the crowded area for security reasons. It has further come to light that out of 58 burnt and dead bodies, 4 bodies belonging to Dahod, Vadodara, Panchmahal and Anand Districts were handed over to their legal heirs/guardians after identification at Godhra itself. The remaining 54 dead bodies were to be sent with police escort to Sola Civil Hospital, Ahmedabad. Further, Shri Jaydeep Patel of VHP was to accompany them.

Enquiries revealed that as per the call detail records of mobile phone no. 9825023887 of Shri Jaydeep Patel, he reached Godhra on 27-02-2002 around 1248 hrs and remained there till 2358 hrs. At Godhra, he had made/received calls to /from Shri Gordhan Zadafia at the latter's mobile phone no. 9825049145. All

these calls had been made/ received between 2003 hrs and 2113 hrs. He had also received calls from Shri R.J. Savani, the then DCP, Zone-V, Ahmedabad City from his mobile phone no. 9825049198 between 1305 hrs and 2116 hrs. The aforesaid call detail records establish that Shri Jaydeep Patel remained at Godhra till about 2358 hrs on 27-02-2002.

Enquiries further revealed that Shri M.L. Nalvaya, the then Mamaldar & Executive Magistrate issued a letter addressed to Dr. Jaydeep Patel of VHP, in which he had mentioned that 54 dead bodies were being sent through five trucks as detailed below:

Sr. No.	Truck No.	No. of Dead bodies carried
1	GJ-17-5055	12
2	GJ-17-T-7557	15,
3	GJ-17-X-3225	03
4	GJ-16-T-9253	12
5	GJ-17-T-7327 (TATA 608 tempo)	12

One Shri Hasmukh T. Patel of Vishwa Hindu Parishad had acknowledged the dead bodies. It may be mentioned here that the handing over of the dead bodies to their legal heirs/guardians was the duty of the railway police, who had registered a case in connection with this incident. Shri M.L. Nalvaya has stated that these dead bodies were handed over officially to Shri Jaydeep Patel and Shri Hasmukh T. Patel of VHP as per the instructions given by Smt. Jayanti S. Ravi, DM and Late B.M. Damor, ADM, Godhra. Shri M.L. Nalvaya has filed an affidavit before Nanavati Commission of Inquiry to this effect on 05-09-2009 However, Smt. Jayanti Ravi has stated that no such instructions were given to Shri Nalvaya to hand over the dead bodies to Shri Jaydeep Patel or Shri Hasmukh T. Patel of VHP and that Shri Jaydeep Patel was merely to accompany the dead bodies to Ahmedabad.

Shri Raju Bhargava, the then Superintendent of Police, Godhra has stated that since, there was a curfew in the town, he had arranged for four (4) mini trucks, Tata-407 and one Tata-608

tempo for the transportation of the aforesaid dead bodies. He also arranged for the police escort with a pilot gypsy. Further, one Sub Inspector was sent in gypsy with some other staff and two armed guards each were made to sit in the aforesaid five vehicles. The convoy left Godhra around midnight intervening 27/28-02-2002 for Ahmedabad by road. On the way to Ahmedabad, the escorts from the concerned districts had replaced each other. The five trucks carrying dead bodies reached Sola Civil Hospital, Ahmedabad between 0330 hrs to 0400 hrs on 28-02-2002. At Sola Civil Hospital, Dr. Pushpa Belani, Medical Superintendent, PI Lathiya of Sola P.S., Shri Prajapati, Deputy Collector, Shri K. Srinivas, Collector and several other Administrative and Police Officers were present. Shri Jaydeep Patel handed over the letter to Shri Prajapati, the then Dy. Collector and the police and the administrative officials got busy with the preparation of panchnama and other documentation. The relatives of the persons, who had died in the Godhra carnage, were also present in the hospital. Accordingly, 35 persons were identified and their dead bodies handed over to their relatives by about 1300 hrs on 28-02-2002 by the police after obtaining receipts from them. It may be mentioned here that 25 dead bodies were claimed by the residents of Ahmedabad, two (2) by the residents of Kadi, Mehsana, five (5) by the residents of Anand, two (2) by the residents of Khedbramha, Sabarkantha and one (1) from Rajkot. 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 on 28-02-2002, at Gota cremation ground near Sola Civil Hospital by the District Administrative and Police officers with the help of Surpanch of Gota village, which is situated on the outskirts of Ahmedabad city. The cremation was completed by about 1830 hrs on 28-02-2002.

On 28-02-2002, twelve (12) charred dead bodies of Godhra carnage were brought to Ramol, Ahmedabad City from Sola Civil Hospital. All these deceased persons belonged to Ramol-Khokhra area. Shri M.K. Tandon, Jt. CP, Secor-II instructed Shri R.J.

Savani, DCP, Zone-V to make efforts to ensure that the dead bodies were moved in vehicles and not by foot, as the same would have escalated the tension. It may be mentioned here that ten (10) kar-sevaks belonged to Ramol and two (2) kar-sevaks were from Khokhra. Shri R.J. Savani succeeded in persuading the relatives and the well wishers of the deceased to take each body in a vehicle and the funeral procession was guarded by the police up to Hatkeshwar cremation ground, about 4 kms away from Ramol-Khokhra. The funeral was over by about 1400 hrs and the crowd which had gathered on the highway dispersed thereafter.

It may thus be seen that the journey from Godhra to Ahmedabad started around midnight and the dead bodies reached Sola Civil Hospital sometime between 0330 to 0400 hrs and there was no one on the highway at that point of time in the night to see them. Further, though a letter had been addressed by Shri M.L. Nalvaya in the name of Shri Jaydeep Patel of VHP and the dead bodies were acknowledged by Shri Hasmukh T. Patel of VHP, yet the dead bodies were escorted by the police upto Sola Civil Hospital, Ahmedabad situated on the outskirts of Ahmedabad City. At Sola Civil Hospital, Shri Jaydeep Patel handed over the letter to the hospital authorities and the local police as well as the hospital authorities took charge of the dead bodies. Subsequently, 35 dead bodies were handed over to the legal heirs/guardians of the deceased by the police after completing the formalities and documentation. The 19 unidentified dead bodies were cremated quietly on the same evening by the local administration and police authorities at Gota cremation ground nearby with the help of Sarpanch of Gota village after retaining their DNA samples. Subsequently, 12 dead bodies could be identified after conducting DNA tests, while the remaining seven (7) remained unidentified.

The above facts would go to establish that though a letter had been addressed by Mamalatdar, Godhra to Shri Jaydeep Patel of VHP, yet the dead bodies were escorted by the police from Godhra to Ahmedabad, where the same were taken charge

of by the hospital authorities, District Administrative and Police Officers and handed over to the kith and kin of deceased persons after taking proper receipt. Further, the unidentified bodies were disposed of by the District Administrative and police officers. The fact that 25 deceased persons belonged to Ahmedabad, 2 to Mehsana, 1 to Rajkot and 2 to Sabarkantha - places accessible via Ahmedabad- and the same were claimed by their legal heirs/guardians at Ahmedabad justifies the decision to transport the dead bodies from Godhra to Ahmedabad. Shri P.C. Pande, the then CP, Ahmedabad City has stated that there had been no parading of dead bodies inasmuch as the trucks carrying the dead bodies under police escort reached Ahmedabad City between 0330 hrs to 0400 hrs on 28-02-2002, which means they had started from Godhra at least three hrs earlier and as such there was no one to see them on the highway at dead of the night. Shri Pande has also stated that in Ahmedabad City, the dead bodies were kept in Sola Civil Hospital situated on the outskirts of the City and that most of the dead bodies were handed over to their relations after proper documentation by 28-02-2002 morning.

In view of the aforesaid discussions, the allegation that CM's decision to bring the dead bodies of those killed in Godhra carnage to Ahmedabad was with a view to parade them in the City is not established. Further, the allegation that the dead bodies were handed over to Shri Jaydeep Patel, is also not established, inasmuch as he only accompanied the dead bodies from Godhra to Ahmedabad, and that the custody of the dead bodies remained with the police escort and thereafter with the Sola Civil Hospital Authorities, Administrative and Police authorities. The allegation that the dead bodies were transported to Ahmedabad against the wishes of Smt. Jayanti Ravi is proved to be incorrect. Shri M.L. Nalvaya Mamalatar had acted in an irresponsible manner by issuing a letter in the name Shri Jaydeep Patel in token of having handed over the dead bodies, which were case property, is being dealt with departmentally for this lapse.

➤ **ALLEGATION No. III :**

Numerous illegal instructions given verbally (by CM) to officials as detailed in third affidavit dated 09.04.2004 by R.B. Sreekumar to the Nanavati Commission.

Shri R.B. Sreekumar has stated that he took over as Addl. DG (Int.) on 09-04-2002 and that he had been given many verbal orders, of which many were illegal and against the spirit of Constitution of India. He further stated that he had got issued a register from Shri O.P. Mathur, the then IGP (Admn. & Security) to record "verbal instruction from higher officers i.e. DGP and above". He has further stated that he had made entries about the verbal instructions in this register from 16-04-2002 to 19-09-2002. According to Shri R.B. Sreekumar, the illegal instructions from the Chief Minister, Chief Secretary, ACS (Home) etc. fell in the category of directives to commit criminal offences like illegal tapping of telephones, proposal to eliminate persons, submission of reports to suit the political interest of BJP etc. and that he did not comply with any of the illegal directives. Shri R.B. Sreekumar has also stated that the illegal instructions included submission of report regarding alleged involvement of an opposition party in fomenting communal trouble in Ahmedabad City without any basis, illegal directions for tapping of telephone of a very senior leader of opposition party, not to closely cover activities of the ruling party and its sister bodies, report about the activities of a State Minister with the call details of a friend's telephone, consider elimination of those trying to disturb Ahmedabad Rath-Yatra or planning to spoil same, to provide situation assessment report indicating normalcy in the State for facilitating early Assembly elections and general instructions to send intelligence estimation reports in tune with the political strategy and tactics of the ruling party i.e. BJP, etc. Shri R.B. Sreekumar has also stated that on 13/14-04-2002, Shri A.K. Sharma, Secretary to CM had called him to his office and informed him that CM had information about Major General Zahiruddin Shah, brother of Nasiruddin Shah, a film actor who had been

assisting the police in maintaining the Law & Order, having illicit relations with a lady namely Ms. Prafulla K. Gohil of Bhavnagar and Shri Gurudayal Singh, the then Addl. DG was helping him. Shri Sharma wanted Shri R.B. Sreekumar to enquire discreetly and submit a report, to which Shri Sreekumar refused and asked that Central IB could be asked to look into the matter as the Major General was staying in the Army campus. Shri A.K. Sharma has denied recollection of any such incident, meeting or interaction with Shri R.B. Sreekumar. After meeting Shri A.K. Sharma, Shri R.B. Sreekumar returned to his office and discussed the matter with Shri O.P. Mathur and suggested whether he could open a register to record such verbal instructions to which Shri Mathur agreed. Thereafter, at the request of Shri R.B. Sreekumar, Shri O.P. Mathur provided him a register on 18-04-2002, certifying the number of pages contained therein. Shri R.B. Sreekumar started making entries in the said register with effect from 16-04-2002, as per his memory and made entries uptill 19-09-2002 after he had handed over the charge to Shri J. Mahapatra, Addl. DG on 18-09-2002.

During enquiry, Shri O.P. Mathur, retired DG, has stated that on 18-04-2002, Shri R.B. Sreekumar had called him and informed him that he wanted to maintain a register for official purposes and asked him to certify the total number of pages contained in the blank register. Shri Mathur accordingly gave him a blank register, which was already numbered and gave a certificate at page no. 207 i.e. last page of the said register. Shri Mathur has further stated that the register was totally blank, as on 18-04-2002 and that Shri R.B. Sreekumar had not disclosed the purpose for which the said register was to be maintained. The register did not contain the stamps of "secret" on each page, which is now appearing in the register and also did not have any title and that in case it had been classified as secret on that day, he would have recorded his certificate accordingly. Shri Mathur has also stated that the register did not contain the circular stamp of the "Office of the Addl. Director General of Police, CID (Int.)", which is now appearing on

all the pages. It may be mentioned here that Shri R.B. Sreekumar had recorded the first entry as on 16-04-2002, the second and third entry as on 17-04-2002 and the fourth entry on 18-04-2002. As per the testimony of Shri Mathur, he had certified the pages available in the register only on 18-04-2002 as per his signature and date available at page no. 207 and that the said register was totally blank at that time. The overall conclusion which can be drawn is that Shri R.B. Sreekumar antedated three entries no. (1) as on 16-04-2002, (2) & (3) on 17-04-2002. Obviously, Shri R.B. Sreekumar had put the secret stamp on each page and also given the title afterwards. The circular stamp of the office of the Addl. DG, CID (Int.) was also affixed subsequently. As regards the entry dated 12-06-2002 made by Shri R.B. Sreekumar about the handing over of call details of mobile phone no. 9824030629 to Dr. P.K. Mishra through Shri O.P. Mathur. Shri Mathur has stated that no such call details were handed over by him to Dr. P.K. Mishra in his office and that Shri Mishra never visited the office of State IB as stated in the said entry. All these factors of antedating, affixing "secret" and "round office" stamps and the entry dated 12-06-2002 would create a strong suspicion about the genuineness of the entries made by Shri R.B. Sreekumar in the said register.

Shri P.K. Mishra, Principal Secretary to CM has stated before the SIT that he was not aware about the maintenance of a diary/register by Shri R.B. Sreekumar, in which he has claimed to have recorded many things. He has further stated that the so called diary/register maintained by Shri R.B. Sreekumar had no basis. He does not recollect as to whether he asked him to collect the mobile phone records of mobile no. 9824030629 belonging to Late Haren Pandya and that no phone call details were made available to him by either Shri Sreekumar or Shri O.P. Mathur. He has also stated that the diary/register claimed to have been maintained by Shri R.B. Sreekumar had no authenticity and was circulated for the first time after Shri Sreekumar was denied promotion. He has also stated that he would not like to comment further on the diary/register which had no basis or authenticity.

Shri G.Subba Rao, the then Chief Secretary, when confronted with the entries made by Shri R.B. Sreekumar in his diary/register, stated before the SIT that the so called diary/register was an unauthorized, illegal document without any validity under the law, as the same was not authorized under Govt. orders, not in the prescribed format and had not been submitted periodically to the superior officer for his perusal and comments. He has further stated that the so called diary/register consists of baseless, false and malicious statements, which are not only untrue, but also absurd and unethical. He has also stated that the publication of these details, which are untrue and purportedly made many years before and which attributes statement to the people, who had neither access nor any inkling or clue of the so called diary is unwarranted, unethical, unfair and motivated.

Shri Ashok Narayan, the then ACS (Home) has stated that the register had been maintained by Shri R.B. Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers. He has also stated that the said register can not be taken as an authentic document, because the entries had been made by him of his own will and at his convenience. He has claimed loss of memory about the certain entries made by Shri Sreekumar in said register and further denied certain entries.

Shri K. Chakravarthi, the then DGP stated that Shri R.B. Sreekumar holding the rank of Addl. DG (Int.) was not required to maintain any such register in the normal course of duty and that he had neither taken his or Home Department's prior approval to maintain any such register in the normal course of his duties to record verbal instructions from higher officers i.e. DGP and above. He has further stated that this register had never been put up to him or ACS (Home) or even the Govt. during the relevant period for information. Shri K. Chakravarthi has also stated that Shri R.B. Sreekumar was free to make entries as per his whims and fancies and bias. According to Shri K. Chakravarthi, he does not want to

comment upon the entries made by Shri R.B. Sreekumar in a register which had been maintained in an unauthorized manner without the knowledge of his superiors and the contents thereof are also questionable.

Shri Narendra Modi, Chief Minister, in his statement before the SIT, denied knowledge about such a personal diary/register maintained by Shri R.B. Srekumar. He further stated that he came to know about this diary from media reports after a long time. He also stated that since this diary was not a Govt. record, he did not want to comment upon the authenticity or otherwise of the same.

Enquiries have established that Shri R.B. Sreekumar got the number of pages in a register certified from Shri O.P. Mathur, the then IGP (Admn. & Security) on 18-4-2002. However, his version that he discussed the matter with Shri O.P. Mathur and also apprised him about the purpose of opening the said register is denied by Shri Mathur, who has stated that Shri R.B. Sreekumar never told him about the subject and had also not mentioned the title on the said register. Shri Mathur also stated that the office stamp as well as "Secret" stamp had not been affixed on the pages of the said register at the time of certification of the pages by him. Obviously, these stamps were subsequently affixed by Shri R.B. Sreekumar without the knowledge of Shri Mathur. Further, the conduct of Shri R.B. Sreekumar, in antedating the said register by making the entries for 16-4-2002 & 17-4-2002, which were not available in the register at the time of certification by Shri Mathur create a serious doubt about the genuineness of the alleged entries made by him in the normal course. Also, the entry made by Shri R.B. Sreekumar at page-21 of the said register on 12-06-2002, states that the call details of the mobile phone no. 9824030629, were handed over to Shri P.K. Mishra through Shri Mathur in his office, whereas Shri Mathur has clarified that no such call details of the aforesaid mobile phone were handed over by him to Dr. P.K. Mishra in his office and that Principal Secretary to CM never visited the office of State IB as stated in the said entry

made in the register. Shri S.M. Pathak, the then Dy. SP, State IB has confirmed to have conducted secret inquiry about one of the Ministers, who had met a forum of which Justice Krishna Iyer, a retired Judge of Supreme Court and some others were the members, who had come to Ahmedabad to enquire into the riots in the State. Shri Pathak has also confirmed to have conducted secret inquiries, which revealed that Late Haren Pandya had met and deposed before them and that this fact was reported to Shri R.B. Sreekumar orally. However, Shri Pathak has stated that he does not recollect, as to whether he was asked to collect the mobile phone details of Late Haren Pandya or not, which again creates a doubt about the entry made by Shri R.B. Sreekumar in his register. Shri R.B. Sreekumar has stated that subsequently Late Haren Pandya had called him to his office and inquired as to whether he had given any report to CM regarding his deposition before a private inquiry commission, to which Shri Sreekumar confirmed that on an inquiry from CM's office through Dr. P.K. Mishra, he had not submitted any report in writing, but confirmed orally that Late Haren Pandya had deposed before the Commission. According to Shri Sreekumar, Late Haren Pandya had asked him whether he could confirm these facts to Shri Rajendrasinh Rana, the then State BJP President, to which he replied in the affirmative. Further, as per Shri Sreekumar, Late Haren Pandya had contacted Shri Rana over phone and handed over the receiver to Shri R.B. Sreekumar, who confirmed the aforesaid facts to Shri Rana. Surprisingly, these facts were not mentioned by Shri R.B. Sreekumar in his register, and in my view, this is a very serious omission, which casts serious doubts about the genuineness of the entries made by Shri Sreekumar in the said register. None of the concerned persons, namely, Shri G. Subba Rao, Dr. P.K. Mishra, Shri Ashok Narayan, Shri K. Chakravarthi and Shri O.P. Mathur or even Shri Narendra Modi, Chief Minister have confirmed the genuineness of the entries made in the said register. No disclosure was made by Shri R.B. Sreekumar about the said register in his deposition before the

Commission on 31-08-2004 or in any of the two affidavits filed by him on 15-07-2002 & 06-10-2004. It is rather amusing that this register saw the light of the day for the first time in the year 2005, when Shri R.B. Sreekumar filed a copy of the same along with his third affidavit filed before the Nanavati-Shah Commission of Inquiry on 09-04-2005. It may be mentioned here that this affidavit was filed by Shri R.B. Sreekumar after his super-session in promotion in February, 2005.

In view of the aforesaid discussions, the register maintained by Shri R.B. Sreekumar can not be considered to be a reliable document as the same appears motivated and no credence can be placed upon the same. Moreover, there is no corroboration to the oral version of Shri R.B. Sreekumar by any of the independent witnesses. The allegation is, therefore, not established.

➤ **ALLEGATION NO. V :**

Cabinet Ministers I. K. Jadeja and Ashok Bhatt were positioned in the DGP office and Ahmedabad City Control Room respectively by CM.

During the course of enquiries into this allegation Shri R.B. Sreekumar has stated that either on 1st or 2nd March, 2002, Shri K. Chakravarthi, had criticised the Govt. about the positioning of Shri I.K. Jadeja in the DGP's office after the Godhra incident and was feeling depressed, as the presence of Minister in his chamber had adversely affected his supervision of the riot situation. He also stated to have personally seen Shri I.K. Jadeja, Cabinet Minister using the official telephone of the DGP in his chamber.

Shri Ashok Narayan, the then ACS (Home) has stated that on 28-02-2002, two high level meetings were called by the Chief Minister, one in the early morning and other late in the evening, which were attended by him, acting Chief Secretary, DGP and ADGP (Int.). In the meeting held in the morning, the law & order situation was reviewed by the Chief Minister. According to Shri Ashok Narayan, he does not recall any instructions given by the

Chief Minister to the DGP and CP, Ahmedabad that Shri Ashok Bhatt and Shri I.K. Jadeja would sit in the Ahmedabad City Police Control Room, Shahibaug and State Control Room, Gandhinagar respectively and assist/help the police in their operation.

However, Shri K. Chakravarthi has stated that he was informed by Shri Ashok Narayan that it was decided by the Govt., that Shri I.K. Jadeja would sit in DGP's office on 28-02-2002, to get information about the Law & Order situation in the State, as the State Control Room was located in his office. Shri Ashok Narayan also informed him that Shri Ashok Bhatt would similarly sit in the Ahmedabad City Police Control Room situated in the office of the CP, Ahmedabad City. On this Shri K. Chakravarthi had told him that it would be better if the Ministers get the information through Control Room in the Home Department as he was bound to report all the information to the Home Department. Thereupon, Shri Ashok Narayan informed Shri Chakravarthi that no such facility was available in the Home Department and therefore the Ministers would visit their offices. Shri Chakravarthi has further stated that Shri I.K. Jadeja visited his office on 28-02-2002 (F.N.) and sat in his chamber for 15-20 minutes. According to Shri Chakravarthi, he could not have much conversation with him, as he remained extremely busy with the telephone calls being received by him from the various police officers. Shri Chakravarthi thereafter asked someone to shift the Minister to an empty chamber in his office and this was done. Shri Chakravarthi was not aware as to what Shri Jadeja did in that room as he himself remained awfully busy with the telephone messages and follow up actions with the prevailing bandh situation in the State. Later, he came to know that Shri Jadeja had left his office. Enquiries conducted by Shri Chakravarthi with his Staff Officer and Officer of the State Control Room revealed that there was no interference from Shri Jadeja on the functioning of State Control Room on that day. Shri Chakravarthi has also stated that to the best of his knowledge, Shri Jadeja did not visit his office subsequently. As regard the positioning of Shri Ashok Bhatt in Ahmedabad City

Control Room, Shahibaug, Shri Chakravarthi denied personal knowledge and stated that CP, Ahmedabad City would be in a better position to clarify that matter.

Shri Sanjiv Bhatt, the then DCI (Security) has claimed that he had attended a meeting at CM's residence at 1030 hrs on 28-02-2002 along with the DGP and ADGP (Int.). After the meeting, he returned to his chamber on the second floor of Police Bhavan at about 1100 hrs and shortly thereafter went to meet the DGP on the first floor of the same building. When he entered DGP's chamber he found that as instructed after the conclusion of CM's meeting, two Cabinet Ministers of Gujarat, namely, Shri Ashok Bhatt and Shri I.K. Jadeja had already arrived and were sitting on a sofa-set in DGP's chamber. He further stated that Shri G.C. Raiger, the then Addl. DG (Int.) and Shri Maniram, the then ADG (Law & Order) were also present there. Shri Sanjiv Bhatt briefed the DGP and after taking tea, he returned to his chamber. Shortly thereafter, Shri Sanjiv Bhatt happened to go to State Control Room on first floor to collect some documents and saw Shri I.K. Jadeja and his supporting staff sitting in the chamber of Dy. SP, Control Room. Finding this a little odd, Shri Sanjiv Bhatt went to DGP and informed him that it would be improper to permit outsiders in the State Control Room and asked him whether the Minister and his supporting staff could be shifted from the State Control Room. DGP agreed with his decision and thereafter, Shri Sanjiv Bhatt again went to Control Room and requested Shri I.K. Jadeja to accompany him as his presence in the Control Room would hamper the smooth functioning of the State Control Room during such a critical period, whereupon the latter got up and followed him. According to Shri Sanjiv Bhatt, he took Shri Jadeja, Minister to an empty chamber of Shri P.C. Thakur, the then IGP and requested him to make himself comfortable and contact them for any assistance/requirement. Shri Chakravarthi was informed about it. Shri Sanjiv Bhatt has also stated that subsequently he learnt that Shri Jadeja left the Police Bhavan sometime in the afternoon, after having lunch. Shri Sanjiv Bhatt was not aware

about presence of Shri Jadeja in the Police Bhavan on the subsequent days, but he recollects that the some of the supporting staff of Shri Jadeja was seeking certain information from the State IB on that day and on subsequent two or three days.

However, this version of Shri Sanjiv Bhatt is contradicted from the call detail records of his Govt. mobile phone no.9825049398, which shows that on 28.02.2002, he remained at Ahmedabad till 1057 hrs at his residence and as such he could not have attended a meeting at CM's residence at 1030 hrs as claimed by him. Similarly, his claim of having seen Shri I.K. Jadeja, the then Minister around 1100 hrs in DGP's office is also falsified from the call detail recods of his mobile phone in asmuch as he could not have reached DGP office, Gandhinagar before 1130 hrs from his residence in Memnagar, Ahmedabad.

Shri I.K. Jadeja, the then Minister of Urban Housing, Roads & Building and Capital projects has stated that on 28-02-2002, Shri Gordhan Zadafia, the then MoS (Home) had requested him to remain present in the DGP's office in Police Bhavan, Gandhinagar to see that in case any information is received in the Control Room about any rioting incident or request is received for extra police force or any other issue of importance then the same should be passed on to the DGP, Home Minister etc. In view of this request, he remained present in the office of DGP Shri K. Chakravarthi for 3-4 hrs for next 3/4 days. However, he does not recollect as to what work was done by him, but in case some information was received about some incident from the party workers/common man, the same was passed on to the DGP for necessary action. He has denied to have contacted/instructed any of the police officers over telephone installed in the office of the DGP to take action in a particular manner. He has categorically stated that he did not interfere with the work of the DGP or disturb the police officers in the discharge of their official duties. He does not remember to have used the telephone installed in DGP's office. He has also stated that the DGP had not shared any information

with him and therefore, he had left the Police Bhavan within few minutes on subsequent occasions.

Shri P.C. Pande, the then CP, Ahmedabad City has stated that it was incorrect to say that Shri Ashok Bhatt, the then Health Minister was stationed at Shahibaug Control Room on 28-02-2002 to guide the police force in controlling the Law & Order situation. He has further stated that Shri George Fernandes, the then Union Defence Minister visited Ahmedabad on 01-03-2002 and came to CP office to find out as to whether Army had been deployed in the State or not. Shri Fernandes reached CP's office around 1000 or 1030 hrs and asked Shri Pande about the deployment of Army, to which latter said that they could check up from the Control Room. Both of them went to the Control Room downstairs. According to Shri Pande, Shri Ashok Bhatt, who had been waiting for Shri Fernandes in the Circuit House, also came to CP's office to meet Shri Fernandes and entered the Control Room. Shri Pande has also stated that Shri Fernandes and Shri Ashok Bhatt remained in the Control Room for about ten minutes and then left CP's office. According to Shri Pande, during this visit to the Control Room, some of the press and media persons were also present and as such it was somehow made to appear that Shri Ashok Bhatt had come to monitor the Control Room. Finally, Shri Pande has stated that Shri Ashok Bhatt was never deputed to Shahibaug Police Control Room to guide or advise the police.

According to Shri Ashok Narayan, he does not recall any instructions given by the Chief Minister, which were conveyed by him either to the DGP or CP, Ahmedabad City to the effect that Shri Ashok Bhatt and Shri I.K. Jadeja would sit in the Ahmedabad City Police Control Room, Shahibaug and State Control Room, Gandhinagar respectively and assist/help the police.

Late Ashok Bhatt had earlier stated that he might have visited Ahmedabad City Control Room for about 5-10 minutes on 28-02-2002. However, he has denied to have interfered with the police work, as being a senior minister he had to maintain his

dignity and status. Again on 01-03-2002, he admitted to have visited the Shahibaug Control Room for about 10 minutes to meet Shri George Fernandes, who had gone to CP's office. The call detail records of Govt. mobile phone no. 9825039877 of Late Ashok Bhatt show that he returned from Godhra to Ahmedabad on 28-02-2002, at about 05:16:51 hrs. Thereafter, the call details do not show its location till 15:50:43 hrs on 28-02-2002, when the location was traced to Koba Circle, Gandhinagar. During this period, it is presumed that he was at Gandhinagar. His location on 28-02-2002 at 16:16:37 hrs to 17:47:22 hrs was shown as Shahibaug Kedar Tower, Ahmedabad City, which would conclusively prove that during this period he attended CM's press conference at Circuit House Annexe, Shahibaug, Ahmedabad City. Thereafter, again the location was seen at 17:59:22 hrs at Koba Circle, Gandhinagar, which shows that he was returning to Gandhinagar. It may thus be seen that these call details would conclusively go to established that Late Ashok Bhatt did not visit Shahibaug Police Control Room on 28-02-2002. It would not be out of place to mention here that the matter was more than seven years old, when Late Ashok Bhatt and others were questioned and as such the documentary evidence is to be relied upon instead of depending upon the memory of the different individuals, who have given different versions.

Shri Nissar Mohammad Malik, the then PSI, who was on duty in the Police Control Room, Ahmedabad City from 28-02-2002 at 0800 hrs to 02-03-2002 at 0800 hrs, has stated that Shri George Fernandes, the then Union Defence Minister and Shri Harin Pathak, the then MoS for Defence had come to Police Control Room, Ahmedabad City at 1005 hrs on 01-03-2002, and left at 1025 hrs. He has confirmed the wireless message in this regard to be under his signatures. He has denied knowledge about the visit of Late Ashok Bhatt, the then Health Minister to the Police Control Room either on 28-02-2002 or 01-03-2002.

Shri V.R. Patel, the then PSI has also denied the visit of Late Ashok Bhatt, the then Health Minister to the Ahmedabad City Police Control Room either on 28-02-2002 or 01-03-2002.

Shri Parbatsinh A. Dholetar, the then PSI, Ahmedabad City Police Control Room, who was on duty on 28-02-2002 from 0800 hrs to 1200 hrs and 2000 hrs to 2400 hrs, has denied the visit of any Minister to the Police Control Room.

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

It may thus be seen that Shri K. Chakravarthi has categorically stated that Shri I.K. Jadeja did visit his office, but did not go to the State Control Room and he was made to sit in an empty chamber. Shri I.K. Jadeja himself has confirmed that he shifted to an empty chamber near DGP's chamber and that DGP did not share any information with him. Shri K. Chakravarthi, the then DGP has confirmed that Shri Jadeja did not interfere with their work.

Shri I.K. Jadeja has taken the plea that it is an established practice in Gujarat State that in case of any natural calamities or serious law & order situation the Ministers of the various departments extend their help in handling the crisis. No material is available to rebut his plea. Late Ashok Bhatt had admitted earlier that he might have visited Ahmedabad City Police Control Room on 28-02-2002 for a few minutes, but the call detail records of his official mobile phone show his location at Shahibaug Kedar Tower between 16:16:37 and 17:47:22 on 28-02-2002, when he attended CM's press conference. This was conclusively proved that he did not visit the Police Control Room on 28-02-2002. Moreover, the officials of Ahmedabad City Police Control Room have denied that Late Ashok Bhatt ever visited the said Control Room either on 28-02-2002 or 01-03-2002. In view of the aforesaid position, it is

established that Shri I.K. Jadeja did visit DGP's office, but did not enter the State Control Room or interfered with the working of the police and the DGP also did not share any information with him. Further, it could not be established that Late Ashok Bhatt visited Ahmedabad City Police Control Room either on 28-02-2002 or 01-03-2002. As per his own admission, he might have visited the Control Room for a few minutes on 28-02-2002 and/or 01-03-2002. Therefore, the allegation that the two Ministers were positioned in the State Control Room and Ahmedabad City Police Control Room by the Chief Minister, is not fully established. Significantly, Shri I.K. Jadeja remained at State Police headquarters for 2/3 hrs as per his own admission but did not interfere in the police functioning. Late Ashok Bhatt's presence in the City Police headquarters on the relevant day, if any, was very negligible and it can not be termed of any material value. In the absence of documentary/oral evidence of any directions by those two Ministers to police officials, it can not be said at this stage that they conspired in the perpetration of riots or took any action for controlling the riots.

➤ **ALLEGATION NO. VI :**

Officers from field executive posts were transferred (by CM), in the thick of riots in 2002, despite DGP's objection so as to facilitate placement of those who were willing to subvert the system for political and electoral benefits as narrated in Para 67 of the complaint dated 08.06.2006, wherein instances of punishment, ill-treatment etc. are listed in respect of the following officers : (1) Shri Rahul Sharma, IPS, (2) Shri Vivek Shrivastava, IPS, (3) Shri Himanshu Bhatt, IPS, (4) Shri M. D. Antani, IPS, (4) Shri R. B. Sreekumar, IPS and (6) Shri Satishchandra Verma, IPS.

This allegation relates to instances relating to punishment, ill-treatment etc. to the various police officers, who were transferred from the field executive posts in the thick of riots in

2002 so as to facilitate the placement of those, who were willing to subvert the system for political and electoral benefits.

Shri Rahul Sharma, who had been posted as SP, Bhavnagar on 16-02-2002, has stated that on 27-02-2002, he was on leave and after having come to know about the Godhra train carnage, rushed to Bhavnagar and reached there in the evening of 27-02-2002. He has further stated that on 01-03-2002, permission was granted to Sadhu-Samaj by District Administration to take out a procession and after the rally started at 1710 hrs, the riot broke out in Bhavnagar City and the mob had started gathering at different places in Bhavnagar City. Further, one Kishor Bhatt, President of Shiv-Sena, Bhavnagar Branch was arrested by the police and thereafter, some reports of stone pelting, arson and rioting had come in and curfew was imposed by the District Collector at his request. He has also stated that Bhavnagar police had succeeded in controlling the communal riots by the evening of 02-03-2002. Shri Rahul Sharma has stated that Shri Gordhan Zadafia spoke to him over phone on 16-03-2002 and informed him that he had done a good job in controlling the communal riots, but the ratio of deaths, as a result of police firing in the riots was not proper, i.e., more number of deaths of Hindus than Muslims. Shri Rahul Sharma has also stated that on 23-03-2002, a mosque was attacked by a riotous mob following which 21 persons were arrested and that he was pressurised by the local leaders to release them, to which he did not agree. As a result, of he had difference of opinion with the Collector, IGP, Junagadh Range and DGP. Shri Rahul Sharma was transferred as DCP, Control Room, Ahmedabad City and he was relieved from the charge of post of SP, Bhavnagar from 26-03-2002. However, Shri Rahul Sharma has stated that he would not be able to comment on the circumstances that led to his transfer from Bhavnagar to Ahmedabad City as transfer/ posting is the prerogative of the Govt.

Shri Vivek Srivastava has stated that he remained posted as SP, Kutch during January, 2001 to March, 2002. He has further

stated that as a mark of protest against the Godhra carnage, VHP had given a call for Gujarat Bandh and had taken out a rally in Bhuj town on 28-02-2002, for which adequate arrangements had been made, as a result of which there was no untoward incident in the entire District and no killings were reported from anywhere in the District. According to Shri Vivek Srivastava, a few days after the Godhra incident, a Muslim family had been assaulted with sharp edged weapons at a Dargah out side Nakhatrana town by some unknown miscreants, causing injury to two persons. Further, according to Shri Vivek Srivastava, a case u/s 307 IPC was registered and one Home-Guard Commandant with BJP leanings of Kutch District had been arrested and charge sheeted on completion of investigation. Shri Vivek Srivastava has also stated that he got a few phone calls from the office of Home Minister and Chief Minister asking him about the details of the case and also as to whether there was adequate evidence against all the accused to which he confirmed that sufficient evidence was available against all the accused persons for effecting their arrest. Shri Vivek Srivastava was transferred in the last week of March, 2002 and posted as Deputy Commissioner, Prohibition & Excise, Ahmedabad Zone. However, Shri Vivek Srivastava was unwilling to comment upon the reasons, as according to him, transfers were the prerogative of the Govt.

Shri M.D. Antani, who remained posted as SP, Bharuch during 10-08-2000 to 26-03-2002, has stated that keeping in view that Bharuch was a communally sensitive District with 27% Muslim population, adequate police arrangements were made pursuant to the Godhra carnage incident. According to Shri Antani, from 28-02-2002 onwards, incidents were reported only in respect of Bharuch town, Ankleshwar and Raj-Pardi areas, whereas Palej, Amod, Kavi, Vedach, Nabipur, Hansot and Bharuch Talukas were almost eventless. In all two Muslims had died during the riots, whereas three Muslims were killed in police firing on 19-03-2002. He was transferred on 26-03-2002, as SP, Narmada and was

relieved on the same day. However, Shri Antani has stated that he can not comment on the allegation of any motive for his transfer.

Shri Satish Chandra Verma was posted as DIG, Border Range with headquarters at Kutch-Bhuj during the period 2003-2005, which has three Districts including Patan. At that time one Shri Shankar Chaudhary was the sitting MLA of BJP from Radhanpur Assembly constituency. Shri Verma has stated that a criminal case had been registered in Radhanpur P.S. in the context of rioting between Hindu and Muslim crowds after the Godhra carnage on 27-02-2002, in which two Muslims had reportedly died due to police firing. However, it was brought to his notice that the death of these two Muslims by police firing was not substantiated by available evidence and instead evidence was available against private individuals including Shri Shankar Chaudhary, MLA for committing acts, which led to the death of these persons. Shri S.C. Verma has further stated that he had issued a formal order for the arrest of Shri Shankar Chaudhary, MLA for murder and attempt to murder. Shri Verma has also stated that sometime later, he was transferred as Principal State Reserve Police Training Centre, Chawky, Junagadh. However, Shri Verma has stated that he can not say that this transfer was a consequence of this aforesaid order. He has also stated that he can not call the post of Principal of a training institution unimportant. Shri Verma has further clarified that the scrutiny of the evidence by him in the aforesaid criminal case was not a part of scrutiny of 2000 odd cases entrusted to the DGP by the Hon'ble Supreme Court of India. Shri Verma has further stated that it was not true that the post of Principal, SRPTC had been upgraded from SP to DIG to post him there and that this post had been encadred before his posting there as a DIG level post.

Shri R.B. Sreekumar has stated before the SIT that he remained posted as Addl.DG (Int.) during 09-04-2002 to 18-09-2002. He has further stated that during this period, he had sent reports against Sangh-Pariwar supporters, about the prejudice of

the Govt. officials against the Muslims and the general subversion of the Criminal Justice System, to the Govt. and DGP. He has further stated that in his first affidavit filed before Nanavati-Shah Commission of Inquiry, he had pointed out that the State IB had informed the State Govt. about the likely repercussions of Godhra incident and measures to be initiated by the field officers, but on account of pressure from the ruling party and some higher officers, no steps were taken to control the emerging communal situation as detailed in Gujarat Police Manual and that this paved the way for the violence from the Hindu mob against the Muslims. He had also stated in his affidavit that the imposition of curfew was delayed on 28-02-2002, till 1300 & 1400 hrs in Ahmedabad City to facilitate the parading of dead bodies of Godhra victims. Shri R.B. Sreekumar had also submitted his second affidavit on 06-10-2004, covering the additional terms of Nanavati-Shah Commission, in which he had pointed out the subversion of criminal justice system against the Muslims and specific suggestions to remedy the situation, but the Govt. did not take follow up action on the suggestions made by him in his assessment reports dated 24-04-2002, 15-06-2002, 20-08-2002 & 28-08-2002. Shri R.B. Sreekumar has further stated that he had filed a third affidavit on 09-04-2005, presenting the data on his harassment and victimization on account of his non compliance of intimidatory briefing by State Home Department official, who had asked him to look after the political interests of the Govt. Shri R.B. Sreekumar has also stated that after a charge sheet was served upon him on 06-09-2005, questioning his revelations before the Nanavati Commission, he filed a fourth affidavit before the Nanavati Commission on 27-10-2005. Shri R.B. Sreekumar has further contended that he was superseded in promotion because of the aforesaid acts and thus victimized by the Govt. He has also stated that he had been exonerated of all nine charges served upon him by the Central Administrative Tribunal, Ahmedabad on 28-09-2007 and that the State Govt. sought a stay on the operation of the CAT's order from Gujarat High Court, which was rejected and that

the Hon'ble High Court had ordered for the expeditious release of regular pension to him and also grant of promotion from the date of his supersession i.e. 23-02-2005. The State Govt. had complied with the High Court directive and issued orders on 02-05-2008.

The statements of Shri Rahul Sharma, the then SP, Bhavnagar, Shri Vivek Srivastava, the then SP, Kutch, Shri M.D. Antani, the then SP, Bharuch and Shri S.C. Verma, the then DIG, Border Range, Kutchch-Bhuj before the SIT would go to show that though their transfers were immediately after certain events in their jurisdiction, yet according to them postings/transfers being the prerogative of the Govt., the same can not be linked to certain events that took place immediately before their transfers. Shri S.C. Verma has pointed out that the post of Principal of a training institution could not be said to be unimportant. He has further clarified that the scrutiny of the allegation in a murder case of two Muslims was not a part of scrutiny of 2000 odd cases entrusted to the DGP by the Hon'ble Supreme Court of India. Shri Verma has also clarified that the post of Principal, SRPTC had been upgraded before his posting there.

The testimony of Shri R.B. Sreekumar is motivated inasmuch as he had started collecting data/evidence during posting as Addl. DG (Int.). Even subsequently, he clandestinely recorded his conversation with Shri G.C. Murmu, Home Secretary and Shri Arvind Pandya, Govt. Advocate before the Commission with a view to level the allegation of pressure tactics against him. He had also recorded his conversation with Shri Dinesh Kapadia, an under Secretary, Budget and Co-ordination in the Home Department to be utilized subsequently, as evidence against the Govt. Surprisingly, he kept all these things a well guarded secret till he was superseded in promotion in February, 2005 and made it public in his third affidavit filed before the Commission on 09-04-2005. All these actions on the part of Shri R.B. Sreekumar therefore, appear to be motivated. In view of this, the credibility of his oral testimony has also been considerably reduced because

the same stands uncorroborated. On account of the aforesaid factors, this allegation, therefore, is not established.

➤ **ALLEGATION NO. VII :**

Senior officials were rewarded with undue benefits, even while their conduct was under the scrutiny of Nanavati Commission, as narrated in Para 68 of the complaint dated 08.06.2006, wherein "Rewards" for collaborating with the illegal plans of CM/BJP during 2002 riots and afterwards are listed in respect of the following officers : (1) Shri G. Subba Rao, IAS, the then Chief Secretary, (2) Shri Ashok Narayan, IAS, the then ACS (Home), (3) Dr. P. K. Mishra, IAS, the then PS to CM, (4) Shri A. K. Bhargava, IPS, (5) Shri P. C. Pandey, IPS (6) Shri Kuldeep Sharma, IPS, (7) Shri M. K. Tandon, IPS, (8) Shri Deepak Swaroop, IPS, (9) Shri K. Nityanandam, IPS, (9) Shri Rakesh Asthana, IPS, (10) Shri A. K. Sharma, IPS, (11) Shri Shivanand Jha, IPS, (12) Shri S. K. Sinha, IPS, (13) Shri D. G. Vanzara, IPS.

(1) Shri G. Subba Rao, the then Chief Secretary, Gujarat:

Enquires conducted by the SIT revealed that Shri G. Subba Rao an IAS officer of 1965 batch, Gujarat cadre remained posted as Chief Secretary, Govt. of Gujarat from 2001 onwards and was due to retire on 31st January, 2003. However, he was granted extension for period of three months till April, 2003. After retirement, he was appointed as Chairman, Gujarat Electricity Regulatory Commission in May, 2003 and retired with effect from January, 2008 i.e. on attaining 65 years of age. It is incorrect to say that he had been appointed as Chairman of GERC for a period of six years.

As regards the entries dated 17-04-2002, 22-04-2002, 01-05-2002, 28-06-2002, 09-08-2002 and 19-09-2002 made by Shri R.B. Sreekumar in his so-called diary/register maintained by him. Shri G. Subba Rao has stated that so-called diary/register was an unauthorised illegal document without any validity under the law

and the same consists of baseless false and malicious statements. He has further stated that the details of these entries are not only untrue, but also baseless, absurd, unethical and publication of the said details, which are untrue and purportedly made before many years and which attributed statements to the people, who had no access to nor any ink-link clue of the so-called diary is unwarranted, unethical, unfair and motivated. According to Shri Subba Rao, Shri R.B. Sreekumar had filed four affidavits before Nanavati Commission of Inquiry on 06-07-2002, 06-10-2004, 09-04-2005 & 27-10-2005, but the details of this diary were filed along with the third affidavit, which itself shows that the diary was fabricated and an afterthought. Shri G. Subba Rao has added that it was significant that Sreekumar's promotion was withheld sometime in early 2005 and he was apparently trying to hit back at those in the State Govt. Finally, Shri Subba Rao has stated that this is a personal register of Shri Sreekumar and he was free to write anything he liked without the knowledge of the concerned persons and as such no reliance should be placed upon the same. Shri Subba Rao has denied the contents of the entries dated 17-04-2002, 22-04-2002, 28-06-2002, 09-07-2002, 15-09-2002 and 19-09-2002 made by Shri R.B. Sreekumar in his diary/register.

Enquiries further revealed that the Chairman/Members of Electricity Regulatory Commission are appointed by a Selection Committee comprising three members, namely, a Judge of the High Court designated by the Chief Justice (ex-officio Chairperson), Chief Secretary to the Govt. of Gujarat and the Chairman of the Authority or Member thereof nominated by the Chairman. The selection committee, after satisfying itself that the person being recommended possess the qualification mentioned in the Act, shall recommend within two months from the date on which the reference is received by it, a panel of names of two persons for each vacancies in the office of the Chairman or a Member. On receipt of the panel, the State Govt. shall within 15 days from the date of recommendation by the selection committee appoint one of the two persons recommended by the selection

Committee for the vacancy. The term of office of member shall be for a period of five years from the date of his appointment or the day on which he attains the age of 65 years. However, no person shall be appointed as a Member of the Commission after he has attained the age of 62 years. It may thus be seen that there is a proper procedure laid down for the selection of Chairman/Member of GERC and that the same is not within the discretion of the State Government.

Enquiries revealed that there are several posts in the Govt. institutions, in which there is a provision for the employment of the retired officers. Some of these institutions are Gujarat Electricity Regulatory Commission, State Election Commission, State Service Tribunal, Gujarat Public Service Commission, RTI Commission, State Vigilance Commission, Sales Tax Tribunal, Departmental Inquiry Officer etc. There are many more departments, in which only retired persons are appointed. As far as the statutory bodies under the statues are concerned, there is a prescribed procedure provided in the corresponding Act for the appointment of the Chairman.

Shri G.Subba Rao retired as a Chief Secretary to the Govt. of Gujarat and had fulfilled the minimum qualifications for appointment as Chairman/Member of the GERC. He was appointed through a properly laid down procedure. Shri G.Subba Rao has denied to have put pressure on Govt. officials to support any illegal policy of the Modi Govt. Further, he has denied to have instructed Shri R.B. Sreekumar to eliminate the minorities. This is one person's word against another's and there are no grounds to disbelieve Shri G.Subba Rao. The authenticity of the entries made by Shri R.B. Sreekumar in a register maintained by him has not been established, as there is no independent corroboration of the same. Also, the manner in which such a register was being maintained outside to the existing rules makes it unnatural and suspicious. The register, therefore, can not be relied upon as a documentary evidence to support the version of Shri R.B.

Sreekumar. In view of this the allegation that Shri Subba Rao coerced officials to support the illegal policies of the Modi Govt. and even instructed Shri R.B. Sreekumar to eliminate the minorities is not established. There are no grounds to disbelieve Shri G.Subba Rao. The authenticity of the entries made by Shri R.B. Sreekumar in a register maintained by him has not been established, as there is no independent corroboration of the same. Also the manner in which, such a register was being maintained made it unnatural and suspicious. The register, therefore, can not be relied upon as a documentary evidence to support the version of Shri R.B. Sreekumar.

(2) Shri Ashok Narayan, the then ACS (Home), Gujarat :

Shri Ashok Narayan, the then ACS (Home) took over on 01-01-2002, and continued to function as Chief Secretary to the Govt. of Gujarat till 23-05-2003 and, thereafter, appointed as State Vigilance Commissioner. He attained the age of 60 years as on 31-07-2004, but as a State Vigilance Commissioner, he was granted an extension of two years till 30-06-2006. Subsequently, he was granted four extensions of six months each till 31-12-2008 or further orders. However, before his extension could be completed, Shri Ashok Narayan retired on 01-10-2008 after a suitable incumbent had been appointed. It has been alleged that he had supported the Modi Govt. to carry out its anti-minority policies. It is not understood that in what manner he supported the anti-minority policies. As regards the entries made by Shri R.B. Sreekumar, Shri Ashok Narayan has stated that the register had been maintained by Shri Sreekumar in his personal capacity and can not form the official record as the same had never been submitted to any of the senior officers for their perusal/information. He has further stated that the said register can not be taken as an authentic document, because the entries were made by him at his own will and at his convenience. Regarding different entries Shri Ashok Narayan has stated that he does not recollect the various meetings pointed out by Shri R.B. Sreekumar. As regards the

entry dated 08-08-2002 made by Shri Sreekumar, Shri Ashok Narayan has stated that he does not remember having informed the former to remain present in the Election Commission meeting to be held on 09-08-2002. However, he has denied to have given any instructions to Shri Sreekumar for not making any comments or any presentation, which would go against the formal presentation prepared by Shri K. Nityanandam. He has stated that the contents of the entry dated 09-08-2002 made by Shri Sreekumar in his register about the Election Commission meeting are broadly true, but he could not comment upon the aspects of shouting by the Chief Secretary at him. In view of the aforesaid position, the contents and the views expressed by Shri R.B. Sreekumar in his register can not be accepted as reliable evidence. Another allegation by Shri Sreekumar that Shri Ashok Narayan was selected and posted in the sensitive post of State Vigilance Commissioner at the time, when his conduct and performance of duty was under scrutiny by the Nanavati-Shah Commission, it has come to light that Shri Ashok Narayan was the senior most as on 23-05-2003 and was the only Additional Chief Secretary in rank and as per rules eligible for promotion to the rank of Chief Secretary. However, the Govt. chose to promote one Shri P.K. Lahiri of 1969 batch IAS as Chief Secretary. It may be mentioned here that two other officers of 1968 batch namely Shri Sunil Sood and Shri C.K. Koshy were senior to him, but none of these three officers were holding the rank of Addl. Chief Secretary and thus, not eligible to be promoted as Chief Secretary. All these three officers were together promoted as Addl. Chief Secretary. Shri Sunil Sood was promoted and posted out as Chairman, Agro Industries Corporation and Shri C.K. Koshy was posted as Chairman, Gujarat State Power Corporation. Shri Ashok Narayan wanted to be posted out of the State Govt. and as such he was appointed as State Vigilance Commissioner, a post normally held by a person of the rank of retired Chief Secretary, as the conduct of the officers of the rank of the serving Chief Secretary also came under his purview. It may thus be seen that Shri Ashok Narayan

was posted as State Vigilance Commissioner, as this was the only post equivalent to the rank of Chief Secretary, outside the Govt., where he could be posted, as he did not want to work under his junior Shri P.K. Lahiri, who had been appointed as Chief Secretary. As regards the allegation that he favoured Shri Narendra Modi, Chief Minister by not stating anything adverse in his affidavit to the Commission and during his cross examination in August, 2004, there is nothing on record to show that he omitted to mention certain things in his affidavit. As regards the cross examination the replies of the witness are restricted to the questions put to him by the counsel and it has not been observed by the Commission that he had evaded any of the issues or gave evasive replies. Coming to the allegation of not filing the second affidavit covering second terms of reference of the Commission, it may be mentioned that the second affidavit was to be filed only if one had knowledge about the involvement of the politician or the Chief Minister. In any case, if one is indicted by the Commission in any of the matter, suitable action as per law can be taken against him. In view of the aforesaid facts, the allegation that the senior officers were rewarded with undue benefits even while their conduct was under the scrutiny of Nanavati-Shah Commission of Inquiry is not established against Shri Ashok Narayan.

(3) Dr. P.K. Mishra, former Principal Secretary to CM, Gujarat :

As regards the allegation against Dr. P.K. Mishra, the then Principal Secretary to CM that he was given foreign trips by the Govt. as CEO, Gujarat State Disaster Management Authority as a favour for the services for remaining a total collaborator of CM in his alleged minority drive, Dr. P.K. Mishra has stated that the same was totally absurd and ridiculous. He has further stated that undoubtedly he made some visits abroad and most of the visits were as a part of Govt. of India delegation. Further, one of the visits was to receive United Nations Award because of the reconstruction work of GSDMA, which was rated outstanding by the United Nations International Strategy for Disaster Reduction.

He has also stated that all these foreign visits were on disaster management work, which had been widely acclaimed nationally and internationally. Dr. Mishra was also posted as Secretary, National Disaster Management Authority in order to set up the institution. While he was on Central deputation to Delhi, he had been invited to several international conferences because of the successful work of earth-quake, reconstruction and his expertise on the subject. Dr. Mishra has also written a book on the experiences of Gujarat Earth Quake Reconstruction, which was released in 2005, by the then Union Home Minister, who recommended it to be circulated to all Districts of the country. Dr. Mishra has also stated that he had been invited to the international conferences on Agricultural Insurance, in which he has done his Ph.D. and had also written two books. Even at present, he has been receiving invitations to participate in international consultations and workshops. In view of these facts, the allegation appears to be absurd.

As regards the entries made by Shri R.B. Sreekumar in his diary/register, Dr. P.K. Mishra has stated that he never held any formal/informal meeting with Shri R.B. Sreekumar. However, the latter came to GSDMA to present a paper prepared by him about the role of police in Natural Disaster Management. He has further stated that the entries made by Shri R.B. Sreekumar in the so-called diary/register maintained by him, had no basis. As regards the enquires about Late Haren Pandya and his mobile phone record, he does not have any recollection, but he has categorically stated that no phone call details were made available to him either by Shri R.B. Sreekumar or Shri O.P. Mathur. According to Dr. P.K. Mishra, Shri R.B. Sreekumar has claimed to have maintained the said diary/register on his own, which has no authenticity and seems to have been circulated for the first time after the latter was denied promotion and therefore, he would not like to comment any further on the diary/register, which has no basis or authenticity. In view of the aforesaid explanation given by Dr. P.K. Mishra and

discussion of facts, the allegations are not established against him.

(4) Shri A.K. Bhargava, formerly DGP Gujarat :

Shri A.K. Bhargava, formerly DGP Gujarat was posted as ADG (Admn.) at the time of riots. Subsequently, he was transferred as Addl. DG (Crime & Railways), Gujarat and during this period, he had an occasion to supervise the investigation of Godhra carnage case, which was earlier being supervised by his predecessor. The Godhra carnage case was partially charge sheeted during his tenure of about one year. The first allegation is that he was allowed to hold the additional charge of MD, Housing Corporation with a budget of Rs. 200 crores per year. This is factually incorrect, as Shri Bhargava held the additional charge of DGP and the main charge of MD, Police Housing Corporation. The budget allotted to Police Housing Corporation is a matter of record. As regards the allegation that he co-operated with the Govt. and looked after the political interests of the BJP in the matter of review of 2000 odd cases, harassed the officers and agreed with the illegal directives of the Govt., the same is vague and baseless. As regards the review of 2000 odd cases, Shri A.K. Bhargava has stated that he was directly responsible to the Hon'ble Supreme Court of India and had submitted quarterly progress reports to the Supreme Court, which were duly accepted and never adversely commented upon. According to Shri Bhargava this was a matter of record and could be verified. Other allegations relating to harassment of officers and agreeing to the illegal activities of the Govt. Shri Bhargava has denied, as the same are vague and no specific instance has been cited. The allegations are therefore, not proved against him.

(5) Shri P.C. Pande, the then CP, Ahmedabad City:

Regarding the allegation against Shri P.C. Pande, the then CP, Ahmedabad City during the year 2002 that he had been inducted in the Central Govt. in the prestigious post of Addl.

Director, CBI in March, 2004 by NDA Govt., Shri P.C. Pande has stated that it is preposterous to say that he was shown a favour as he had not asked for a Central Deputation and it was a Central Govt. decision to take him in the CBI, where appointment required merit, efficiency, integrity and previous experience of the CBI and no appointment is done without the approval of the CVC. According to Shri Pande, the panel invariably consists of empanelled officers duly cleared by a top level screening committee and he had previous experience of CBI from 1981 to 1986 having served as SP, CBI, Ahmedabad.

Shri Pande has further stated that in February, 2005, he was promoted to the rank of DGP and posted as Director, ACB, which he joined in April, 2005 only and along with him, Shri K.R. Kaushik, a two batches junior officer was also promoted. Shri Pande has further stated that in fact, he had already been empanelled to hold a DG level post in Govt. of India by an order issued in August, 2004 and the State Govt. had shown no favour by promoting him along with his junior. Shri Pande has further stated that Smt. Teesta Setalvad had filed a Writ Petition no. 147/2004 in the Hon'ble Supreme Court of India, in which the Supreme Court passed an order, which reads, "the learned Solicitor General states that it has been decided to laterally transfer Shri P.C. Pande from the post of Addl. Director, CBI to another assignment in MHA....". This submission was preceded by taking consent of the CVC for premature release from CBI as envisaged in the relevant Act. Shri Pande has stated that the consent of the CVC was obtained after informing them that since, he was empanelled and due for promotion and there being no position in the CBI in that rank, he had to be shifted out of CBI. It may thus be seen that neither a favour had been shown to Shri Pande by induction in CBI nor was he made to leave the CBI with a taint.

Shri Pande has clarified that he continued as Commissioner of Police, Ahmedabad City till 10th May, 2002 and that it was

incorrect to say that 1000 people lost their lives in Ahmedabad City during the riots of 2002, whereas the actual number of deaths between 28-02-2002 to 30-04-2002 was 442, of whom 113 were Hindus and 329 Muslims. These figures included over 100 dead in police firing and over 33 in private firing. He has further stated that during this period 780 criminal cases were registered and 2862 persons arrested of whom 1755 were Hindus. According to Shri Pande, in police firing on 28-02-2002, 17 persons died of whom 11 persons were Hindus and all offences committed were duly and properly registered including by sending police officers to relief camps and therefore, no important crime remained unregistered. Over 2800 persons were arrested for various offences registered during the riots. As per Shri Pande, it was too premature for any prosecution to begin and therefore, there could be no question of favouring any party in the matter of criminal prosecution. Shri Pande had filed an affidavit before Nanavati-Shah Commission and also appeared before the Commission and subjected himself to cross examination. It is incorrect to say that he did not reveal basic facts about 2002 riots in his affidavit or cross examination. Shri Pande has stated that he had favoured Hindu communal elements in registration of cases, arrest, prosecution etc. and thus the Supreme Court ordered a review of 2000 odd riot cases is a preposterous and vague allegation and had been maliciously made against him. Further, as regards the review of 2000 odd cases ordered by the Supreme Court, it may be mentioned that a quarterly progress report was being submitted to the Hon'ble Supreme Court of India and also placed on the website created for the purpose and that the progress reports submitted to the Supreme Court had never been adversely commented upon and were accepted. The review of 2000 odd cases by the Supreme Court included 349 cases pertaining to Ahmedabad City and after sustained investigation only 4/5 cases were charge sheeted in the Court. In view of the aforesaid position the connected allegations are not established.

(6) Shri Kuldeep Sharma, former IGP, Ahmedabad Rural Range:

As regards Shri Kuldeep Sharma, now Addl. DG, It may be mentioned here that though on one hand it has been alleged that he had been rewarded for facilitating riots in the rural areas of Ahmedabad Range as incharge IGP, yet on the other hand, it has been stated that in July, 2005, he was shifted to the post of Addl. DG (Training) as he did not agree to book Mallika Sarabhai in a false case and also did not oblige to save Shri Prabhatsinh Chauhan, a Minister in Modi cabinet, who was involved in a case of criminal misappropriation. These averments are contradictory. Shri Kuldeep Sharma has stated that these averments only go to prove the neutrality and impartiality of his action in the discharge of his duties and that he has nothing further to say in the matter. It may be mentioned here that in the book titled as Crime Against Humanity Volume-I (page 185) published by Concerned Citizens Tribunal- Gujarat 2002, it has been mentioned that one Shri S. Mansuri, a witness and others from Mehmabad had stated before the tribunal that tremendous pressure was put on the police and Revenue Department to let the mobs do their work unhampered, but he and others were full of praise for DIG (IGP Ahmedabad Rural Range) Shri Kuldeep Sharma, who resisted the pressure. In another English monthly titled as "Communalism Combat" for March-April, 2002 of which Shri Javed Anand and his wife Mrs. Teesta Setalvad are the editors, it has been mentioned by Shafibhai Mansuri, Ex-President of the Municipal Corporation that the DIG of Ahmedabad Range, Shri Kuldeep Sharma reached within an hour of the incident. This contradicts the allegation that Shri Kuldeep Sharma had been rewarded for facilitating the riots in the rural areas of Ahmedabad Range. As regards not filing an affidavit before Nanavati-Shah Commission of Inquiry, Shri Kuldeep Sharma has explained that since the SsP incharge of the Districts were to file affidavits in addition to the affidavits being filed by the police station incharge and the SDPO, it was not considered necessary to file an affidavit by the Range IGP. However, if Commission had considered it important as in the case

of other officers, he could have been called upon to file an affidavit as well, but this was not done. In view of the aforesaid facts, the allegation levelled against Shri Kuldeep Sharma is doubtful.

(7) Shri M.K. Tandon, former Jt.CP, Sector-II, Ahmedabad City:

The role played by Shri M.K. Tandon, the then Joint CP, Sector-II, Ahmedabad City and Shri P.B. Gondia, the then DCP, Zone-IV, Ahmedabad City has been reinvestigated. It has come to light that Shri M. K. Tandon was Joint Commissioner of Police, Sector-II, Ahmedabad City during the relevant period. Sector-II comprised of 3 Zones (Zone-IV, V & VI) and covered 15 police stations including Meghaninagar and Naroda. Certain police stations in his jurisdiction namely Dariapur, Gomtipur, Rakhial and Bapunagar were traditionally communally sensitive while Meghaninagar and Naroda did not have history of serious communal riots though these also had a few Muslim pockets. Each Zone is headed by a Deputy Commissioner of Police (DCP). Shri P. B. Gondia was posted as DCP Zone-IV, who had jurisdiction over Meghaninagar, Naroda, Dariapur, Shahibaug and Sardarnagar Police stations.

Though Shri Tandon had received information regarding Godhra train incident as well as the proposed VHP Bandh on 28.02.2002 on the morning of 27.02.2002 itself, yet he did not hold any formal meeting with DCsP/SHOs or chalked out any plan to handle the law and order situation on the coming day. In fact, no major preventive police action was taken. Similarly, no meeting of SHOs/chalking out of law and order plan was done by Shri P. B. Gondia, DCP. Shri Tandon was allotted 1 Coy of State Reserve Police (SRP) for the Bandh day, which was distributed among 3 DCsP (1 Platoon each). During his movements on 28.02.2002, Shri Tandon was having a Striking Force comprising of 2 Police Sub-Inspectors and a few armed men in 2 vehicles. In the morning of 28.02.2002, Shri M. K. Tandon left for Dariapur police station as it was considered communally very sensitive. On the way, around 10.35 hrs, he received a wireless message from Assistant

Commissioner of Police, 'G' division requesting Police Control Room to send more vehicles to Naroda Patiya area. In view of this message, he changed his route towards Naroda Patiya. On his way to Naroda Patiya he came to know that Sr. PI of Meghaninagar P.S. had gone to Gulberg society due to some problem and as such he also proceeded to Gulberg Society and reached there around 11.30 hrs. At Gulberg Society, Shri M. K. Tandon found that a mob of around 1,000 Hindu rioters had surrounded it and, therefore, ordered for bursting of tear gas shells and lathi charge by his Striking Force. As per official record six tear gas shells were fired by the Striking Force attached to Shri Tandon at that time. As a result, the mob got dispersed in the lanes/by-lanes near Gulberg Society. It appears that Late Shri Ahesan Jaffri, ex-MP and certain other residents of Gulberg Society met Shri Tandon who assured them to strengthen the police bandobast at the society. Though witnesses claim that Late Ahesan Jaffri had met the Commissioner of Police, investigation has established that Shri P.C. Pande, the then Commissioner of Police had not visited the Gulberg Society at that time. In all probability, Shri Jaffri met Shri M. K. Tandon, the then Jt. CP, Sector-II. However, this fact has been denied by Shri Tandon.

Around 1150 hrs, Shri M. K. Tandon left for Naroda Patiya. . By that time, Shri P. B. Gondia, DCP had also received information regarding trouble at Naroda Patiya/Naroda Gaam and had arrived at Naroda Patiya around 1100 hrs. At Naroda Patiya, PI Shri Mysorewala of Naroda P.S. and ACP Shri M. T. Rana were already present to deal with mob, which had gathered in large numbers. Shri M.K. Tandon reached Naroda Patiya at about 1220 hrs and found the situation to be alarming. He immediately requested the Commissioner of Police over his mobile phone for imposition of curfew at Naroda Patiya to which the Commissioner agreed. The curfew was imposed at Naroda Patiya at 1230 hrs.

Significantly, Shri P. B. Gondia received a message at 1235 hrs from Senior Police Inspector Meghaninagar that the situation

was grave at Gulberg Society, where a mob of around 5,000 persons had reportedly gathered.

Around 1240 hrs, Shri M. K. Tandon left Naroda Patia for Dariapur police station area ostensibly on the ground that it was communally hyper sensitive. Incidentally, Shri Tandon did not take any concrete action at Naroda Patiya except for imposition of curfew. As per call detail records of his Govt. mobile phone, he was in Bapunagar-Rakhial area between 1241 hrs and 1325 hrs and remained in Dariapur and Kalupur Police station area between 1351 hrs and 1542 hrs.

Shri K.G. Erda, the then Senior Police Inspector, Meghaninagar police station sent alarming messages to Police Control Room at 1220 hrs and 1238 hrs, about the critical situation at Gulberg Society requesting for reinforcements. At 1405 hrs Shri Tandon sent a message to Control Room to send additional force for shifting Shri Ahesan Jaffri and others who had been surrounded by a mob in the Gulberg Society. Shri Tandon did not bother to inquire about the latest position till 1545 hrs when he asked Control Room to check-up as to whether there was any incident relating to loss of life in Gulberg Society. By that time, the Society had been set ablaze and a lot of lives including that of Ahesan Jaffri had been lost.

Shri P. B. Gondia, the then DCP, Zone-IV sent Shri V. S. Gohil, IInd Police Inspector Naroda Police Station to Naroda Gaam around 1300 hrs as the situation over there was critical. He also ordered police firing in Naroda Patia area, which resulted in death of 1 Hindu and 1 Muslim miscreant. As per police records, during this period, 48 rounds (22 rounds of 9 mm + 26 rounds of .303) as well as 95 tear gas shells were fired by the Striking Force of Shri P. B. Gondia. Around 1430 hrs, he left Naroda Patiya at 1420 hrs ostensibly to go to Pithadiya Bambha (Dariapur PS) in view of some trouble there. (However, in a signed statement made before Shri A. K. Malhotra, Member, SIT, he has claimed that he had left for Hotel Moti Manor owned by a Muslim and Rosary School in

Shahibaug area, which were being set on fire). On the way to Pithadiya Bambha, Shri P. B. Gondia received instructions from CP Ahmedabad City at 1516 hrs to go to Gulberg Society, but he reached there sometime around 1600 hrs. Shri M. K. Tandon arrived at Gulberg Society subsequently and arranged for prisoner vans, ambulances etc. for safe passage of 150 survivors of Gulberg Society to Shahibaug police station. However, after the departure of Shri M. K. Tandon, Shri P. B. Gondia, ACP M. T. Rana and PI Shri K. K. Mysorewala from Naroda Patia area, a major incident of rioting had taken place between 1800 hrs and 1830 hrs, in which 85 persons were killed and 13 persons went missing. Five VHP activists were named as accused in the FIR.

Furhter investigation has revealed that Shri M. K. Tandon, Jt. CP was in touch with some of the accused persons of Naroda Patiya/Naroda Gaam cases. He had also received 2 telephone calls at 1137 hrs for 250 seconds and 1256 hrs for 161 seconds on 01.03.2002 from accused Jaydeep Patel of VHP in Naroda Gam case and 2 calls, at 1458 hrs for 32 seconds and 1904 hrs for 61 seconds on 01.03.2002, from accused Dr. Mayaben Kodnani, MLA.

Shri P. B. Gondia was also in touch with some of the accused persons of Naroda Patiya/Naroda Gaam cases. He had received 3 calls on his Mobile phone from Dr. Mayaben Kodnani, MLA at 1039 hrs, 1339 hrs and 1249 hrs on 28.02.2002, 01.03.2002 and 02.03.2002 respectively. He had also received 3 calls at 1140 hrs, 1152 hrs and 1220 hrs on 28.02.2002, 2 calls at 1004 hrs and 1135 hrs on 01.03.2002 and 2 calls at 1156 hrs and 1848 hrs on 02.03.2002, respectively from accused Jaydeep Patel.

Investigation has further revealed that Shri M.K. Tandon got the mob dispersed out side Gulberg society around 1130 hrs but did not take any steps for strengthening of police bandobast despites assurance given to Late Ahesan Jafri and others. Shri K.G. Erda, the then Sr. PI also requested him for the same, but no action was taken by him. Further, one platoon of SRP allotted to

DGP, Zone-IV had reported to him at 1245 hrs and the same was deployed at Naroda Patia. Further, the cremation of 12 kar-sevaks, who had been died in Godhra train incident on the previous day, was also to take place in Hatkeshwar cremation ground, which was also in jurisdiction of Shri M.K. Tandon, Jt. CP, there was some justification for him to leave Naroda Patia for communally sensitive areas in his jurisdiction particularly, when Shri P.B. Gondia, DGP, Zone-IV and Shri M.T. Rana, ACP were available at the spot to handle the situation. It has also come to light that at Dariyapur, a communally sensitive area one person was killed in police firing between 1215 hrs and 2100 hrs and one Masjid was havily damaged besides setting fire of Lunsawad Police Post by the miscreants. However, the records do not indicate any action taken by Shri M.K. Tandon at any of the location at Dariyapur. There is no record of any firing done at any place under his orders. It appears that Shri Tandon had not been able to appreciate the situation professionally As a Joint CP of Sector-II Shri Tandon was expected to monitor the situation properly and to keep a proper track of developments throughout his jurisdiction particularly when he left the Gulberg Society and Naroda Patia, the situation was serious. However, he left these locations at the mercy of DGP in Naroda Patia and the concern PI in case of Gulberg Society and did not monitor the situation properly, despite the fact that the gravity of situation was known to him. This reflects a thoroughly unprofessional conduct on the part of Shri M.K. Tandon. As regards his telephonic contact with the accused persons namely Shri Jaydeep Patel and Dr. Mayaben Kodnani, it has come to light that they were Joint General Secretary, VHP and MLA respectively from Naroda. Shri Tandon has not been able to recollect the conversation held with them, but claimed that the same must be about law & order situation. However, the mere contact with the local leaders, who were later prosecuted for rioting, does not make him a co-conspirator. Sufficient evidence is not available to establish Shri M.K. Tandon was a part of criminal conspiracy hatched by the accused persons at the aforesaid two locations.

Some of the actions on the part of Shri Tandon like imposition of curfew at Naroda Patia and his immediate shifting to Dariyapur, a communally sensitive area, establish his bonafides. The various acts of omission and commission would warrant a serious departmental action against Shri M.K. Tandon.

As regards the role played by Shri P.B. Gondia, he had left Naroda Patia at 1420 hrs despite the fact that a huge mob of Hindu and Muslim rioters had gathered, while the curfew was in force. His so called visit to Pithaliya Bambha was unjustified and he failed to assess the gravity of the situation at Naroda Patia. In fact, he should have gone to the Gulberg Society, where the situation was equally serious. Shri Gondia has received a number of calls from Dr. Maya Kodnani, MLA from Naroda and accused Jaydeep Patel of VHP. However, none of them has been able to recollect the talks, which took place. All these calls were incoming calls to Shri Gondia. Shri Gondia has claimed that seven rioters had been killed as a result of firing ordered by him. The police records confirmed that 110 rounds of bullets were fired and 183 teargas shells were bursted by the police personnel under him on 28.02.2002, but no personal firing was done by Shri Gondia. Of course, Shri Gondia was instrumental in controlling the riot situation at Moti Manor Hotel and Rosary school on his way to Pithaliya Bambha. All this circumstances would go to show that Shri P.B. Gondia lacked effectiveness in dealing with the situation and did not appreciate incidents at Gulberg Society and Naroda Patia. All the three major incidents had taken place in his jurisdiction just because he had left these locations at the mercy of junior officers. He failed to take preventive actions on 27.02.2002. However, all these acts are not sufficient to make out a criminal offense on his part u/s 304A IPC.

(8) Shri Deepak Swaroop, formerly IGP, Vadodara Range:

Shri Deepak Swaroop, remained posted as IGP, Vadodara Range during the period 2001 to April 2003. Vadodara Range consists of Vadodara Rural, Godhra, Dahod and Narmada