One tends to trust the justice system but things are now becoming really unclear about Modi as I have started asking questions. Like anyone else, I was taking the lazy position on this issue. The lazy position involves assuming that inquiries and courts are doing their job. However, a lazy position does not necessarily lead to the truth.

As a result of my preliminary research, I believe Modi is certainly involved in many serious crimes. I must, however, give him the benefit of doubt since matters are still being investigated/ proven.

The main thing about these cases is that they are very hard to prove, since a lot of key evidence was not recorded, and Modi has diligently destroyed a lot of key records. And almost certainly got key witnesses killed, including one of his own Ministers.

*Note that this material has not been consolidated in the form of a proper book, but is a compilation of research. There is likely to be some duplication, and extensive references to external sources including original government reports.*

Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST rebuttal of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta
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1. Congratulations to Modi as PM candidate – but now intense scrutiny must begin

1.1 Congress is India’s No. 1 enemy, so must be defeated

[This is from my blog post of 14 September 2013.]

I have long expected Modi to become BJP’s PM candidate. There is a clear mood in his favour. I’ve just read that he was made PM candidate last night while I was asleep.

Congratulations are in order to Modi – since he is (as a speaker, at least) far superior to almost anything that Congress has on offer.

Congress is India’s No. 1 enemy, so it must be defeated. On that there can be no two views. Perhaps the only way anyone could support Congress is if:

a) Shashi Tharoor is made the PM candidate

b) Congress adopts the SKCF total reform agenda, and

c) Congress hands over people like Rahul/Sonia Gandhi to the police for investigation for black money and corruption.

Clearly, none of these three things are going to happen. So Congress is out.

Given the terrible choices available to India, India can now consider BJP, but there are conditions for me to support BJP for 2014. The conditions, once again, are:

3) He must FULLY dissociate with the Ram temple issue, and with VHP. Let the law decide its course, or (as I say) let the government get out of managing ancient buildings and just regulate them. That will allow the sale of that property to “Hindus”. The Hindus should thereafter be required to DEFINITELY rebuild the Masjid (it was, after all, an ancient Indian monument of some architectural value) and also build their own temple on the side.

5) He must lift his ban on books. Freedom of speech is paramount. He can’t ban books even if he doesn’t like them.

6) He must commit to total reform of governance and economic policy using world-best policies of liberty. He could (if he likes) use the SKC agenda (which I’ve already sent to his think tank for review).

In the meanwhile, I’ll ramp up my investigation of the allegations of criminality against Modi, so I can assure myself that I’m not (even indirectly) supporting a murderer.

And the growth of SBP as a long term classical liberal political alternative in India must continue.
And let me add – lest people forget – that I support LOK SATTA for 2014 – unless I find strong reasons to support Modi. And Swami Ramdev’s support for Modi is not good enough reason for me to change my mind. I need to see BJP policies.

1.2 Systematic destruction of Gujarat’s administrative and justice systems by Modi

I’m warming up to Sreekumar after listening to him (on video). As a former senior IAS officer myself (e.g. as Sate Inquiry Officer – when I investigated a number of other senior officials), I have met many officers and can distinguish from people’s body language whether they are speaking the truth.

Sreekumar’s body language is of a TOTALLY UPRIGHT officer. He displays TOTAL commitment to the rule of law and the Constitution. Not desire for self-glorification. All he wants is an India where justice prevails.

As ADGP Intelligence, he was closely involved in reporting about the breakdown of the administrative and judicial machinery in Modi’s Gujarat. For his troubles Modi punished him in many ways. Just like Hiteswar Saikia punished me for my integrity. I know what it feels to be punished for doing the right thing in India. [I resigned and resolved to change India - and destroy al socialist parties - from the outside; Sreekumar hung on till retirement and is fighting Modi’s evil empire in his own way]

We should be grateful that India is not yet a banana republic and that Sreekumar was given back his promotion and pay/pension. That must have hurt Modi deeply. But that hurt is NOTHING compared to what is going to hurt him now:

a public investigation of the truth by people like me.

The more I read and spend time on this issue, the more I sense that Modi is truly evil person – like Hiteswar Saikia was. A significant pile of information is building up in my mind about Modi’s complicity at each step.

But I’m open to all views and challenges to my conclusions. I do want to give Modi the benefit of doubt. I don’t want to pre-judge things. And I want every piece of information vetted publicly. I’ve already got the Justice Tewatia report. Today I’ve downloaded friend Kishwar’s Modinama today and will start evaluating it, as well. Both Justice Tewatia and Madhu Kishwar are very well known to me. I trust them extensively. They have both absolved Modi. But I can’t believe them blindly, given the kind of information I’m reading.

I invite you to study the Modi case yourself. Do not believe in ANYONE, including Sreekumar/Sanjiv Bhatt. Nor me. I do not want anyone to believe me about ANYTHING. Only believe in yourself. Ask questions. Find the answers for yourself. Check whether I’m saying the right thing or I’ve gone wrong. I’m not God. I’m human and can (and do!) make mistakes.

Only when we have found it ourselves, do we now that we have found the truth.

In this case there is too much smoke. There must be fire. And that fire is Modi.
1.3 My questions for Modi

1.3.1 Why did Nanvati NEVER examine you?

You set up Nanvati very soon after the post-Godhra riots. But:

One of his most tenacious campaigns was to make the Nanavati Commission examine Narendra Modi on post-Godhra massacres. The commission was adamant in its refusal to summon Modi, although the allegations of complicity against him are expressly part of its mandate and there is a wealth of evidence against him. As the Supreme Court declined to intervene, the commission is still engaged with its 12-year farce of carrying on with a don’t-ask-don’t-tell inquiry. [Manoj Mitta, cited here]

1.3.2 Why did you bribe all your High Court judges except Akil Quereshi?

In 2008, as the cases against you and your goons started reaching the courts, you bribed Gujarat High Court judges with land worth Rs.1 lakh per sq. metre – which you sold to them at a measly Rs.5000 per sq. metre. All accepted except Akil Quereshi. [Source]

1.3.3 Why did you bribe Nanavati and hire his two sons?

There is clear evidence that you bribed Nanavati. You also hired his two sons, despite the obvious conflict of interest.

1.3.4 Why did you not punish your criminal Minister Kodnani?

Despite such impediments, human rights advocate Mukul Sinha brought to light the evidence of call data records (CDR), which had been collected by police officer Rahul Sharma. This led to the arrest of Modi’s minister Maya Kodnani, who was subsequently convicted for her involvement in the massacre at Naroda Patiya.

Another major issue on which Sinha had relentlessly pursued Modi was the series of fake-encounter cases, which landed several Gujarat police officers in jail and forced the resignation of home minister Amit Shah as he had himself been arrested for the murder of Sohrabuddin Sheikh.

For those of us who had been privileged to interact with him and benefit from his knowledge and generosity, the most fitting tribute to Sinha would be to keep the flame of human rights burning, more brightly than ever before, to take on the growing dangers of institutional bias and impunity, drawing inspiration from the courage he had displayed in the face of adversity.

Without civil society literally chasing you from pillar to post, you woud never have allowed even Maya Kodnani to be punished. You kept holding meetings with this criminal minister and defended such criminal minister/s.

1.3.5 Why has the killer of Haren Pandya, your Minister, not been found?

This minister gave witness against your direct involvement in the post-Godhra riots and he was therefore killed. Why could his killer not be found? And why did you treat his wife like a piece of rubbish?

Watch this from about 6:30 minutes

http://www.youtube.com/watch?v=zfFOXN2TO0Y
1.3.6 Why did you incite Gujarat by falsely blaming ISI and called Godhra a “terrorist” incident?

The Justice Sawant-Iyer report notes:

4.6. At 7.30 p.m., chief minister, Shri Modi made a public broadcast in which, for the first time, he put forward the ‘ISI hand behind the Godhra incident’ version.

The second question I have for Modi is this:

If, as he said on 27 February 2002, the ISI had prompted the Godhra train burning (for which NO EVIDENCE HAS EVER BEEN PRODUCED – so clearly he lied in a big way), then why did Modi allow hundreds of INDIAN Muslims to be brutalised and killed?

If Pakistani Muslims were involved, then catch THEM. Why kill (innocent) Indian Muslims (including women and CHILDREN)?

In any event, if ISI was involved, then it was a problem for the central government. Why did Modi call a State bandh and aggravate the local Gujarat situation, instead of taking all defensive measures to protect law and order?

This seems to have been a clear ploy to AGGRAVATE the communal situation, not to defuse it.

1.3.7 Why did you hand over dead bodies to VHP?

Now that I'm looking at the PLETHORA of evidence provided in the protest petition (download here), a large number of questions are coming up for consideration.

The next question in my list of questions for Mr. Modi is this:

Leaving aside CRITICAL questions about the inquest and post mortem, why did you hand over the dead bodies to VHP in spite of warning by the key officials that the bodies should only be handed over to the relatives, not to do so? Remember, you had been in constant touch with VHP from the MOMENT you got this information. You had also DELIBERATELY distorted the report of the Deputy Commissioner about how the incident occurred, and spent the entire day making as many false statements as you could possible make, in the legislative assembly/media. You allowed VHP to perform a function (carrying dead bodies) that cannot EVER be done by any private entity UNLESS all formalities have been completed. There is NO PROVISION IN THE LAW TO HAND OVER DEAD BODIES TO VHP.

In doing so you TOTALLY DESTROYED the concept of constitutional governance on 27 February 2002. You BROKE your oath to the constitution and to your office.

I look forward to your answer.

Note that I am still trying to believe that you are innocent, but it is becoming VERY hard to keep up this pretense. I wonder how Swami Ramdev is able to support you. Did he conduct his own inquiries?

EXTRACT FROM THE PROTEST PETITION.

In the SIT report it is admitted that the dead bodies which were sent to Ahmedabad, Mr Jaideep Patel of the VHP accompanied them. Not only this, it is clear from the letter of Mr Nalvaya, Mamlatdar, Godhra dated 27.2.2002 which was not addressed to any government official but to Mr Jaideep Patel/ Hasmukh Patel in which it was mentioned...
that 54 dead bodies were being sent to Ahmedabad in five trucks. Despite the fact that the SIT report mentions that it was A-21 Mr. Mr Jaideep Patel and none other who handed over the dead bodies to Deputy Collector in the presence of Medical Superintendent (Sola Hospital), DCP

Zone I and several other police and administrative officials, the SIT is keen to absolve A-21 Mr. Mr Jaideep Patel and through him, A-1 Mr. Modi of this irregular and illegal action. There is no reason why the dead bodies will be given to a VHP general secretary unless there was a clear instruction by chief minister A-1 to do so. Mr Jaideep Patel was carrying these dead bodies under his charge along with VHP workers who were shouting slogans throughout the way stopping at a number of places where subsequently bitter violence broke out.

76. The SIT in its bid to protect the accused has not made any comment on the illegal action of handing over bodies to a front man of VHP (a decision taken by Accused No. 1) but in the portion of its report where it deals with the various allegations contained in the complaint dated 8.6.2006, this decision has been criticized.

77. Fact however remains that dead bodies were handed over to Mr Jaideep Patel/Hasmukh Patel for transporting in a cavalcade with VHP workers to Ahmedabad. With such high level political functionaries present at Godhra when the decision was taken it is extremely improbable and highly unlikely that a Mamilatdar-level officer would take such a decision.

1.3.8 Explain your reported statement about your orders to kill as many Muslims as possible in three days

I'm going to ask questions from Modi (or Modi's team) and will decide my position re: Modi's suitability to be India's PM after considering the answers. I'm assuming no one from Modi's team will answer, but please feel free to direct me to an answer if you know about it.

**Question**: How do you explain this video – particularly statements about your directives to your party/Sangathan to kill as many Muslims as possible for three days?

http://www.youtube.com/watch?v=iwo6NbC68Yk

And how do you explain this audio tape of Haren Pandya?

1.3.9 Why were so many Muslims killed by your Police?

How do you explain that vastly more Muslims were killed BOTH BY THE POLICE AND VHP/BJP/RSS mobs?

54 Hindus and 790 Muslims were killed in all, with another 223 missing. There was an overwhelming massacre of Muslims. **But the Police too killed MAINLY the Muslims.** "Of the 184 persons who died in police firing since the violence began, 104 were Muslim".

So even if there only 170, the fact is that THE VAST MAJORITY OF PEOPLE SHOT BY MODI'S POLICE WERE MUSLIM. So instead of protecting Muslims, Modi was trying to KILL as many Muslims as possible.

Yes, there was clearly some counter-violence from the side of the Muslims and yes, the police did kill some rampaging Hindus. But how could the police have killed SO MANY
MUSLIMS? There are also confirmed reports of the police preventing Muslims from fleeing to safety.

There must have been a clear direction from Modi to shoot Muslims. And all this is confirmed by his own people who have been caught this - and more - on video.

Q: Modi, explain why your police killed so many Muslims when its job was to be protecting the innocent, not the aggressors?

1.3.10 Why did you violate all rules about control of riots

Why did you violate all norms and rules about control of riots?
- post mortem in open air
- sent dead bodies to Ahmedabad
- called/supported bandh
- supported vhp at each step and handed over bodies to them
- did not round up crooks
- did not call army quickly
- gave 3 days time to kill

1.3.11 Why is it that 12 years after the riots thousands of refugees live in camps without sanitation and are unable to go back to their homes?

The seven things for Modi to do are as follows (he has touched on item 2):

- Restore the lives of refugees uprooted in the 2002 Gujarat riots. Some 16,000 refugees from the violence still live in 73 refugee colonies, as they are not allowed to go back to their homes, and the Gujarat government failed to provide even basic sanitation. Find them minimum housing and a path to earn a livelihood. Let them be accommodated amidst all others with caring attitudes. In the long run we have to build desegregated societies for the good of all. [Source]

1.3.12 Answer these questions by Pratik Sinha

Here’s a nice list of questions prepared by Pratik Sinha:

- Were you the Saheb mentioned in the taped conversation between Amit Shah and GL Singhal?
- Were you handed over private conversations of a woman illegally recorded by Gujarat’s then IB Chief AK Sharma?
- Did the crime branch in-charge Additional DGP PP Pandey and IGP DG Vanzara take your (Chief Minister cum Home Minister) permission before carrying out fake encounters of Ishrat Jahan, Javed Sheikh alias Pranesh Pillai, Zeeshan Jowher, Amjad Ali, Sadik Jamal, Sohrabuddin and Tulsi Prajapati?
- After Gujarat Government accepted that the Sohrabuddin encounter is fake in an Affidavit filed in Supreme Court and arrested D G Vanzara, did you as Chief Minister order any enquiry against Vanzara and other officers who had murdered Sohrabuddin and his wife Kauserbi?
- Did you find out why your name was mentioned in every FIR filed by police in the fake encounters alleging that the deceased had come to kill him?
Why have you agreed to the appointment of Amit Shah, who has been charge-sheeted and briefly jailed (and now on bail) in a triple murder case, as the in-charge UP’s election campaign?

On 28th morning of February 2002, when the riots were taking place, what was Mr Jaideep Patel, prime accused in Naroda Gam case, talking over phone with your office (Chief Minister’s Office) over multiple calls?

Why didn’t you appear before the Nanavati Commission to testify about the 2002 violence and agree to be cross examined. Are you willing to be examined and cross examined even now before the Commission?

What action have you taken against the police officers in whose jurisdictions the murders took place in 2002 violence?

What action has your Government taken for the de-ghettosing of the Muslim settlements after 2002 specially the camps near Bombay Hotel where over ten thousand families are languishing without any faculties like road, gutter or water?

As the Home Minister in 2002, can you explain why was the Special Task Force under Tandon and Gondia missing from Gulbarg society between 12 noon and 4 pm on 28th February, 2002, the period during which the mob burnt down Gulberg society killing 69 people including former MP Ehsaan Jafri? Why were they missing from Gulbarg society and found in locations with much less rioting despite multiple calls to the Police Control Room from the officer KG Erda who was present on the spot?

Why haven’t you ordered a fresh investigation in Haren Pandya murder case now that all the accused in the murder case have been acquitted by the Gujarat High Court? Are you not interested in finding out who killed your former colleague and friend?

Why didn’t Gujarat Police arrest the policemen who killed three dalit youths at Thangad till the Gujarat High Court intervened?

Does the Narmada Tribunal Award permit you to divert Narmada water to beautify the Sabarmati River Front and allow it to flow into the sea?

Have you compensated the farmers who have committed suicide in the last 5 years?

What are the total number of days when the Gujarat Assembly has been called in session in the entire period while you have been the Chief Minister?

1.3.13 Answer these questions raised by DNA newspaper

Indian Media continues to prostrate before Modi: DNA deletes factual anti-Modi article on Gujarat Riots
2. **Myth**: Modi has received a “clean chit” from the Supreme Court

The facts are clear. There was no clean chit by the "Supreme Court". Instead, the Supreme Court gave full permission to lodge a Protest Petition and that is live and active. The question is: is the judge honest?

Further, the Godhra case is in appeal in the High Court. The case is so weak that any honest judge will throw out the lower court judgement.

For Modi to become PM or even, just to get a USA visa, the first requirement was a clean chit about the massacre in Gujarat. What he got instead was the absence of a clear guilty verdict. The Supreme Court’s amicus curae had found enough evidence to prosecute Modi but the Special Investigation Team did not agree. The SIT report confirmed that while Modi claimed to have been unaware of the Gulbarg Society massacre which in Ahmedabad for as long as five hours after the atrocity, in a contrary finding, Modi was shown to have held meetings with police officers throughout the day in order to continuously monitor the violence. The SIT also confirmed that Modi’s Gujarat state government was guilty of destroying a huge amount of incriminating evidence, including completely destroying the records of police communications and government meetings during the riots. For a relieved corporate media, all this passed as “a clean chit”.

The “clean chit” for Modi’s closest aide Amit Shah, is more astounding. He is accused of being a key player in the cold-blooded false encounter killings of Sohrabuddin, Kauser Bi and Tulsi Prajapati. The case is still going on even though Amit Shah has been strangely allowed to skip court on a regular basis. Despite the grave charges against him Modi chose him to be BJP’s star campaign manager in Uttar Pradesh.

Under Shah’s watch, there was a communal riot in Muzzaffarnagar and polarised voters gave BJP a landslide victory. Shah was then elevated to BJP President and delivered further victories in Haryana and Maharashtra. [Source]

2.1 Review of the legal case against Modi: the SIT “clean chit” is currently being disputed

In order to streamline my understanding of the case against Modi, I’ve collated data from multiple sources and listed below. Some of it doesn’t make sense, but broadly I’m beginning to understand what’s going on. Please guide me to any source that provides more precise timelines and clearer understanding of the relevant legal case/s.

It is clear that Modi’s "clean chit" has been legally disputed and **a new/separate inquiry can start – once again – if the court so decides** (in the month of September/ October 2013).

Should the court kick-start an inquiry once again, things can start getting really hot for Modi/BJP since Vanzara has now stepped into the picture as well, with Sreekumar’s recent note on this subject being quite illuminating.
The legal case/s

The Special Investigation Team (SIT) was appointed by the Supreme Court on 26.3.2008 on a petition by Teesta Setalvad, D.N.Pathak, Cedric Prakash and Others, first to look into the nine cases recommended by the National Human Rights Commission (NHRC) to be investigated by the CBI. The same SIT was a year later also asked to look into the criminal complaint against Narendra Modi and 61 others filed first before the Gujarat Police on 8.6.2006.

On 27 April 2009, the Supreme Court of India appointed a SIT to investigate the criminal complaint of Zakia Jafri and Citizens for Justice & Peace (CJP).

The SIT submitted its report on the Zakia Jafri and CJP Complaint to the Supreme Court on 12.5.2010 itself recommending that Further Investigation was required.

In the interim, the SC had also to drop two officers from the SIT, Shivandand Jha (because he was an accused in the Zakia Jafri complaint) and Geeta Johri who had been found, in the Sohrabuddin case to have serious strictures passed against her by the Supreme Court itself. (April 6 2010)

The following features of the SIT report need special mention:

(a) It found the speeches of N Modi objectionable and that Modi had a communal mindset, travelling 300 kilometres to Godhra but not visiting any relief camps that housed the internally displaced Muslims, victims of reprisal killings post Godhra until 6.3.2002.

(b) It found it questionable that bodies of the unfortunate Godhra victims were handed over to a non-government person, Jiadeep Patel of the Vishwa Hindu Parishad (VHP) who is currently facing trial in the Naroda Gaam massacre case;

(c) It found that Sanjiv Bhatt an officer of the State Intelligence, Gujarat had opined that he attended the controversial meeting at the chief minister’s residence indicating that illegal and objectionable instructions were given.

(d) It accepted that Police Officers like RB Sreekumar, Rahul Sharma, Himanshu Bhatt and Samiullah Ansari who had performed their tasks legally had been penalised and persecuted by the Modi regime and those who had buckled under the illegal and unconstitutional instructions had been favoured consistently;

(e) It however still concluded that there is no prosecutable evidence against the chief minister

The SC was not satisfied with this conclusion and directed that the Amicus Curiae Mr. Raju Ramachandran, who had already been appointed to assist the Supreme Court in this critical case, visit Gujarat, independently assess the evidence garnered and meet with witnesses directly, bypassing SIT.

Amicus Curiae Raju Ramachandran submitted and Interim report (January 2011) and Final report (July 2011).
The Supreme Court gave the SIT an opportunity to further investigate in light of the Amicus Curiae’s contrary findings and thereafter file a Final Report before a Magistrate on 12.9.2011. In the same order the SC gave the petitioners the inalienable right to file a Protest petition and access all documents related to the SIT.

After its further investigation the SIT, ignoring the contents of the Amicus Curiae report, filed a final closure report on 8.2.2012 without issuing any notice to the complainant Zakia Jafri and CJP as is required under Section 173(2)(ii) of the CRPC. Worse, it fought a hard as nails battle to deny access to any of the documents related to the investigation to the petitioners.

In April 2012, the SIT absolved Modi of any involvement in the Gulbarg Society massacre of 2002.

It took a whole year, from 8.2.2012 to 7.2.2013 for the complainant to access all the documents related to the Investigation including the SIT Reports filed before the Supreme Court.

The complainant Zakia Jafri assisted by the CJP filed the Protest Petition on 15.4.2013. The petitioners Mrs. Zakia Jaffri and CJP are now arguing in support of the Protest Petition being allowed, showing through an arduous and rigorous process, how the SIT ignored its own evidence. The petition sought further investigations into the case by an independent agency other than the Supreme Court-appointed SIT and filing of charge sheet against Mr. Modi and others. The 514-page petition was submitted before the court in three volumes of annexure and 10 CDs. “The petitioner argues that the SIT had adequate documents and statements to come to a conclusion against all the accused, however, it decided to cover up the crimes and misled the court by giving clean chit to them”. Arguments that began on June 25 are still going on. On 8 September, SIT concluded its arguments against Zakia Jafri’s protest petition.

A written submission remains to be made by Zakia Jafri on 18 September 2013.

2.2 The BLATANT lies of Modi to the SIT

Download my compilation [here](#).

2.3 Citizens for Justice: “No clean chit for Modi”

<table>
<thead>
<tr>
<th>No Clean Chit For Mr Modi</th>
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<tr>
<td>Contrary to the desperate attempt made by the Gujarat Chief Minister, the fact is that the Supreme Court has never given Mr Modi a clean chit on the issue of 2002 pogrom</td>
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[Sahmat, Citizens for Justice and Peace](#)

In an [interview to the foreign news agency Reuters](#) that was published on July 12, 2013, Narendra Modi, Gujarat Chief Minister has made a desperate attempt to create an impression that Supreme Court has given him a clean chit through the SIT which was appointed by it to investigate the criminal complaint of Zakia Jafri and Citizens for Justice & Peace (CJP) on 27.4.2009.
A section of the media, without verifying the facts has allowed this impression to gain credibility.

The facts in relation to Supreme Court and SIT are as follows:

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The same SIT was a year later also asked to look into the criminal complaint against Narendra Modi and 61 others filed first before the Gujarat Police on 8.6.2006.

The SIT submitted its report on the Zakia Jafri and CJP Complaint to the Supreme Court on 12.5.2010 itself recommending that Further Investigation was required.

In the interim, the SC had also to drop two officers from the SIT, Shivandand Jha (because he was an accused in the Zakia Jafri complaint) and Geeta Johri who had been found, in the Sohrabuddin case to have serious strictures passed against her by the Supreme Court itself. (April 6 2010)

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d. It accepted that Police Officers like RB Sreekumar, Rahul Sharma, Himanshu Bhatt and Samiullah Ansari who had performed their tasks legally had been penalised and persecuted by the Modi regime and those who had buckled under the illegal and unconstitutional instructions had been favoured consistently;

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hard as nails battle to deny access to any of the documents related to the investigation to the petitioners.

It took a whole year, from 8.2.2012 to 7.2.2013 for the complainant to access all the documents related to the investigation including the SIT Reports filed before the Supreme Court. The complainant Zakia Jafri assisted by the CJP filed the Protest Petition on 15.4.2013.

The petitioners Mrs. Zakia Jaffri and CJP are now arguing in support of the Protest Petition being allowed, showing through an arduous and rigorous process, how the SIT ignored its own evidence. Arguments that began on June 25 are still going on.

It is clear from the above that the SC has never given Mr. Modi a clean chit on the issue of 2002 pogrom. These facts could have been earlier verified by Reuters as well as the collusive media. We hope that the media will present the facts truthfully in relation to the ‘so-called’ clear chit to Mr. Modi.

SAHMAT
CITIZENS FOR JUSTICE AND PEACE

2.4 Further update 23 May 2014
http://www.thehindu.com/opinion/letters/no-clean-chit-yet/article5976267.ece
No ‘clean chit’ yet

As Ahmedabad’s Metropolitan Magistrate accepted the closure report submitted by the Supreme Court-appointed Special Investigation Team in the Gulberg Society massacre case in Gujarat, it is being widely claimed that the Supreme Court has given Gujarat Chief Minister Narendra Modi a ‘clean chit’ (a term with no legal meaning) in the 2002 Gujarat riots. Rajnath Singh has made the same claim in his interview. (“We will instil confidence in minorities,” May 4). This is very misleading. The Supreme Court did not express any opinion on the SIT report, but merely forwarded it to the trial court for further action. Besides, being sceptical about the conclusions arrived at by the SIT chief, R.K. Raghavan, that there is no ‘prosecutable evidence’ against Mr. Modi, the Supreme Court asked the amicus curiae to prepare an independent report, and his conclusions are reported to be opposed to those of Mr. Raghavan. Mere acceptance by the trial court of the closure report does not mean exoneration or proof of innocence of the accused persons who have not been charge-sheeted or tried in a court, and the whole matter is now before the Gujarat High Court on appeal. Besides, the SIT is yet to submit its report on other cases such as the Naroda Patiya massacre in which complaints have been lodged against Mr. Modi and others. In view of these facts, the BJP and a section of the media giving wide publicity to the claim that Mr. Modi was given a ‘clean chit’ by the Supreme Court, is misleading.

G. Radhakrishman,
Thiruvananthapuram

2.5 Sanjiv Bhatt’s view on SIT

Q: But SIT is a Supreme Court appointed body. Then how can it be biased towards someone? [Source]
A: SIT is only the creation of Supreme Court. All of us like you, me, Modi, Saddam Hussein, Osama Bin Laden etc are creations of God. Aren’t we different despite being the creations of God? So it does not mean that someone created by the Supreme Court is above board. See, the SC reposed tremendous trust in the SIT but it did not live up to the SC’s trust. The SC gave it a mandate of inquiring and investigating into the complaint of Zakia Jafri. But the SIT did not do it and confined it only to a particular incident that happened at Gulbarg Society. If you look at the canvas of the complaint of Zakia Jafri then it is very wide. It starts from 27th and it covers incidents that took place across Gujarat for a few months. But what the SIT did was it focused only on the Gulbarg massacre and tried to couple the complaint with the FIR that was registered at Meghaninagar. So they tried to narrow down the canvas of the investigation.

Obviously the SIT has not done what it was asked to do by the SC. And it is doing all this despite of the clear-cut opinion of the SC appointed amicus curiae, Mr. Raju Ramachandran. And after the completion of the investigation the SC asked him to go through all the investigation papers, to meet witnesses including police officers and to give a clear opinion as to what requires to be done. Mr. Ramachandran studied the papers, he came to Ahmedabad and met me and finally submitted the report whereby he said to prosecute Modi. The SIT completely, despite being an SC appointed body, ignored the suggestions of the amicus curiae who is not only appointed by the SC but also empowered, instructed and directed to study the entire investigation process and give his own independent report. This was required because of my affidavit before the SC where I brought out that the SIT is not acting as per its mandate. So that’s why the SC asked the amicus curiae to evaluate the working of the SIT.

2.6 High Court appeal by Zakia Jafri and harassment of whistle blowers

Zakia Jafri’s lawyers say Bhatt’s allegations should be tested in court. They contend that his account is bolstered by cellphone records obtained by a third whistle-blower, former Gujarat deputy police commissioner Rahul Sharma, which show that Bhatt was in the vicinity of Modi’s official residence the night of the meeting.

This article in LA times says it all:

2.7 New email leaks show PM Modi, BJP President involved in Gujarat riots: Prashant Bhushan

3. Modi’s modus operandi

3.1 The rapid promotion of judges who support Hindutva: Akshay Mehta

Babu Bajrangi, the dastardly mass murderer, was first arrested for his role in Naroda Patiya in 2002. Normally, in such cases, when there’s so much evidence stacked against you in a case which involves multiple brutal killings, getting a bail would be almost impossible. Imagine, the killers of Nirbhaya getting bail. Surprisingly, Babu Bajrangi was given bail in Gujarat High Court by a judge called Akshay Mehta. And ‘coincidentally’, Akshay Mehta turned up as the brother judge to Justice Nanavati in Nanavati Commission after Justice KG Shah passed away in March 2008.

The Judge who gave bail to Babu Bajrangi became the brother judge in Nanavati Commission. And well, we all know about the ‘clean chit’ that Modiji got from Nanavati Commission. This is Modi Magic.

Pasting here a portion of the transcript from Ashish Khetan’s sting of Babu Bajrangi.

Bajrangi: Narendrabhai got me out of jail…… He kept on changing judges…. He set it up so as to ensure my release, otherwise I wouldn’t have been out yet... The first judge was one Dholakiaji... He said Babu Bajrangi should be hanged — not once, but four-five times, and he flung the file aside... Then came another who stopped just short of saying I should be hanged... Then there was a third one... By then, four-and-a-half months had elapsed in jail; then Narendrabhai sent me a message... saying he would find a way out... Next he posted a judge named Akshay Mehta... He never even looked at the file or anything.... He just said [bail was] granted... And we were all out... We were free..... For this, I believe in God... We are ready to die for Hindutva... [Source]

4. Sources of evidence

First of all: Do not trust me. Only yourself. Ask questions. Make sure you have found the right answer YOURSELF. Don’t rely on anyone’s testimony alone. Corraborate. Combine. UNDERSTAND THE TRUTH.

Buddha’s sermon to the people of Kalama:

Do not believe something just because it has been passed along and retold for many generations. Do not believe something merely because it has become a traditional practice. Do not believe something simply because it is well-known everywhere. Do not believe something just because it is cited in a text. Do not believe something solely on the grounds of logical reasoning. Do not believe something merely because it accords with your philosophy. Do not believe something because it appeals to ‘common sense’. Do not believe something just because you like the idea. Do not believe something because the speaker seems trustworthy. Do not believe something thinking, ‘This is what our teacher says’.

4.1 Vajpayee’s condemnation

"The impact of the Gujarat riots was felt nationwide. This was unexpected and hurt us badly; Modi should have been removed after the incident," Vajpayee said in an interview to Zee TV on 13 June 2004, shortly after NDA’s defeat in the Lok Sabha election. [Manoj Mitta, on Facebook]

4.2 General background

4.2.1 General news reports etc

http://www.sacw.net/Gujarat2002/

4.2.2 Modi has destroyed key documents

In October last year, the court had asked the Gujarat state to hand over certain documents pertaining to the period from February 2002 to November 2002, to Bhatt, to allow him to depose before the Justice Nanavati Commission probing the 2002 riots.

Bhatt had sought these documents from the Gujarat government to file a detailed affidavit before the Commission regarding alleged roles played by different government personnel during the 2002 riots.

The Gujarat government made it clear before the Commission that it had destroyed nine out of 47 documents sought by Bhatt during “routine course”, while producing 15 others and terming the remaining ones as being traced or not maintained or marked as ‘classified’. [Source]

4.2.3 General videos

http://www.youtube.com/watch?v=lny15n5-A_I

and http://www.youtube.com/watch?v=0LLFhHHXg4s
and http://www.youtube.com/watch?v=bSYGavYSc_Q

And this: https://www.youtube.com/watch?feature=player_embedded&v=2uC278OX9BE

And the video included in this article:


4.2.4 The Bajrangi video


4.3 Videos/websites/reports/statements that indict Modi

4.3.1 Sreekumar’s video

I think this talk is worth listening sporadically from snippet #15. Including planting weapons on arrested Muslims (this planting of weapons, btw, is typical of what many sections of the Indian police regularly do). This reminds me of Hitler’s initial years.

Youtube:
http://www.youtube.com/watch?list=PLiKnjwQ3Dhv8dOGYcdDn2gRjKxJbSsyFa&v=Fdzc9DQm_X8

SREEKUMAR’S VIEWS
(http://www.youtube.com/watch?v=olOM31nZsvk&list=PLiKnjwQ3Dhv8dOGYcdDn2gRjKxJbSsyFa)

Sreekumar sought a recreation of the event but no one did that.

4.3.2 Websites that depict Modi as a criminal/incompetent administrator

Truth of Gujarat
Citizens for Justice and Peace (CJP)
Harmony Notes (run by former DGP Gujarat, Sreekumar)
Pheku (run by some activists)
Gulail
Kalyug Times

4.3.3 Raju Ramachandaran, Amicus Curiae appointed by Supreme Court

Raju’s report.

4.3.4 Jafri’s statement on 18 September 2013

Zakia Jafri’s written statement to the court on 18 September 2013 against Narendra Modi

A few days ago I reviewed the current status of the legal case/s against Modi.

Despite the myth that Modi has been “absolved by the Supreme Court” no such thing has happened. The Supreme court merely ordered a further trial and/or protest petition against SIT’s "closure" report.
The written statement in this protest petition was filed only YESTERDAY. The case is as live as ever before. The difference is that this time there is far more evidence.

I'm posting this here for my own future record. [Source: here].

Extract from written legal submissions submitted to 11th Metro Court Judge BJ Ganatra on dt.18.9.2013

CRIMINAL CHARGES AGAINST MODI (SUMMARY)

Introduction:-

The Zakia Jafri Criminal Complaint against Narendra Modi and 59 Others, supported by Citizens for Justice & Peace, Mumbai, was ordered to be investigated by the Supreme Court, first on 27.4.2009 and thereafter through subsequent orders. Zakia Jafri & CJP have been attempting to get serious criminal charges registered and investigated since 8.6.2006. The Special Investigation team (SIT) originally asked to further investigate None Major Trials was assigned the task (27.4.2009). An Amicus Curiae was also appointed to assist the Court. The SIT in its reports from 2010 onwards arrived at the conclusion that while several of the allegations were found to be correct, there was not sufficient material to prosecute the accused.

In stark contrast, the Amicus Curiae senior advocate Raju Ramachandran looking at the same evidence collected by the SIT, came to a contrary conclusion, stating clearly that there was evidence enough to prosecute Narendra Modi. Faced with this dilemma of two contrary assessments, the Supreme Court remanded the matter to a lower Court directing SIT to file its Final Report there. The SC specifically directed that if the SIT filed a closure report, the Complainants were fully within their legal rights to file a Protest petition and access all Investigation papers/documents. (This is a right under Indian law but was specifically outlined by the Supreme Court in its final judgement dated 12.9.2011).

Predictably, the SIT filed a closure report on 8.2.2012 and remained adamant against making Investigation papers available to the Complainants in contempt o the Supreme Court order. The Magistrate granted the Complainant her right to the Investigation Papers on 10.4.2012 but it took Zakia Jafri & CJP another year to access all the Investigation reports of the SIT submitted to the Supreme Court. The SC directed this on 7.2.2013 after which the Protest Petition was filed on 15.4.2013. From June 24-August 29, 2013 rigorous arguments in support of the Zakia Jafri Protest Petition were made before Judge Ganatra, 11th Metropolitan Magistrate, Ahmedabad. The final day of arguments on behalf of the Complainant took place on 18.9.2013. Detailed Written Submissions on Legal and Factual Aspects were submitted to the Court today. Thereafter the Judgement of the Magistrate will be awaited.

Narendra Modi faces Fifteen Serious Charges of :-

1. Willfully Ignoring Messages from State Intelligence about the Violent Repercussions of the RSS-VHP called ‘Mahayajna’ before the tragic Godhra incident on 27.2.2002 and deliberately not initiating precautionary measures that are imperative under Standard Operational Procedure; messages from 7.2.2002 to 25.2.2002, including specific ones that stated that batches of 2,800 and 1,900 kar sevaks had left for Faizabad-Ayodhya and had been behaving provocatively and aggressively against minorities on the way. As cabinet minister for home and chief minister, he is directly responsible MOS Home Gordhan Zadaphiya is a constant Co-Conspirator.

2. Deliberately concealing knowledge of the provocative, anti-Muslim sloganeering by kar sevaks at the Godhra station when the Sabarmati Express reached five hours late on 27.2.2002, which information had been sent to him directly by DM/Collector Jayanti Ravi and willfully failing to take stern action and allowing violent incidents to escalate after the
The train left Godhra by about 1.15 p.m. especially at Vadodara station where a Muslim was attacked and killed and at Anand where the train stopped hereafter ensuring that the state allowed a hate-filled and threatening atmosphere against Muslims build right up to Ahmedabad where the train finally reached around 4 p.m. and where bloodthirsty slogans were being shouted. FIRs in 19 brutal incidents against Muslims are recorded on 27.2.2002 in Ahmedabad itself. Curfew was not imposed despite these incidents resulting in deaths breaking out.

3. Conspiring with the Vishwa Hindu Parishad to plot and allow reprisal killings all over Gujarat. The first phone call that Modi makes after DM Ravi’s fax reaches him is, not to appeal for peace and calm, but phone secretary VHP, Gujarat, Dr Jaideep Patel and direct him to Godhra. The Conspiracy between Modi and the VHP is hatched and unfurled to cynically ensure state-wide reprisal killings. Phone call records show these phone calls between PA to Modi AP Patel and Jaideep Patel immediately after the chief minister receives news of the Godhra tragedy. Phone call records made available by Rahul Sharma (IPS, Gujarat) also show that Powerful Accused were in touch with the chief minister’s office (CMO) and the landline numbers of the chief minister.

4. Brazenly supporting the Bandh call called by the VHP and allowing the streets and public spaces of Gujarat to be used for mass attacks and violence. By 12 noon on 27.2.2002, state intelligence and the police were aware of the Bandh call; the bandh was uses by the police machinery to clear the streets of ordinary citizens so that aggressive mobs could target minority populations and their establishments.

5. Cynically, and illegally allowed Post Mortems illegally out in the Open at the Railway Yard, Godhra where the burnt and mutilated corpses were laid in full view of an aggressive and irate crowd of RSS and VHP men and women, who were gathered there in violation of Curfew Orders @ Godhra. Deliberately allowing photographs of the burnt corpses to be taken and widely circulated by the RSS-VHP and media in general, despite it being prevented under law;

6. Personally instigating individual RSS-VHP men and women at the railway yard at Godhra assuring them that enough time will be allowed by the Modi-led government and administration to extract a revenge for Godhra.

7. Directing that the unidentified bodies of Godhra train victims should be handed over to Jaideep Patel, a non-governmental person, that too belonging to a supremacist and communal VHP to be brought to Ahmedabad where aggressive funeral processions in full public view were allowed. Modi directed this at a meeting at the Collectorate in the evening of 27.2.2002 before he returned to Gandhinagar. Jaideep Patel was allowed to be present at an official meeting at the Collectorate. Jaideep Patel is a co-conspirator and also facing trial for mass crimes in the ongoing Naroda Gaam case. Modi is specifically guilty of allowing the escalation of violence from Godhra to other parts of Gujarat and taking decisions contrary to law.

8. Specifically instructing his top policemen and administrators not to act evenhandedly in the days to follow and “allow Hindus to vent their anger.” Two senior bureaucrats present at the meeting have stated that cabinet ministers were present at a meeting that went on well past midnight. Haren Pandya, a minister in Modi’s cabinet in 2002 had given evidence of this to the Concerned Citizen’s Tribunal headed by Justice Krishna Iyer and PB Sawant in 2002 itself. Later in 2009 a serving officer from the state intelligence, Sanjiv Bhatt also gave the same evidence before the SIT and the Supreme Court.

9. Preventing the Imposition of Curfew. Curfew was deliberately not imposed at Ahmedabad while over 3,000 RSS workers were allowed to gather at the Sola Civil Hospital where Jaideep Patel arrived with the bodies of the Godhra victims at about 4
The crowd was aggressive and violent as proved from the police control room records. No steps were taken to disperse the crowd that attacked the hospital staff and doctors, a High Court judge. Violent funeral processions were allowed to wind through the streets of Ahmedabad for several hours at two locations; worst Acharya Giriraj Kishore was given police escort to come and further provoke the aggressive mob; the cremations took place only in the evening and attacks on Naroda Patiya, Naroda Gaam and Gulberg Society where over 200 persons were massacred (and rapes allowed) in broad daylight on the same day, 28.2.2002, while violent and aggressive funeral processions were willfully allowed by Modi and the police administration.

10. **Making pretence of verbally calling in the Army on the late evening of 28.2.2002 but not actually allowing its deployment in Ahmedabad, Godhra and Bhavnagar and Varodara until 2.3.2002 and 3.3.2002.** Worse badly affected districts like Mehsana, Panchmahals, Dahod, Anand, Kheda were not given any Army or Paramilitary at all.

11. Fourteen out of Gujarat’s 25 districts were allowed to burn as Ministers were specifically deployed by Modi to interfere with Police functioning and sit in the State Control Room and Ahmedabad City Control Room; in Eleven Districts where Violence was controlled, the Police Officers in Charge were given Punitive Transfers to send a Political Message. Modi heads the Home department that bends the Police Bureaucracy and Police to his Will.

12. **Modi allowed violence to continue unabated until early May 2002 when KPS Gill was sent by PM Vajpayee to the state;** the National Human Rights Commission (NHRC), April and July 2002 and Central Election Commission (CEC) were misled about the spread and intensity of violence. This was willful subversion of the justice system. The Subversion of the Home Department under A-1 in which co-accused, Gordhan Zadaphiya, MOS Home, A-5, Ashok Narayan, ACS Home, A-28, and K Nityanandam, Secretary, Home, A-34 played an active part included deliberately misinforming the Ministry of Home Affairs of the Government of India about the extent and spread of violence.- Correspondence exists to reveal how senior VHP and RSS men were being kept out of the FIRs and charge sheets related to serious massacres being filed by the Ahmedabad Crime Branch; how violence was recurrent and was being allowed with even ministers like Bharat Barot directly involved.

13. Partisan prosecutors belonging to the RSS-VHP were appointed to ensure that cases were killed in their infancy; bail was easily granted to powerful accused until the Supreme Court stepped in, in 2003 and 2004. Two trials, the Best Bakery trial and the Bilkees Bano cases were transferred out of the state.

14. Hate Speech was indulged in by Modi himself, on 27.2.2002 and right until the infamous Becharaji speech made top set off his election campaign on 9.9.2002 and also cynically permitted by the Home Department under him to spread poison and incite violence against Muslims and Christians. **The State Intelligence under ADGP-Int RB Sreekumar had specifically recommended prosecution of the VHP for a series of incendiary pamphlets but this was ignored.** SP Bhavnagar, Rahul Sharma too had recommended the prosecution of Sandesh, the Gujarati mainstream newspaper for publishing false and provocative photographs and reports. Both the NHRC and Editor’s Guild had also strongly recommended prosecution of those guilty of hate speech. Modi had, instead sent congratulatory letters to those newspapers who had spread lies and venom. RB Sreelumar, Rahul Sharma and Sanjiv Bhatt are among the officers persecuted by the Gujarat government under Modi (home minister).

15. **Modi is guilty of ordering the Destruction of Crucial documents including Wireless Intercepted Messages, Vehicle logs, Police Control Room records and others on a.m.**
30.3.2008, four days after the Supreme Court appoints the Special Investigation Team (SIT) on 26.3.2008. He has headed the Home ministry portfolio since that date.

4.3.5 Asghar Ali Engineer’s statement

AN OPEN LETTER TO SIT CHIEF SHRI R.K.RAGHAVAN
SECULAR PERSPECTIVE, MAY -16-31, 2012.

Dear Shri R.K. Raghavan,

We have been reading these days every day about your ‘clean chit’ to Shri Narendra Modi, the Gujarat Chief Minister about his responsibility about the Gujarat riots of 2002 in general and about the Ahsan Jafri brutal murder in Gulbarg Society, in particular. The Supreme Court had appointed you as chief of Special Investigation Team (SIT) putting full trust in your impartiality and integrity.

We also put full trust in you and were sure that your investigation will throw full light on the happenings of Gujarat riots and we will be able to judge, through your investigation, what is right and what is wrong. However, your investigations have raised storm of controversy and it is also surprising that you have given differing reports one in 2010 and another final closure report in 2012 finally giving ‘clean chit’ to Shri Narendra Modi.

What is more surprising is that in defending your investigation and its ‘truth’ you have defended Narendra Modi the way even BJP could not have defended or perhaps even Modi himself could not have defended himself. It appears as if you were appointed by the Gujarat Government and not by the Supreme Court of India. I read your point by point refutation of Shri Raju Ramchandran (Amicus Curie) ‘views on your report.

The fact that the Supreme Court had to appoint Amicus Curie itself is a reflection of controversial nature of the Report. Shri Raghavanji, you were head of CBI, the prestigious investigation agency of our country and is the ultimate report of victims denied justice by other investigation agencies. One can hope for justice from CBI and not even from politicians. Politicians have their own logic. Whereas investigation agencies like the CBI are supposed to go strictly by the law of the land.

As a student of politics and as a political analyst I can tell you that what happened in Gujarat in 2002 had is own politics behind it. The BJP was loosing all elections even at local levels and lost even Assembly bye-election and had panicked as the Assembly elections were due in December 2002. The reason was several corruption scandals in which BJP members were involved had surfaced and people of Gujarat were very unhappy with its performance and BJP leaders feared its government will be thrown out in 2002 elections.

One easiest way in our country, to win elections, unfortunately, is to polarize the voters on caste and community basis and BJP was resorting it steadily to hide its corrupt practices and to win 2002 elections it had to do it on much larger scale and with much more intensification. It needed some event to do that and Godhra incident on 27th February 2002 in which 59 Karsevaks were burnt came handy to the BJP leaders.

The Godhra incident, as you must have known, itself is shrouded in mystery as to who did it? Was it done by those 120 people arrested by the Modi Government? The court verdict is not very supportive of conspiracy theory. The police had made Hussain Umarji as ‘chief conspirator’ but court found no evidence against him to declare him guilty. He was thus discharged by the session court. Some were held guilty but they were all poor vendors and could hardly plot a conspiracy to burn one coach of the train. This is not the place to go into those details. Anyway whosoever was responsible the Modi Government got an opportunity to provoke riots against Muslims.

The fact that Government of Gujarat joined the bandh and allowed dead bodies to take out in procession itself is an indictment of Narendra Modi Government. No Government, worth its salt and interested in keeping peace would ever allow dead bodies to be taken into procession irrespective of who claimed the bodies. That is merely a technical problem. Real question is who gave permission to take the dead bodies out in the procession through the streets of Ahmedabad causing grave procession when all sorts of rumours
were being spread and people were already agitated. As a police officer of such high rank you must be well aware of consequences of such a procession.

For your information Shri Raghavanji I have investigated all the major riots in this country from Jabalpur in 1961 to the Gujarat riots in 2002 and I am well aware of what government should or should not do when there is palpable tension in a town or a city. **Government immediately imposes 144 and takes other steps to stop rioting and also tries its best to counter rumours.**

**The Modi Government did nothing.** The Gujarati newspapers were carrying highly provocative articles and were publishing, most prominently, rumours as news and were also writing provocative editorials. You know there is something like Article 153 (A) in the Cr.P.C. under which action should have been taken against those newspapers but nothing of the sort was done and newspapers enjoyed full ‘freedom’ under the Modi Government to provoke riots.

You say there is no proof that in the high level officials’ meeting Modi asked them to let Hindus to take out their anger and not to stop them. Okay though such a firm stands is controversial but even if it was so Modi is not culpable. But you go a step further and say even if he said this so what? He said this in a closed door meeting and so he is not culpable. Raghavanji how can you forget that he was not saying this to ordinary people in a closed door meeting but to high police and other officials who were responsible for controlling the riots? In fact it is worse than saying such a thing in a public meeting.

But it seems you are so keen to defend Narendra Modi that you are not taking such elementary things into account. **And you know what happened in Gujarat in coming days. You also did not take into account the sting operation by Tehelka which had completely exposed Modi government how it had given them assurance of protection after committing heinous crimes of killing hundreds of innocent people.** They also told the person carrying out sting operation that we were provided all hiding facilities by the Modi Government.

Sting operation is considered credible evidence in any court and it was on this basis that former BJP President Shri Bangaru Laxman was convicted by the Delhi Court. You should have taken sting operation into account at least for further investigation. Raju Ramchandran, the amicus curie, is of the opinion that whether Modi gave instruction to high police officials or not and whether Sanjiv Bhatt was present or not, should have been investigated further instead of dismissing Mr. Bhatt’s claim. He could have been cross questioned but you did not consider this worthwhile.

You even found Narendra Modi not anyway responsible for what happened with Jafri and instead blamed Ehsan Jafri responsible for his death saying he fired on the mob. It is disputed whether he fired or not and even if we accept for a moment the theory that he fired on the mob, tell me Raghavanji who will not try to save himself from such a violent mob when all your pleas fail? And when no one is ready to come to your rescue. I have investigated Gujarat riots and found how desperate was Jafri’s position and about 60 other innocent persons who had taken refuge in his Bungalow. I am not a super cop like you but still possess certain faculties and can vouch for the position Jafri was in.

**Even the People’s Panel which was presided by a Supreme Court retired Judge, Justice Samant and Justice Suresh have falsified your claims.** Both judges are men of known integrity they are, after all, judges and judge the investigations done by the men of your tribe i.e. the police. I personally talked to Justice Suresh and he was of the firm opinion that Narendra Modi was responsible for all that happened in Gujarat in 2002.

Also, in your 2010 closure report prepared by Mr. Malhotra, one of your colleagues, you had found some problems with Mr. Modi and had blamed him on some counts. *Tehelka* the well known fortnightly which is known for its exposures had published it and that report was closer to truth than your final one in 2012. **Tehelka had also alleged that your to and fro trip to London for your personal work was paid for by the Gujarat...**
Government. I do not know whether it is true or not but such an allegation against you is a serious matter.

I have spoken to many eyewitnesses of Gujarat riots of 2002 from police officers to victims to members of political parties to survivors of these riots and all of them have blamed Narendra Modi. I have also heard Modi’s speeches which were video-recorded including the one in which he justified riots as per Newtonian law of equal and opposite reaction to action (though reaction in Gujarat by no means was equal but several hundred times more in number and in brutalities) and the one in which he calls relief camps as ‘Baby-producing Factories’.

These speeches may not constitute hard evidence of his complicity in the riots but certainly indicate his mentality and his collusion. Apart from his collusion or not his failure to control riots itself places great moral responsibility on him. You also must have read in papers what Mr. A.B.Vajpayee said when he visited Ahmedabad after riots in 2012 that what face will I show when I go abroad and, addressing Modi, he said you must know your raja dharma i.e. your responsibility for governance. A chief minister who cannot stop riots for weeks and lets innocent people be killed in hundreds is not worth continuing. He not only continues but now takes out sadbhavna yatras. Raghavanji, such people are not fit for multi-religious democratic governance who, for the sake of power, do not mind thousands being killed. We thought you will, as an honest officer, expose such politicians. But alas we were disappointed.

Yours sincerely,

Asghar Ali Engineer
Chairman, Centre for Study of Society and Secularism

4.3.6 Editors Guild

RIGHTS AND WRONGS : Ordeal by Fire in the Killing Fields of Gujarat

Editors Guild Fact Finding Mission Report

by AAKAR PATEL, DILEEP PADGAONKAR, B.G.VERGHESE

New Delhi, May 3, 2002

4.3.7 Statement Rupabehn Mody re: Modi's misbehaviour with Ehsan Jafri

"My son and daughter were with me that day. The whole of our society was burning. I was holding my daughter's hand and she was holding my son's hand. Only our kitchen was not burning but then it too caught fire.

I though that being burnt to death was worse than being cut into pieces since nothing would remain of us if we were burnt. So, we decided to run out of our third storey flat and we found other people in our society who were also fleeing to safety. Everyone was running to Ehsan Jafri sahab's house. We too went to his place on the first floor. In front of me, he called Narendra Modi several times.

We had asked him to call Modi. We had even asked him to call all the gundas if he could and convince them to spare our lives.

Finally, Modi picked up the phone and used an abusive word for Jafri, and said he was surprised Jafri hadn't been killed already."
The mob, which was drawing closer all time, had started to climb over our society's fence. At this point, Ehsan Jafri decided to step out and talk to the rioters to save us.

I saw him being dragged away by the mob. They hacked him, poured petrol over him and set him on fire. That's when we realised we had no place to go. The mob had set the whole place on fire, and we coming nearer. We couldn't breathe any more.

So, we decided to run out of Jafri's house as well. The three of us were running, holding each other's hands. There were a lot of people lying unconscious on the ground. I tripped over somebody and fell. My daughter let go of her brother's hand and turned back to help me up. That's when we lost him.

My daughter thought I had collapsed and tried to violently shake me up. As soon as I woke up, I found my face was burnt. We ran to the terrace and I saw a policeman on another terrace. He threw a stone at me.

Bottles of acid, burnt tyres, balls of flames were raining on us from all sides. We could hear people screaming and gas cylinders in the houses exploding. A little girl was lying unconscious. I wanted to help her but couldn't because my hands and feet were burnt. I couldn't move. Then lying on that terrace, I realised that my son wasn't with me. I tried to rush down again to look for him but everyone on that terrace stopped me. They didn't want the rioters to find out about us hiding on the terrace." [Source]

"Though they were Parsis, Mody and her children took refuge in Congress leader Ehsan Jafri's house. And she was among those who heard Jafri make calls for help, including to then chief minister Narendra Modi.

She alleges that Modi abused Jafri over the phone and appeared to express astonishment that the Congress leader wasn't dead already. Mody saw Jafri being dragged out by the mob and butchered. She and her daughter were among the very few people at Gulberg to survive the 4,500 strong mob. She never saw her son again, however."

The award winning movie "Parzania" by Rahul Dholakhia is the story of her son, Azhar, who disappeared after the attack. [Source]

4.4 Videos/websites/ reports/statements that defend Modi

4.4.1 Websites that defend Modi as a saint/ competent administrator

Gujarat Riots
Niti Central
DeshGujarat

4.4.2 Nanawati Commission

Nanawati Report (Word)

4.4.3 Special Investigation Team's closure report

Download from here.

4.4.4 Justice Tewatia

Tewatia report (Word).

4.4.5 Madhu Kishwar

See Modinama (Word)
4.4.6 Outlook

'A Cold-Blooded And Clear-Cut Conspiracy'

HOW IT HAPPENED: 200+ ON THE HUMAN RICHTER:

4.4.7 Fourteen 'red flags' against Modi

This is a good summary compilation:

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<th>Red Flag 1: Haren Pandya, murdered BJP minister who was going to testify against Modi</th>
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4.5 Confessions on Tehelka

4.5.1 Tehelka: The Truth: Gujarat 2002: Ramesh Dave

http://www.youtube.com/watch?v=_DRSOWyGJVo

4.5.2 The Truth: Gujarat 2002: Haresh Bhatt

http://www.youtube.com/watch?v=BJWApVpLVpQ

4.5.3 The Truth: Gujarat 2002: Bharat Bhatt

4.5.3.1 Systematic destruction of justice in Modi’s rule: A Gujarat government prosecutor explains how this is done.

A public prosecutor is supposed to assemble evidence to ensure that criminals are brought to book. He or she is supposed to prosecute THE GUILTY.

But in Modi’s regime, this role has been reversed. Just like "police" have been imprisoning the innocent, producing FAKE witnesses, eliminating any genuine witness (killing them), and "judges" have been "accepting" the most absurd and ridiculous scenarios, so also Modi’s public prosecutors have been PROSECUTING THE INNOCENT and PROTECTING THE GUILTY.

Bharat Bhatt, one of the public prosecutors of Sabarkantha district is (or was, at the time of this video) the VHP’s district president. It was a nice strategy for Modi. First commit the
crimes. Then have VHP as the "prosecutor"!! With this formula, Modi could never go wrong. And indeed, this prosecutor clearly shows how he protected the guilty and got many of them released (and bribed or otherwise threatened Muslims who wanted justice). This prosecutor's job is to WEAKEN the prosecution case. Well done, Modi.

If anyone wants TOTAL PROOF of the destruction of the rule of law by Modi, this should suffice.

Bhatt: See... initially a certain environment was built up... It was an environment the judiciary and the police department were all keen about.

They helped because they thought they should, because they were Hindus themselves and because they are the kind who will go with the music... It is only when the music stops, that they get to know that they are tired... In such a situation only that worker can be strong who is...

TEHELKA: Who is totally committed...

Bhatt: Who is committed... People that we get in by force lose their enthusiasm. I gave a book to two judges today...The jihad Pravinbhai [Togadia] had written about... [Sanjeev: Here is key evidence - I should now get hold of this book]

TEHELKA: I have it...

Bhatt: You have it?... see, their [Muslims'] dharmjunoon [religious fervour] is very high... In comparison, ours is low...

TEHELKA: So how many cases have been registered against the Hindus in the district?

Bhatt: Fourteen hundred cases have been registered in the entire district...

TEHELKA: And in Modasa?

Bhatt: In Modasa, the total number of cases are 1,400... out of which 600, or around 550, were committed in the beginning itself... The rest were re-opened... When they were re-opened, people were again disturbed... Due to the stand the Supreme Court has taken now, the people are scared. [Sanjeev: Thanks goodness for that - but when Modi becomes PM will this still be the case?] These judges in the lower court aren't courageous enough... not daring...

TEHELKA: Did they show some courage in the beginning?

Bhatt: They did in the beginning... Actually right now, the ones in the upper courts have ordered the retrial of the Baroda case...

TEHELKA: Best Bakery...

Bhatt: The Best Bakery one... after that, the morale of new people went down...

TEHELKA: But there is still some support from people...

Bhatt: We are trying to fulfil our responsibility [Sanjeev: he means the responsibility to sabotage justice]... whatever matters I have dealt with here, I was very hard with the Muslims...

They kept changing their statements... gave additional statements... I said these don't have evidentiary value... But these judges from the lower court... they also do wrong... they are scared of their seniors... It's like a policewala who may be corrupt but he will still be scared of his senior officers because his SP can suspend him...

TEHELKA: So what is the attitude of the police now?

Bhatt: Attitude of the police?
TEHELKA: In the cases that have reopened.

Bhatt: See, they are also a little scared for their jobs but they don’t go against us... They help us... listen to us... agree with us... [Sanjeev: so much for an independent police force sworn to the Constitution] They also know that the Muslims are trying to get as much compensation money as they can out of us... [Sanjeev: So if they have been harmed, why not compensation?] Recently they took around six and a half lakhs from us... to settle this...

TEHELKA: Which case?

Bhatt: A riot case only... Section 436.

TEHELKA: Was it in Modasa?

Bhatt: He was asking for Rs 20 lakh... It was then settled for 10 lakh...

TEHELKA: Were they convicted then?

Bhatt: No... Then too these people resolved it by paying money... Do you get it? If you were told that you wouldn’t have any problems, would you pay?...

TEHELKA: No way

Bhatt: But still even you would be scared about whether you’d be acquitted or not... Moreover, we also have those psychological and fictitious fears... And then we also have traitors... in our community... out of those 25 accused, three turned traitors the moment people started telling them to get the case resolved or they would be convicted...

TEHELKA: How was the money raised?

Bhatt: These people themselves contributed...

TEHELKA: The accused?

Bhatt: The accused contributed... Before this, when I used to handle all the cases in the district, I never used to take any money from the accused. I used to hold meetings in the villages of the accused and tell the rich people there that there were people in Kashmir, Punjab, Haryana and UP who had property worth crores of rupees but had lost everything once madarsas opened nearby. What is the point of having money if you can’t even put it to use for the welfare of your own community. While some gave Rs 5,000, others gave 10,000, sometimes even a lakh, this is how we collected five seven lakhs... which is what it took to settle the case since it was a daylight murder and he had used his sword to cut the man to pieces... Five people did it but they [the victims] named some decent people instead... for instance, the medical store owner... [Sanjeev: it appears a number of VHP/"Hindu" criminals have been spared capital punishment/ life imprisonment through such "bargains". So much for justice.]

TEHELKA: In Modasa?

Bhatt: No, in Biloda... I got it settled for Rs 4,60,000, out of which four lakh was collected by me... from the people...

TEHELKA: This happened in the beginning?

Bhatt: In the beginning...

TEHELKA: So what are the problems in the cases that have reopened recently?

Bhatt: In cases that have recently reopened, the problem is that we don’t have lawyers who can make sacrifices, and to get these kind of lawyers one has to spend money...

TEHELKA: Don’t you handle these cases... Aren’t you a public prosecutor?
Bhatt: I am a public prosecutor, but they will need a defence lawyer...

TEHELKA: But can’t they get any help from your side?

Bhatt: They [Sanjeev: the criminals] get all kinds of help from me... Whenever I feel that there is a need to scold... I tell them you live in the village... settle the issue and keep each other’s honour intact, you have all your property there... live peacefully, whatever had to happen has happened... the tongue and the teeth are both inside the mouth. Even if the teeth cut the tongue, we don’t break the teeth... Similarly, if you want to live in this village where your fathers and grandfathers have lived... and anyway, you won’t leave this village and go to Pakistan... forgive him, he has committed a mistake... He will say sorry... you also say sorry... keep each other’s honour...

TEHELKA: So some people agree to what you suggest?

Bhatt: They agree...

TEHELKA: Do they take money to agree?

Bhatt: Some agree after taking money but some also agree on their own...

TEHELKA: So how many cases have been settled like this?

Bhatt: How?

TEHELKA: The ones in which the Muslims agreed?

Bhatt: In almost 25 percent of the cases they agreed... [Sanjeev: So in 25 per cent of the cases, murderers walked free upon payment]

TEHELKA: Will there be a problem in the other cases?

Bhatt: As far as the support of the judges is concerned, they are too scared... If the statement is not there... then what will they do? Right now, most of the sensitive cases that had undergone trial in Sabarkantha have been reopened. It’s only in this district where the maximum number of cases have reopened...

TEHELKA: In Sabarkantha?

Bhatt: The Joint District Session Judge here is a Muslim... the District Judge in Himmatnagar is also a Muslim... There are three places here... the Sessions Court that opened recently in Iddar also has a Muslim judge. That is why the maximum number of cases that have been reopened against Hindus are in this area...

[Sanjeev: this is a shocking piece of information: that unless you get a Muslim judge, you can’t get justice in Modi’s Gujarat?!!]

TEHELKA: In Iddar?

Bhatt: Yes, Iddar... a lot of cases have been reopened there... the cases were of tribals... I have tried to convince them a lot... I am telling you this so that you also know... when these people used to come, I used to arrange for their food... I used to tell them that they could stay here, their relatives who were in jail would be released the next day... make them stay at the office of the Parishad... send dal baati for them twice a day from my account to the Parishad office... I am here, don’t worry. This is how I have tried to convince the tribals a number of times...

TEHELKA: Then they will get agitated...

Bhatt: Then they will get agitated and the whole belt is such that... if you get time... although we can’t cover it in 15-20 minutes... but we could go tonight to take a round of Khedbrahma...
TEHELKA: Khedbrahma...

Bhatt: Yes... then I also have my own office in Himmatnagar... the testimony for all the cases that took place there are lying in that office... Chargesheets must be there too... We can have a look at it... and this is a belt which is suffering from the same problem as Assam, Nagaland and Kohima... where everyone will convert to Christianity if Hindus like us don’t pay attention...

• • •

Bhatt: Nine of our men were in jail but now they are out... Every 15-20 days we used to send 20-22 kilos of ration to their homes... Though we did not burst crackers at our own place on Diwali, we sent nine cartons of crackers to their place... sweets too... clothes for everyone... for the kids... for the parents... A vehicle was sent every 15-20 days... one person used to give us the vehicle for free... along with the diesel... the other one used to give seven packets of jaggery, 500 gm each... one person gave wheat... like this we used to collect stuff from around 10-15 people and every 22 days we would fill the vehicle and deliver the rations in their area...

TEHELKA: To the adivasis?

Bhatt: To the adivasis... because most of the men were in jail, the women had no resources to arrange for food...

TEHELKA: For how many years now have you been a public prosecutor?

Bhatt: I have been a public prosecutor since December 2003, so you can say from 2004... When I came here as public prosecutor, I received Rs 400 per day... Although I get my own car everyday... It runs on LPG... My expenditure is Rs 200 per day... So I end up earning only 200 rupees each day, but still I come for morality’s sake, for our work... for the work of Hindus...

TEHELKA: Are you a public prosecutor in these cases?

Bhatt: Yes, in all of them... I tell all the Hindus not to smile when they see me... [Sanjeev: the subterfuge] not to say a word to me... I tell them that I will scold them if they do... whatever I have to do I will do but it will be for them only... I get all these matters solved... I have already solved two-three murder cases like this before...

TEHELKA: Were the people acquitted in those cases?

Bhatt: They were acquitted... sometimes I deceive them... I scare them but later show my affections too...

• • •

TEHELKA: How many public prosecutors are there in Sabarkantha?

Bhatt: There are at least 6-7 of them in Sabarkantha...

TEHELKA: So how many of them are with Hindus?

Bhatt: All of them are with us...

since the ruling party makes the appointments, all of them are with us ... but they are with us only for name’s sake... they don’t show much interest... like when they see you they say, come, let’s do some work...

TEHELKA: So how many people are actually showing some interest in this work?

Bhatt: There used to be one Hirendrabhai Trivedi, he doesn’t come now, he has resigned... he worked with a lot of interest...
**4.5.4 The Truth: Gujarat 2002: Arvind Pandya:**

4.5.4.1 Completely compromised prosecution lawyer Arvind Pandya

Now that I've started looking for evidence about Modi's role in the 2002 riots, I'm amazed at the HUGE amount of evidence that is pouring out from everywhere. And despite this Modi remains a free man. Clearly the Indian justice system is totally defunct. It doesn't even require a STUPID person to piece the pieces together. People are SCREAMING (through sting operations, etc.) that Modi is totally involved, that the justice system in Gujarat has been TOTALLY subverted. And yet Modi remains free.

[http://www.youtube.com/watch?v=A9KlevWeYrE](http://www.youtube.com/watch?v=A9KlevWeYrE)

**TEHELKA:** Who was at the forefront during the riots?

**Pandya:** It will be wrong to say some were there and some were not... Practically everybody who went to the field was from the Bajrang Dal and the VHP...

**TEHELKA:** Did Jaideepbhai go to the field?

**Pandya:** Jaideepbhai had also gone... Which leaders went where, who had a role, who had a suspected role — we have before the Commission all these details, all the mobile numbers, who went where... We have the locations...

**TEHELKA:** Yes, some controversy also took place...

**Pandya:** It's still on... And I know whose mobile numbers were there... who talked to whom, from which location... I have the papers...

**TEHELKA:** So can there be some problem for the Hindus because of that... for Jaideepbhai etc...

**Pandya:** *Arrey bhai, I am the one who has to fight the case... don't worry... don't worry about this, there will be no problem here. If there will be a problem I'll solve it... I have spent all these years for whom... for my own blood*

**TEHELKA:** Can the commission’s report go against the Hindus?

**Pandya:** *Nahi, nahi... it can create some problems for the police... it can go against them... see, the judges who have been selected are from the Congress...*

**TEHELKA:** Yes, Nanavati... and Shah

**Pandya:** That's the only problem... our leaders at the time got into a controversy in a hurry... what they thought was that since Nanavati was involved in the Sikh riots... that if
they use a Congress judge there will be no controversy...

**TEHELKA:** So is Nanavati absolutely against you people?

**Pandya:** *Nanavati is a clever man... He wants money*... Of the two judges, KG Shah is intelligent... *woh apne wala hai* [he is our man]... he is sympathetic to us... *Nanavati is after money*...

**TEHELKA:** You are saying he wants to make money...

**Pandya:** It is an internal matter...

**TEHELKA:** The Nanavati-Shah Commission can go against Hindus....

**Pandya:** They run the Commission for years... *he wants money, nothing else... He is a Congressman*...

**TEHELKA:** And Shah?

**Pandya:** *Nahi Shah to apnay hain* [No, Shah is one of our own]... but Nanavati is a retired Supreme Court judge and Shah is a retired High Court judge...

**Pandya:** I have been the government’s special AG [Advocate General] in these riots... I kept note of just two things... I told the VHP that none of you have to come to the Commission ever... you keep in touch with me, that’s all... I told the BJP too to keep in touch with me, that’s all... I have also told the Sangh that whenever I hold camps at various places don’t come there with a big strength and don’t bring a known face. You keep in touch with me on phone... [Sanjeev: it becomes crucial to find out who has been calling Arvind Pandya.] If I’ll need anything, you’ll just receive a call, not more... I also went to all the places where the camps were held. I also held my own camps. I went to the camps to win the local people’s favour... how it should be done, what is to be done.

**TEHELKA:** It would have created problems otherwise...

**Pandya:** The style of working is different... I am the one who has created this whole mood of the Commission... that is why all these lectures the Muslims give to their activists... It’s written in many lectures, some have also been recorded by the IB [Intelligence Bureau] that if a Hindu or a Hindu leader gets involved then it is dangerous, but if Arvind Pandya gets involved it is 2,000 times dangerous...

**TEHELKA:** Has there been any inquiry against you?

**Pandya:** One was TEHELKA-related... *I had threatened the police officer, RB Sreekumar... that leaked out and it ran on TV all day*... but that was the last tehelka...

**Arvind Pandya:** [The Muslims of Godhra] thought they could get away with it because the Gujarati is mild by nature. In the past, they had beaten the Gujarati, they have even beaten the entire world, and nobody has shown any courage... Nobody had ever resisted them... They thought they’d get away with it just like they always do, but they used to get
away with it because there was Congress rule here earlier... To get their votes, the Congress would suppress Gujaratis and Hindus... But this time, they were thrashed... It is Hindu rule now... All of Gujarat is ruled by Hindus, and that too from the VHP and the BJP...

TEHELKA: They miscalculated...

Pandya: No, what would have happened... If it were a Congress government, then they would have never allowed Hindus to beat Muslims, they would have used their administrative force just to drag the Hindus down... They never stop [Muslims] from violence... They’ll tell Hindus to maintain peace but will never do anything to touch them [Muslims]... They would never have done anything, even in cases like [Godhra], but in this case, there was a Hindu-based government and... so, people were ready and the state was also ready... This is a good connivance [sic].

TEHELKA: This was the good fortune of the Hindu community... the entire Hindu samaj.

Pandya: And let us say the ruler was also strong in nature because he gave, just take the revenge and I am ready... We must first salute Kalyan Singh because he accepted every kind of liability before the Supreme Court, saying... I did this, I was the party....

TEHELKA: Later on, when he changed the party...

Pandya: He did, but he was the founder person, he just stood before the Supreme Court boldly and said that I am the person...

TEHELKA: Took sole responsibility.

Pandya: Thereafter, the second hero by the name of... Narendra Modi came and he gave oral instructions to the police to remain with the Hindus, because the entire kingdom is with the Hindus.

TEHELKA: Sir, is it true that when Modi went to Godhra on February 27, that VHP workers attacked him?

Pandya: No, they didn’t. It’s like this... There are 58 bodies... and it’s evening... people are bound to say, what have you done...

TEHELKA: From 8 in the morning till evening, he didn’t land up... So, when things got heated, then Modi ji got angry and he...

Pandya: No it’s not like that... Modi’s been on our line for a long time... Forget that matter... But he’s occupying a post, so naturally there are more limitations... and he has quite a few... It is he who gave all signals in favour of the Hindus... If the ruler is hard, then things can start happening...

TEHELKA: Did you meet... Narendra Modi after he returned from Godhra on the 27th?

Pandya: No, I will not answer queries on this... I shouldn’t...

TEHELKA: Sir, I want to know what was his first reaction?

Pandya: When Narendra Modi first heard it over the phone, his blood was boiling... Tell me, what else do I say... I’ve given you some hints and I can’t reveal more than that... nor should I say it...
**TEHELKA**: I wanted to know this... what his first reaction was...

Pandya: No, his reaction was like this: if he were not a minister, he would have burst bombs... If he had the capacity and was not a minister he would have detonated a few bombs in Juhapura [a Muslim-dominated locality in Ahmedabad].

Source:


4.6 Further proofs: Rana Ayyub – who did sting operations in 2010-11

4.6.1 **Sting claims political pressure in Gujarat riots**


Gujarat Files: Of The Rioters Who Rule Us Today
5. Modi doesn’t want an India for Indians, only for “Hindus”

5.1 Birth (1959) and schooling

[WikiPedia]
Modi was born on 17 September 1950[13] to a family of grocers in Vadnagar in Mehsana district of what was then Bombay State (present-day Gujarat), India.[14] He was the third of six children born to Damodardas Mulchand Modi and his wife, Heeraben.[15][16] While a teenager, Modi ran a tea stall with his brother around a bus terminus.[17] He completed his schooling in Vadnagar, where a teacher described him as being an average student but a keen debater.[16]

5.2 Training as RSS pracharak

[WikiPedia]
He began work in the staff canteen of Gujarat State Road Transport Corporation (GSRTC), where he stayed till he became a full–time pracharak (propagator) of the RSS.[16][18] After Modi had received some RSS training in Nagpur, which was a prerequisite for taking up an official position in the Sangh Parivar.

5.3 Head of ABVP Gujarat

After Modi had received some RSS training in Nagpur, which was a prerequisite for taking up an official position in the Sangh Parivar, he was given charge of Sangh’s student wing, Akhil Bharatiya Vidyarthi Parishad (ABVP), in Gujarat. Modi organised agitations and covert distribution of Sangh’s pamphlets during the Emergency.[16]

5.4 MA in political science

[WikiPedia]
During his years in the RSS, Modi came in touch with Vasant Gajendragadkar and Nathalal Jaghda, leaders of the Jan Sangh, who later founded the BJP’s Gujarat state unit.[18] Modi remained a pracharak in the RSS while he completed his Master’s degree in political science from Gujarat University.[19]
6. Modi’s support of Hindu nationalism through (a) state violence and (b) state funding of temples

Modi is a Hindutva leader with demonstrated ability to organise violence.

6.1 General Secretary of Gujarat BJP during 86-87, years of intense communal violence

[Source: Sawant-Iyer tribunal report]

During the years of communal violence in 1986, 1987, 1989 and 1990, Modi was general secretary of the BJP. That is when the Ramjanmabhoomi campaign became a central issue in Gujarat.

6.2 Provider of maximum manpower to destroy Babri Masjid

[Source: Sawant-Iyer tribunal report]

Men, women and youngsters from Gujarat, constituting possibly the largest contingent from anywhere in the country, participated in the demolition of the Babri Masjid on December 6, 1992.

Surat, a town with an unblemished record of communal harmony, joined other centres in Gujarat which had a more fractured history of inter-community relations. Violence spread to rural areas that had hitherto been largely unaffected.

In September 1990, on the occasion of Ganesh Visarjan, Vadodara saw the worst-ever riots in the walled city. Shops belonging to Muslims in the walled city and Raopura were broken open with the aid of gas cutters, looted and burnt. During the Ganesh Visarjan procession, the destruction took place in broad daylight, in the presence of the police. Elected leaders of the BJP directed well-planned attacks on the property of Muslims on the main road. The Jumma Masjid near Mandvi was also attacked. It was soon after this riot in Vadodara that Advani’s rath yatra began. Stray incidents of violence continued for months after this incident.

The BJP first came to power in Gujarat in the mid-nineties. But, since 1998, with the coming of the Keshubhai Patel government, and more so with Narendra Modi taking over as CM in September 2001, public space and atmosphere has been completely vitiated within the state.

In recent years, the unending barrage of hate literature helped create a state of mind, even as persistent communal tension contributed to the perpetuation of violence as a way of life. Steady state support was extended to the activities of organisations such as the RSS, VHP, Bajrang Dal and the organisations it spawned. Anti-Christian propaganda and violence were initiated. Posts within the bureaucracy at various levels, police and Home Guards and educational institutions have been steadily filled with persons wedded to a communal worldview.
Sustained efforts have been made to penetrate the tribal belt, where the influence of the BJP was earlier limited. Trishuls, swords and other weapons have been distributed during ceremonial and religious functions. Training campaigns were organised to spread hate-ideology.

Contrived ‘aggressions’ by the Muslim community (‘abduction’ and ‘forced marriage’ with Hindu girls), and Christians (‘forced conversions’) have been used to whip up local sentiments to a fever pitch. The utter failure of the law and order machinery and other wings of the state to check such blatantly unconstitutional behaviour are truly worrying for the future of secularism and democracy.

In the past four years alone, an atmosphere of threat and intimidation has deeply affected the social fabric of Gujarati society. In 1999, during the Kargil war, violence erupted in Ahmedabad city when Gujarat’s Muslims were subtly and not-so subtly projected as being pro-Pakistan and anti-India. In 2000, Muslim property running into crores of rupees was looted or destroyed all over the state in ‘retaliation’ to the killing of Amarnath yatris by terrorists in the Kashmir valley. The activities of organisations like the VHP, RSS and BD have become more and more brazen as they defy the law, confident that with ‘our government’ (BJP) in power, they need have no fear of any censure or penal action.

It is under this political dispensation that the ground for the present carnage was carefully laid and at any appropriate moment, ruthlessly implemented. If the letter and spirit of the Indian Constitution are to be redeemed and reaffirmed, that exercise must begin with Gujarat - the land of the Mahatma. Let every man or woman guilty of base crimes, however highly placed they be and irrespective of the short-term political consequences, be tried speedily and punished. India and its Constitution are crying out for redressal. As are the souls of the victims massacred in gruesome fashion. And the plaints of the traumatised survivors of the Gujarat carnage.

6.3 Principal organiser of Advani’s Rath yatra

[Source: Sawant-Iyer tribunal report]

It was from Gujarat, in September 1990, that LK Advani launched his Somnath to Ayodhya rath yatra leaving a nationwide trail of violence in its wake. In 1990 itself, there was major violence in Gujarat because of Advani’s rath yatra. Starting from Somnath, the yatra traversed through the heart of Gujarat. The chief architect of that yatra was Narendra Modi.

6.4 Key organiser of Murli Manohar Joshi’s Ekta yatra

[Wikipedia]

The RSS seconded Modi to the BJP in 1987. While Shankarsingh Vaghela and Keshubhai Patel were the established names in the BJP, Modi rose to prominence after organising Murli Manohar Joshi’s Ekta yatra (journey for unity). His electoral strategy was central to BJP’s victory in the 1995 state elections.
### 6.5 Key role in BJP’s victory in 1995 state elections

[ carne: Wikipedia]

Modi became the General Secretary of the BJP and was transferred to New Delhi where he was assigned responsibility for the party’s activities in Haryana and Himachal Pradesh. Vaghela, who had threatened to break away from BJP in 1995, defected from the BJP after he lost the 1996 Lok Sabha elections. In 1998, Modi was promoted to the post of National Secretary of the BJP. While selecting candidates for the 1998 state elections in Gujarat, Modi sidelined people who were loyal to Vaghela and rewarded those who favoured Patel, thus ending factional divisions within the party. His strategies were key to winning those elections.

### 6.6 Modi’s funding of temples through taxpayer funds

Despite the pretence against ‘pseudo-secularism’ (and I agree that the Haaj must not be subsidised by the state), Modi FUNDS TEMPLES. So much for his verion of non-‘pseudo’-secularism.

Modi paid Rs.8 crores of taxpayer money to a temple. The solution to this is the RULE OF LAW, not a state that dabbles in religion. Today the Indian state is DEEPLY involved in running temples. Why? Don’t be one sided. Demand (like I do) that the state get out of managing religious stuff. And the issue is Modi’s HATRED for Muslims (enough to make him kill hundreds of Muslims). Killing is OK by you?

*There is allegation against us that we are Hinduwadis. Oh! brothers, for the development of Bahucharaji Devi temple, our Govt. has allotted 8 Crore Rupees. Is it a crime done by us? Have we become communal by allotting 8 Crore Rupees for the development of Bahucharaji. [Source]*

### 6.7 One more nail in Modi’s coffin? Evidence is lying on the roadside. Everywhere. But no one is bothered.

People fail to realise how hopelessly gullible they are. Apart from falling for cheap magic tricks of “godmen”, they fall for cheap propaganda/tricks/bribery of people like Modi.

No critical thinking, no questioning. Just PURE gullibility.

Now, here’s FURTHER PROOF of Modi’s direct involvement in CRIME. Circumstantial, no doubt, but just the kind of thing that you’d hope inquiring agencies would check. No. It takes the public and journalists to break into Modi’s den of crime. All inquiry officials have been bought/ only chosen ones planted.

By the way, I haven’t heard back from Rajesh Jain.
7. Modi’s INTENSE hatred towards Indian Muslims - and the even more vitriolic comments of his henchmen

7.1 Modi’s reactions to the Godhra incident

7.1.1 Interview dated 18 March 2002, India Today

Q. Why do you think the rioting had such a brutal tinge to it?
A. It wasn’t merely a communal riot but something like a mass agitation. There was already great anger against terrorism and anti-national activity. The Godhra episode symbolised that. [Source]

Full interview – since many of these statements are false.

IT WASN’T MERELY A COMMUNAL RIOT, IT WAS LIKE A MASS AGITATION,
MARCH 18, 2002, INDIA TODAY

A COMPOSED GUJARAT CHIEF MINISTER NARENDRA MODI SPOKE TO
Senior Editor V. Shankar Aiyar and Special Correspondent Uday Mahurkar, Excerpts:

Q. Nearly 600 people have died in the Gujarat riots. Was there a complete breakdown of the official machinery? Are you responsible?
A. It’s a false and baseless charge. Let’s go by the official records, I was in Godhra on the evening of March 27 and on my return to Ahmedabad, 827 people were arrested as a preventive measure the same night. [Sanjeev: This needs verification – for there is NO EVIDENCE of key VHP leaders being arrested] I immediately issued shoot-at-sight orders in Godhra. The riots began on February 28 at around 11 a.m. and I had requested the army’s presence by 4 p.m. On my request, Defence Minister George Fernandes was in Ahmedabad by 2 a.m. on March 1.

Q. But all the measures proved ineffective.
A. Only in the minds of those who don’t know the state’s history of riots. In the early 1980s, some parts of Godhra remained under curfew for a whole year. In 1985 curfew was imposed in Ahmedabad’s Kalupur-Dariapur for six months. I have controlled the riots faster than any of my predecessors. [Sanjeev: the killings of Gujarat in post-Godhra events continued for many months]

Q. The Muslims allege that the police not only took no action but even collaborated in the killings, arson and looting on February 28 and even later.
A. I don’t agree. The police fired 1,000 rounds on the first day. But you must not forget that what happened was a reaction to the brutal killings (in Godhra). [Sanjeev: The original cause of the deaths is still not clear, and there is no proof of mens rea. How did Modi conclude that these were “killings”? This is the key problem: incitement] The size of the angry mobs on Thursday was something unprecedented. The police must have been overwhelmed at some places because of this but still it did its best. Five persons were killed in police firing at the spot where Ehsaan Jafri was killed and police saved lives of 200 Muslims in the episode.
Q. Why do you think the rioting had such a brutal tinge to it?
A. It wasn’t merely a communal riot but something like a mass agitation. There was already great anger against terrorism and anti-national activity. The Godhra episode symbolised that.

Q. Does the spectre of backlash worry you?
A. My perception is that they will try and do something. So in the coming months Gujarat will have to be very alert. [Sanjeev: that’s why he started the fake encounters, to kill innocents, and finish off witnesses]

Q. How do you react to Shabana Azmi’s statement calling you a mass killer?
A. There are two types of violence, one communal and another secular. And secular violence being perpetrated by the leftist lobby is equally detrimental for the society. But some continue to perpetrate it. [Sanjeev: This is amazing: Shabana is a “killer”?] In fact, there’s a leftist conspiracy against me.

7.2 Modi’s hate speeches

SIT’s report

“Modi’s statement accusing some elements in Godhra and the neighbourhood as possessing a criminal tendency was sweeping and offensive, coming as it did from a chief minister, that too at a critical time when Hindu-Muslim tempers were running high” (p. 13, Chairman’s Comments).

“His (Modi’s) implied justification of the killings of innocent members of the minority community read together with an absence of a strong condemnation of the violence that followed Godhra suggest a partisan stance at a critical juncture when the state had been badly disturbed by communal violence” (p. 153, PI Report). ] [Sanjeev: SIT’s preliminary report was quite clear about Modi’s culpability. Then it watered it down in the final report.]

Addendum (14 September 2013): I have now been able to analyse a serious hate speech, here.

I have no doubt that Modi HATES MUSLIMS AT A GUT LEVEL, and would like to wipe them out entirely, if he could.

But on hate speech, evidence should be public, hence open and shut.

These two cases, below do show a STRONG tendency by Modi to use the religious card. He is NOT Vivekananda or S. Radhakrishnan, or Patel.

1) VIDEO BELOW
http://www.youtube.com/watch?v=moXEbp1M6WI

In this speech he refers to Muslim “miyans” and Miyan Musharraf, etc., in a very aggressive voice and talks about Muslims in a very denigrating manner.

He speaks in a growling, goonda’s voice, threatening VIOLENCE (pulling out eyeballs of “Pakistani” Muslims, etc.). His voice is filled with deep, visceral hatred. Such a man becoming PM would almost certainly lead to nuclear holocaust in South Asia.

The other problem is his claim that “Hindus” can “never” become terrorists. I have no issues with the claim. That’s probably got considerable merit. But his job is NOT to comment on any particular community. His job is of a Chief Minister: to ENFORCE law and order.

So yes, this particular speech DOES qualify as hate speech against Muslims.

2) RECENT CASES
Further, this info: [http://www.iosworld.org/Back_to_Hate_Speech.htm](http://www.iosworld.org/Back_to_Hate_Speech.htm)

3) **Pride march (Gaurav Yatra)**

These pre-election rallies were part of Modi’s weeks-long “pride march” through the state, in which he addressed crowds every few kilometres.

“He said people (Muslims) who multiplied thus “should be taught a lesson.” He made quite a few anti-Muslim remarks at the rally.

“Relief camps (housing muslim survivors) should be closed because they have become baby producing factories” “Those who multiply should be taught a lesson”

He “told a rally that relief camps housing Muslim survivors of the pogrom should be closed because they had become “factories for producing babies”.” [Source]

[http://www.milligazette.com/Archives/01102002/0110200268.htm](http://www.milligazette.com/Archives/01102002/0110200268.htm) ("factories for producing babies”)

4) **Praise of fake encounter against Sohrabuddin Sheikh**

The Election Commission on Thursday served a showcase notice to Gujarat Chief Minister Narendra Modi for his alleged justification of the killing of businessman Sohrabuddin Sheikh in a fake encounter on November 26, 2005, near Ahmedabad. [Source]

“A sitting Chief Minister “brazenly admitting that he liquidated” Sohrabuddin Sheikh is not a political statement, countered Singhvi.” [Source]

5) This has a number of hateful public comments by Modi:


6) **Strong tacit understanding with VHP**

Togadia is clear that there is a strong understanding between him and Modi: “There’s a portrait of Hindu Rashtra behind the veneer. How do you know if there isn’t a tacit understanding between us? Any PM aspirant should not forget that the road to Delhi passes through Ayodhya. The saffron cadre on the ground will only support such a leader who swears by the Hindu nation, the Ram temple and is ready to scrap Article 370” [Source]

Also see this: An ominous portent.

Please send me more data. Let’s do some research on this and other aspects of Modi, to determine his suitability to become PM of India.

7) **“Action reaction”**

A number of attempts have been made by the Chief Minister and his coterie to distant him from the comment wherein he stated that “Every action has a reaction”. The CM claimed he never made the remarks nor did he give any interview to the correspondent that quoted the same.

But a transcript of the interview that the CM gave, wherein he clearly stated the above in reference to the attack of slain Congress M.P. Eshan Jafri unmistakably confirms that the CM made the remark.

An excerpt of the interview with Chief Minister, Narendra Modi in Gandhinagar on March 1 2002, by Zee TV Correspondent Sudhir Choudhury is as follows:

The Correspondent begins by asking Mr Modi about the Chamanpura massacre in which former Congress MP, Ehsan Jafri was killed along with others. The Chief Minister referred to reports that Jafri had first fired at the violent mob which infuriated the crowd further. They
stormed the Housing Society and set it on fire. His exact quote is: “Kriya pratikriya ki chain chal rahi hai. Hum chahate hain ki na kriya ho aur na pratikriya”.

He refers to Jafri’s firing as “action” and the massacre that followed as “reaction”.


8) Further (mostly indirect) compilation of Modi’s hateful actions/speeches. [Actually not here but in Communalism Combat June 2009, “Tongue of Flame” - need to access it]

**ADDENDUM**

Turns out Vajpayee wasn’t less in such matters: “Atal Bihari Vajpayee’s speech in Goa in 2002, soon after the Gujarat riots, where the then Prime Minister had said Muslims tend ‘not to live in coexistence with others” [Source]

### 7.2.1 Analysis of Modi’s Gaurav Yatra hate speech

**Analysis of Modi’s 9 September 2002 hate speech at Bahucharaji, Gujarat (Gaurav Yatra)**

In his various communications on the subject, former DGP Gujarat R B Sreekumar keeps referring to “a communally objectionable speech by the Chief Minister Shri Narandra Modi in Sept 2002”. The contents of the speech were provided by him to the National Commission for Minorities. In attempt to understand the issues better I’ve now traced the **following speech from the internet** (it already contains annotations. My annotations are in blue, as usual). I hope this is the one he is referring to. Let me analyse this for whatever it is worth. In this context it will be useful to **review this first**.

I have no hesitation in declaring the following as HATE SPEECH. I am not against stopping hate speech, so long as it doesn’t provoke direct violence. However, this speech has definitely crossed the line as far as a Chief Minister is concerned. If Obama gave such a speech today he would be hounded out of office. Or any Australian PM. Or British PM.

Here’s background story re: this speech:

After a number of media reports on Narendra Modi’s inflammatory speeches against the minorities, the National Commission for Minorities (NCM) asked the Gujarat home department on September 10, 2002, for a copy of the speech made by the CM at Becharaji, a temple town in Mehsana. Attempting to block such information, the Gujarat government claimed that it had been unable to trace a copy of the speech.

The state home department ensured that its stooge DGP, K. Chakravarti, endorsed the fact that the state intelligence department, headed by the then ADGP, RB Sreekumar, was not required to provide such a report. But Sreekumar felt duty bound to comply with the request of the NCM. He obtained a copy of the speech and forwarded it to the commission soon after. This proved to be a costly move for him. Sreekumar was immediately transferred out of the intelligence department to a relatively insignificant post. [Source]

Also:

**Modi’s speeches during the gaurav yatra**

Becharaji, Mehsana: Modi makes inflammatory speeches demonising Muslims in his build-up to the 2002 election campaign and then **does his best to deny information about the same to the National Commission for Minorities (see box, ‘Tongue of flame’).** [Source]
Verbatim of Public Speech delivered by the Chief Minister, Shri Narendra Modi, at Bahucharaji (Mehsana district of Gujarat State) on 9.9.2002, as part of Gaurav Yatra.

The procession of prestige (Gaurav Yatra) has now reached the holy land of Bahucharaji, from Fagwel, by blowing the bugle of self-respect of Gujarat. This is the holy place of power (Shakti), the power for extermination of Ashuras. We have resolved to destroy and stamp out all forces of evil, who are a threat to the self respect of Gujarat. A set of people, who are not concerned about ordinary Gujarati citizens, are keen to impede progress of Gujarat State and its future, are out to defame Gujarat State. In this holy land of Bahucharaji, let the 5 Crores Gujaratis acquire such power and energy, which will build tomorrow’s prosperous Gujarat.

There is allegation against us that we are Hinduwadis. Oh! brothers, for the development of Bahucharaji Devi temple, our Govt. has allotted 8 Crore Rupees. Is it a crime done by us? Have we become communal by allotting 8 Crore Rupees for the development of Bahucharaji. [Sanjeev: I wasn’t aware of this - but this is SHOCKING. BJP wants the uniform civil code, but it first DEMOLISHES an old mosque - Babri Masjid - and then funds a TEMPLE. And claims that there should be one law for India??]

Our Congress friends have come out with another charge. They say, this Narendrabhai has brought Narmada water to Sabarmati river and this man is so much clever that he brought the water in the month of Shravan (a holy month for Hindus). My dear brothers, we built the dam and so water is available. Let me ask a question to my Congress friends, if water is brought during Shravan month, those mothers / ladies residing on the banks of Sabarmati river can take bath in Narmada water and feel holiness and blessedness. Then what is paining them? Since, we (means BJP) are here, we brought water in Sabarmati during the month of Shravan, when you are there, you can bring it in the month of Ramdan (the holy month of Muslims). [Sanjeev: this kind of a communal language is truly unfortunate, and really unbecoming nor expected from a Chief Minister.]

When, we brought water in the month of Shravan, you feel bad.

When we spend money for the development of Bahucharaji also, you feel bad.

What brother, should we run relief camps? (referring to relief camps for riot affected Muslims).

Should I start children producing centers there, i.e relief camps?

We want to achieve progress by pursuing the policy of family planning with determination. We are 5 and our 25 !!! (Ame panch, Amara panch, referring the Muslim polygamy). [Sanjeev: This is absolutely atrocious - a direct attack on a significant number of Indians] On whose name such a development is pursued? Cant Gujarat implement family planning? Whose inhibitions are coming in our way? Which religious sect is coming in the way? Why money is not reaching to the poor?

If some people go on producing children, the children will do cycle puncture repair only. [Sanjeev: clearly Modi has no idea that birth rates are a function of economic opportunity - and have declined dramatically across the board given increased economic opportunity.]

If we want to develop Gujarat, every child born in Gujarat should get education, enlightenment, livelihood and the economic order should be built up accordingly. For this purpose, there is a need for teaching a lesson to those people, who are expanding their population (Hinting at Muslims). If we [Sanjeev: This is ATROCIOUS: He only identifies himself with Hindus - not with India] object to the explosion of population, they feel bad. Can somebody tell me, is there any Nation like ours? Is China ruled by BJP? Still China had enacted a law to curb population explosion. Here some people say no no, Are we religious fundamentalists. Brothers, in this matter, how religion is involved? In Gujarat, Madrasas
are coming up in large numbers. The children have right to get primary education. But, Madrassa going child is deprived of primary education. [Sanjeev: While I agree that there is some merit in this argument, the idea of DIRECTLY ATTACKING INDIANS who are Muslims is simply intolerable.] What will such a child do, when he grows up? Suppose, normal education is not available and only religious education is available, will it not be a burden on Gujarat. [Sanjeev: Once again Modi identifies himself/Gujarat with Hindus only.]

We are scrutinizing Madrassas from Kachchh (district) onwards. Now these people may say that we are communalists. If West Bengal Govt. put restrictions on Madrassas, it is secular, but when it is done in Gujarat, how do we become communal? Any institution needs regulation. If we want peace in Gujarat, we have to make long term plans.

We cannot permit merchants of murder freely operate in Gujarat. [Sanjeev: This is really strange language -so WHO has been the biggest merchant of murder in the history of Gujarat?] I am sitting in the holy place of Shakti (energy), in the lotus feet of Bahucharaji Mata. I want to assure you that I may lose the chair tomorrow or today. But, I will not allow those plotting to destroy Gujarat and harm the innocent, to carry out their plans. Gujarat wants happiness, Gujarat wants peace, 5 Crores Gujaratis are united and progressing.

The days of somebody like Daud Ibrahim sitting in Karanchi and playing games of murder and destruction are over. [So it was a plot to kill 1000 people in Ahmedabad?] We would not permit it. For what purpose all this is done. My chair may go today or tomorrow. We are not sticking to the chair with fevikol. Brothers, we are sitting at the feet of the Gujaratis. If the people feel that this person (referring to himself) will work, then they will put him as their head. And if the people don’t feel, then they will kick us out. Brothers, we are a set of people, who are always at your service.

The Congress is afraid of going to the people; they do not want the election. Oh brothers, if you do not want the election because you are going to be defeated and so you want to delay the holding of election? Smt. Indira Gandhi was afraid of going to the election. Therefore, she extended the tenure of the Parliament to 6 years. Why don’t you do the same thing? But you are afraid of doing that. What do you talk? There are disturbances in Gujarat. The people of Gujarat indulge in riots. If you don’t want face election you have no right to abuse 5 Crores Gujaratis. This is not acceptable to us. If you have courage, brothers, why don’t you bare your chests and face us in the battle field of election? Why do you run away? If one has to run away, we have to do it. There is propaganda is against me through out the World. It is done by you (Congress men). We are willing to go to the people and you are running away from the people. Why don’t you go to Italy?, Go, and offer aarti (offering by holy flame) to the Election Commission. You are shouting, stop elections, stop elections, Oh mother ! stop elections, Oh Congress friends ! We have taken the dust from the feet of 5 Crores Gujarati on our head. We are one with them and we are proud of telling that. We are not cheats. If you go to collect the dust from the feet of the people of Gujarat they will kick you. We have no selfishness.

This daughter of Italy (Sonia Gandhi) had given us open certificate that we had insulted the land of Mahatma Gandhi and Sardar Patel. We have to demand your answer in this matter. How much did you insult Sardar Patel? [Sanjeev: Modi should be aware that Sardar Patel detested RSS - He called people like you POISONOUS. DOES MODI KNOW THIS?] The Nehru dynasty of Congress people, develop fever hearing the name of Sardar Patel. You may feel sad, Sanjay Gandhi was no great man other than being the husband of Menka Gandhi. But, there is samadhi of Sanjay Gandhi at Rajgadh. Oh my Brothers and Sisters of Gujarat ! Sardar Patel does not have a samadhi (in Delhi). We feel very sad
You Congress people, you are toiling for effacing out the name and image of Sardar Patel, but I warn you, Beware, if you try to wipe out the fame and name of Sardar, we are here to sacrifice our lives for keeping the flag of Sardar at high pedestal. We believe that, if we have to do good of the Nation, we have to adopt the path of Sardar Patel. If you want to save Kashmir, you have to walk in the path of Sardar Patel. If you want to bring unity in Gujarat, you have to adopt the path of Sardar Patel. If you want to contain and check the merchants of murder, we have to follow the path of Sardar Patel. Our motto is to pursue the path of Sardar. [Sanjeev: I’m glad to hear this but then why has the stench of death not yet left Gujarat?]

There are people, bent upon destroying Gujarat. We have come out for awakening the self-respect of Gujarats. If we raise the self-respect and morale of 5 Crores Gujratis, the schemes of Alis, Malis and Jamalies(referring to Muslims) will not be successful to do any harm to us. [Sanjeev: This is a MAJOR COMMUNAL SPEECH, SPREADING EXTREME HATRED.] These 5 Crores Gujaratis will decide about their future. The buffoons of Delhi will not decide the future of Gujarat.

In Delhi, there is a crowd of Ex. Prime Ministers, who are sitting idle. In the evening, these Ex.Prime Ministers meet. They issued Fatva (royal proclamation) that in Gujarat the Rathyatra of Jagannathji should not be taken out. We asserted that it will be taken out. In Gujarat, if the Rathyatra of Jagannathji is not taken out, whose Rathyatra should come out ? People sitting in Culcutta (referring to the communists), do not want the Rathyatra to come out. It will be better to go out of the Govt. instead of not taking out Jagannath Rathyatra. I don’t care if I loose political power and authority. We have decided that Jagannath Rathyatra will be taken out. Then, the whole crowd of Congress people rushed to Delhi, to Madam (Sonia Gandhi), appealing, Madam save us, this Narendra Modi is a mad man, and we cannot compete with him. Save us, solve the problem of Narendra Modi. Madam said, what happened? Stop Jagannath Rathyatra, if the Rathyatra of Jagannathji is taken out Gujarat will burn. Muslims will be massacred, there will be wide spread hue and cry, stop the Rathyatra of Jagannathji, stop the Rathyatra of Jagannathji, stop the Rathyatra of Jagannathji. When Congress men told this thing to Madam, finally she asked, brothers, tell me this Jagannathji is belonging to which political party? Is this Jagannath Rathyatra like Advani’s Rathyatra? (The Congress men replied) Oh Madam, this Jagannath is not worker of any Party. Jagannath is God (Bhagwan). Does Bhagwan Jagannath belong to any Party? See, such (ignorant) people are set our for serving the Nation !!!

Mahatma Gandhi used to say “Drive away these white men”, “Oh white men, quit our Country”. But, what did Congress do? Oh white people, please come, be our Congress President, Oh white people, please come, be our Congress President. [Sanjeev: This is a RACIST comment]

=====END OF SPEECH=====
It is clear from a close perusal of the speech that there is a desire to create hatred and ill-will towards the minority. For example:

— We have resolved to destroy and stamp out all forces of evil, who are a threat to the self respect of Gujarat. (Sreekumar’s comment- This is clearly an indirect justification of a policy of carnage against the minorities after the tragic Godhra incident).

— Let me ask a question to my Congress friends, if water is brought during Shravan month, those mothers/ladies residing on the banks of Sabarmati river can take bath in Narnada water and feel holiness and blessedness. Then what is paining them? Since, we (means BJP) are here, we brought water in Sabarmati during the month of Shravan, when you are there, you can bring it in the month of Ramdan (the holy month of Muslims). (Sreekumar’s Comment- The Holy Month of Ramzan and observance of Roza are one of the Five Pillars of Islam hallowed in the Holy Koran. The mens rea (motive) behind making this reference in the speech can be clearly deduced.

— What brother, should we run relief camps? (referring to relief camps for riot affected Muslims). Should I start children producing centers there, i.e relief camps? We want to achieve progress by pursuing the policy of family planning with determination. We are 5 and ours are 25!!! (Ame panch, Amara panch, referring the Muslim producing five children).

(Sreekumar’s comment- These remarks from the highest elected representative in a state is nothing short of an attempt to ridicule the plight refugees from the minority community who were dishoused because of widespread violence that was not contained. Refugees in relief camps included victims of mass massacre, rape and arson. State complicity at the highest level has been judicially held responsible for the sustained spread of the violence. Therefore ridiculing the camps and thereafter lacing the statement with the poisoned stereotype of the alleged Muslim aversion to family planning during an election campaign clearly has a motive. This statement also projects the Muslim minority as a stumbling block to progress and patronises an ‘us versus them’ mindset among the populace that then becomes easy fodder for incitement and the outbreak of communal violence.)

31. I say and submit that on the whole the speech displays a definite communal bias, denigration of the minority community, ridiculing and belittling of the Holiest Scriptures of the minority community particularly the Five Pillars of Islam, the Holy Month of Ramzan and Observance of Roza. I say and submit that these references will certainly germinate a sense of hatred ill will and excluvism towards the Muslim minority in the minds of the majority community. The claim that nothing happened in the form of riots after the speech is irrelevant, dangerous and untenable because the sense of excluvism and sectarianism obvious in the tone and tenor of the speech not only goes against the concept of emotional integration of the Indian people but also engenders an intense feeling of alienation among the Muslims towards the Hindu community. In this perspective the speech of the chief minister is injurious to the Preamble of the Indian Constitution and Particularly Article 51-A that is the Chapter on Fundamental Duties.

“5 1-A. Fundamental duties. – It shall be the duty of every citizens of India-
(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
(c) to uphold and protect the sovereignty, unity and integrity of India;
(d) to defend the country and render national service when called upon to do so;
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women;
(f) to value and preserve the rich heritage of our composite culture;
(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
(i) to safeguard public property and to adjure violence
(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement).

32. I say and submit that appropriate action needs to be directed against the state of Gujarat on the issues raised above. [Sanjeev: I am certain this speech was deserving of a legal test by the government. Of course, why would Modi’s own government prosecute him?]

7.3 Tagodia, VHP

7.3.1 Modi’s Sangh Parivar’s one point message: VIOLENCE. And total rejection of Gandhi.

7.3.1.1 “Pravin Togadia ji’s speech on godhara carnage”

http://www.youtube.com/watch?v=f0HfmQY8aOw

I chanced upon this deplorable speech by Modi’s favourite organisation: Vishwa Hindu Parishad.

In this speech, VHP leader Pravin Togadia is hitting out viciously against Gandhi and inciting Gujaratis to take up violence. This is the same man who recently actively supported the violent attacks in Ahmedabad by his organisation’s goons. (And here he outlined Modi’s "strategy" of deception to collect "secular" votes.).

I condemn VHP and Sangh Parivar for such a vicious way of thinking. How DARE the Sangh Parivar say it is defending Hinduism. By rejecting Gandhi, by rejecting the message of peace and RULE OF LAW, it is taking India into the medieval ages.

**India is a free society. We must insist on the rule of law, not promote the law of the jungle.**

==

His message, translated into English:

The Godhra burning took place because India believes in Mahatma Gandhi’s philosophy of non-violence.

**On 28 February we locked Mahatma Gandhi inside our house (to perpetrate mass violence in Gujarat, with Modi’s blessings).**

I challenge you (Gandhi) to leave your Gajri (a woman’s ornament), or we will leave you, Gandhi.

**Till we abandon Gandhi’s philosophy of non-violence, till we abandon the philosophy of getting down on our knees to Muslims, Muslim terrorism will never end.**
My friends, we have to DISCARD Gandhi.
[He then goes on to describe how violence should be perpetrated across Gujarat].

7.4 Nirmala Sitharaman, Mahila Morcha President

7.5 Smriti Irani, her deputy

7.6 Meenakshi Lekhi

7.7 Vani Tripathi National General Secretary

7.8 BJP’s role in Muzaffarnagar ethnic cleansing
BJP’s key objective: Ethnic Cleansing of the Muslims. Samajwadi Party is involved in this as well - through its total INCOMPETENCE. India desperately needs a RULE OF LAW party/coalition. The state must be neutral and govern.
[http://www.youtube.com/watch?v=vM3qhdKeUYo#t=191]
8. Modi’s right hand people couldn’t have killed without his authorisation

Even Modi could not save his henchmen where SUCH CONCLUSIVE proof was provided through Tehelka stings that there was no escape even through obfuscation (as judge Patel has done with the Godhra train burning case).

This PROVES that there was serious complicity of key party/Sangha officials in DASTARDLY crime.

8.1 Maya Kodnani BJP MLA
http://www.thehindu.com/opinion/editorial/a-stunning-verdict/article3836698.ece
Modi appointed Kodnani into his government after the riots

8.2 Babu Bajrangi Bajrang Dal
http://www.thehindu.com/opinion/editorial/a-stunning-verdict/article3836698.ece
I’m perfectly clear that the train burning was a major incident but it is not clear who caused it (data indicate it couldn’t have been caused from outside). My point is not this incident, but Modi’s massively increasing tensions after this incident. He should have said: “We don’t know the cause, we are investigating”. He should not have allowed post mortem in the open. He should not handed bodies to VHP. He should have arrested all VHP leaders as precaution. He should not have announced his own (state) bandh. Till today it is not clear how the train caught fire. But we do know that Modi’s actions caused a thousand deaths.

Nothing that Modi claimed about that case makes sense. No ISI involvement, the fire could not have been lit from outside, the intitial claims were that kerosene was found, then later changed to petrol, then the persons alleged to have purchased 140 litres of petrol were found to have been paid bribes to testify. All convicted have appealed. I’m still researching.

9.1 Modi’s lies to SIT re: ISI

9.1.1 Narendra Modi lied to SIT during his interrogation – Part 1 – Godhra Train Burning pre-planned or not?

This is from the Truth of Gujarat, April 16, 2014

Narendra Modi was asked 71 Questions (PDF Copy) by the Special Investigation Team (SIT) as part of their investigation in the Gujarat genocide. We will analyze Narendra Modi’s answers over several posts and show how Narendra Modi blatantly lied to the investigating officers of SIT and how the SIT completely ignored his lies.

We will start with the statement which laid the foundation of Modi’s political career – Gujarat Government and Narendra Modi had repeatedly claimed that the Godhra Train Burning was a pre-planned act of terrorism right from the day 1. This was the basis of the violent backlash from the majority community as the Chief Minister himself was announcing from the roof top that the train burning act was pre-planned before any investigation was done. However when asked by SIT, Narendra Modi completely denied having said so.

Q.10 Did you declare the Godhra incident as pre-planned and that Pakistani/ISI hands were behind the Godhra incident? If so, on what basis?

Ans: I did not utter any such words in the Assembly. Of course, the media had put some questions to me about it, but I had told that nothing could be said till the investigation was completed.
Ans. I did not utter any such words in the Assembly. Of course, the media had put some questions to me about it, but I had told that nothing could be said till the investigation was complete.

So Narendra Modi claimed before the SIT that he never expressed before the media that Godhra was pre-planned and that nothing could be said till the investigation was complete. Now let’s look at some of the interviews Narendra Modi gave to various media-outlets. These interviews cannot be denied since they were also published verbatim on Narendra Modi’s old website.

1. Interview to Tribune on March 9, 2002 also published on Narendra Modi’s website.

Q: The state government is giving compensation of Rs 2 lakh to next of kin of the victims of the Godhra carnage and Rs 1 lakh for those killed in the communal flare-up afterwards?

A: The Godhra incident was not communal violence but terrorism. It was a Congress MLA who in 1992 moved a resolution in the state assembly for giving Rs 1 lakh compensation to the victims of communal violence. The compensation is being given according to the law.

On March 9, 2002, when Modi gave this interview to Tribune, the investigation was far from over as the first charge-sheet in the Godhra Train Burning case was not filed till May 22, 2002. Narendra Modi claimed that the Godhra Train Burning incident was an act of terrorism more than 2 and half months before the first charge-sheet by DySP KC Bawa. However, this is not the only interview in which Narendra Modi claimed that the train burning act was pre-planned before the official investigation was complete.

2. Interview to Times of India on March 29, 2002, and also published on Narendra Modi’s website.

Q: In your view, was the burning of 58 kar sevaks in the Sabarmati Express at Godhra a planned attack or a spontaneous one? Was there an untoward incident on the station platform which sparked the attack?

A: If one looks at the nature of the heinous attack on the Sabarmati Express and the manner in which 58 innocent kar sevaks were burnt alive in a compartment of the ill-fated train, it would be apparent that it was a deep rooted conspiracy and a pre-planned, cold-blooded attack.
Again, on March 29, 2002, Narendra Modi claimed that the Godhra Train Burning incident was a ‘pre-planned, cold-blooded attack’ much before the first-chargesheet was filed on May 22, 2002. From the above two interviews, it can be easily seen how Narendra Modi lied to the SIT by denying his statements claiming that Godhra was a pre-planned act of terrorism. The truth, in fact, is that the Gujarat Government had announced on February 27, 2002, the same day as the burning of train, that the act was pre-planned. In an official press-note, a copy of which was submitted by Gujarat Government to Nanavati Commission and is reproduced below, Gujarat Government had stated:

_The Minister said that the Government suspect that the heinous act was pre-planned in view of the Central and State Governments action to combat terrorist activities._

So on February 27th itself, Gujarat Government had announced that the Godhra train burning act was pre-planned and the most horrific genocide in recent times ensued the very next day.
Thus it is evident that Narendra Modi shamelessly lied before the interrogating officers of SIT. But it should also be noted that SIT took everything that Modi said on face value and never counter-questioned him with real facts. **SIT’s investigation in the post Godhra riots is one of the shoddiest investigations in a criminal case in recent times.**


9.2 Videos that outline key issues

9.2.1 Godhra: the witness testimonies - I

[http://www.youtube.com/watch?v=lny15n5-A_I](http://www.youtube.com/watch?v=lny15n5-A_I)
This demonstrates a few things:

a) the CPWD observer did not see any signs of pre-planning
b) the Cabin A operators saw sporadic groups including women and children
c) there was no possibility of mass movement of people (or even assembly).

9.2.2 Godhra: the witness testimonies - II
http://www.youtube.com/watch?v=0LLFhHHXg4s

This confirms that petrol is the only thing that could have been used. It also demolishes two ideas: (a) the fire was lit from outside or (b) someone could have entered from outside to do this.

9.2.3 Truth behind Godhra train burning incident
http://www.youtube.com/watch?v=bSYGavYSc_Q

A summary (slides)

9.2.4 Godhra Tak, The Terror Trail (PART 1)
http://www.youtube.com/watch?v=96jIdg0Q1qw

9.3 Other witness testimonies (these are worth detailed review)

9.3.1 Testimony of the SP of Godhra and key witnesses

[Source]
Raju Bishankumar Bhargava, the then SP of Godhra, says in his deposition, "I reached the burning coach at about 8.30 am. I saw people with black (charred) faces and with some burn injuries on the head coming out of the coach. I saw ten to twelve passengers coming out of the coach. The injuries which I had noticed on the passengers were on the upper part of their bodies. I did not notice any injury below their waists. I did not see any flames rising in that area of the coach which I could see from the door. I saw only smoke there. I did not notice any flames on the floor of the area between the two doors. I also did not smell any inflammable fuel like petrol, kerosene or diesel. I did not see any person from the Muslim community preventing the passengers in S-6 and S-7 from coming out of their coaches."

Passengers on the Sabarmati Express confirm this in their respective depositions. Says kar sevak Mahesh Chaudhary, who was returning from Ayodhya, "Before jumping out of the coach, I did not see any fluid on the floor of the coach. I did not see any flames while I was inside the train. I saw only smoke." Savitaben Sadhu, Babubhai Patel and Dwarkabhai Patel, also passengers on the train, depose likewise.

Savitaben did not recall seeing "any person coming inside the coach from outside and pouring any fluid". Similarly, Babubhai remembers neither seeing any person in a Muslim dress or with beard inside the coach nor any such Muslim rushing inside the coach. Dwarkabhai too "did not see any flames" when he was inside the coach. "I (also) did not notice any fluid being poured inside (when I was in the coach)," he has told the
9.4 Sanjiv Bhatt was key official in IB and denies ISI involvement

Q: ISI has sleeper cells in Gujarat. Godhra is not a normal town like any other town. Do you rule out any ISI connection in train-burning? [Source]

A: Do you think ISI has sleeper cells across Gujarat? This is misinformation. I have headed the internal security for Gujarat for three years. I have been the designated nodal officer for collection, probation and information of all entities pertaining to ISI. So these are very generic kind of statements which people make that ISI has sleeper cells across Gujarat. It’s not so. But there are terrorist outfits that have sleeper cells across Gujarat. But I would say whatever happened at Godhra on the 27th morning was not an act of terrorism. It was not even a preplanned act.

ISI connection was complete figment of imagination. But to say it was a preplanned conspiracy would be travesty of justice.

9.5 Noel Parmar, the investigating officer

“Noel Parmar was the chief investigative officer. But he was far from neutral. He hated Muslims and cursed them for having 10 children.” [Source]

9.6 Parmar couldn’t prove that the conspirators knew of the train’s delay

Parmar’s statement to Nanawati Commission:

“The conspirators had gathered at 9pm in the night and when they discussed the conspiracy, it is possible that they did not know that the Sabarmati train was running late because at 1.30 am in the morning, Salim Panwala had gone to the station to inquire about the exact time of the arrival of the train. The schedule time for the arrival of Sabarmati Express at Godhra station is at 2.55 am in the night. No facts were disclosed in my investigation as to how the coach was to be burnt as per the conspiracy.” [Source]

9.7 Modi’s claim

4.6. At 7.30 p.m., chief minister, Shri Modi made a public broadcast in which, for the first time, he put forward the ‘ISI hand behind the Godhra incident’ version.

4.7. Thereafter, from the next day onwards, the Prime Minister, Shri Vajpayee called it a “national shame” and then home minister, Shri Advani also ominously pointed to the “ISI hand.” Union defence minister, Shri George Fernandes, too, joined the chorus of voices, alleging that there was “a foreign hand” behind Godhra. [Source: Iyer-Sawant tribunal]

9.8 Modi’s claim is not yet established

In a system where both prosecution and judges are appointed through the Modi government, and at least two members of SIT were later found to have been accused in
some parts of the Godhra incidents, it will be good that we keep our mind open till the very end of the case.

The case is STILL GOING ON. The 31 people “convicted” in this case have appealed to the Gujarat High Court. [Wikipedia]. They are basically saying that they have been FALSELY convicted.

Two things stand out:

1) Modi’s alleged theory (announced immediately after the burning) that ISI was involved – is FALSE. (at least I can’t find any evidence of it today). Remember, that statement was used to create a sense of panic in Gujarat – which, when combined with the state sponsored bandh – led to a serious law and order situation being CREATED.

2) For long, it appears that the Modi government/VHP were arguing that petrol was thrown from outside. Well, it appears this theory was entirely trashed.

Ahmedabad-based Forensic Science Laboratory (FSL) after conducting intensive tests concluded that it is impossible that inflammable liquid could have been poured from outside into the train compartment. The FSL report proved that about 60 litres of such liquid was poured from inside the compartment before it was set on fire. This important conclusive finding immediately sets at rest the allegation that a Muslim mob poured inflammables from outside into the compartment and set the rail compartment ablaze. [Source]

So HOW did Modi government manage to get a successful prosecution of 31 people in the train burning case?

Someone pointed me to a two part video below, which is absolutely riveting and provides STRONG evidence that the burning of the train could not possibly have been pre-planned.

I would like to know HOW any Muslim CARRYING with at least 60 litres of petrol (does anyone understand what this involves!! – I have a 5 litre petrol tin. Try carrying 60 litres !) managed to smuggle himself into the coach despite the WHOLE train being full of kar sevaks, doors locked and windows shut.

NO EYE WITNESS who was present saw such a huge quantity of petrol being carried into the train.

How could the court possibly convict anyone OUTSIDE the train for this? I’d be grateful if someone can point me to the prosecution case.

All evidence that I now see is clear: the events preceding the burning (stone throwing, etc.) were ENTIRELY unplanned, and attributable ENTIRELY to the behaviour of the kar sevaks. I’m sure I’ll learn more about this in the coming days/weeks. There was no ISI involvement, no pre-planning by Indian Muslims.

However, there is now very strong evidence that Modi created these pretexts to build up a frenzy in the state of Gujarat – and unleashed HIS own well-armed violent “troops” (VHP/Bajrang Dal) on the Indian Muslims of Gujarat.
MODI LIED THROUGH HIS TEETH ABOUT ISI’S INVOLVEMENT:

“Clinically cross-examined before the Justice GT Nanavati Commission of Inquiry, official after official virtually admitted they had nothing to substantiate the government’s and the bjp’s oft-repeated claim that the Godhra train tragedy was a conspiracy.” [Source]

9.9 Iyer-Swant findings

Godhra

The Sabarmati Express train started from Ahmedabad for Ayodhya on February 22, 2002, with kar sevaks on board. It appears that on its onward journey to Ayodhya, there was an incident at Daohod railway station where the kar sevaks indulged in vandalism and terrorising of Muslim vendors at the station. According to another version, the Daohod incident took place on the return journey. There is no clear evidence of the date of the incident but it is clear that it took place.

There was another incident between Rudauli and Daryabad stations (closer to Faizabad) wherein the kar sevaks attacked Muslim passengers, including innocent women and children. When some young man protested against this, he was thrown off the train between Patranga and Rojagaon stations. Several women, badly wounded and covered in blood, jumped off the train at Rudauli station. The kar sevaks got off and started attacking those whom they identified as Muslim from among those present at the platform.

At Rudauli station, other similar incidents occurred, such as forcing the Muslims to shout, ‘TJai Shri Ram!’, pulling the beards of some of them, including stabbing with trishul. Despite the severity of these incidents, there was no prompt action taken either by the railway authorities or the police; nor were those seriously injured rushed to hospital. It appears that both local Hindus and Muslims condemned the attack and that Muslim religious leaders appealed for peace and urged that there should be no retaliation. (Report in Jan Morcha, published from Faizabad on February 25, 2002, two days before the Godhra incident on the return journey of the same Sabarmati Express– see Annexure 7 Volume 1.)

As the train travelled back from Ayodhya on its return journey to Ahmedabad, kar sevak girls and boys armed with trishuls and lathis, were getting down at every station and shouting slogans like, ‘Mandir Vahin Banayenge!’,” ‘TJai Shriram!”, ‘Muslim Bharat Chodo, Pakistan Tao” (‘Muslims, Quit India! Go to Pakistan”), ’Dudh mango tho kheer denge, Kashmir mango tho cheer denge” (“Ask for milk and we’ll give you kheer (pudding), But ask for Kashmir and we’ll cut you up”). Many passengers felt harassed by this behaviour but were constrained to silence because the kar sevaks had captured all the reserved seats and the train was jam-packed.

The train reached Godhra station at 7.30 a.m. (three hours late), on February 27, 2002. There were certain incidents on the platform. There were some reports to the effect that a Muslim girl was molested by the kar sevaks who attempted to pull her into the train. The attempt to take her into the train was averted due to the intervention by Muslim vendors at the Godhra railway station.

In a separate incident, a Muslim tea vendor had boarded coach S-6 with an aluminum tea kitli and plastic cups to sell tea. Passengers started to buy tea from him but he was insulted by some of the kar sevaks and sent out of the coach. It appears that some kar sevaks, identified by their saffron head bands and trishuls, had climbed onto the roofs of coaches of the Sabarmati Express as it stopped at the Godhra railway station, stripped themselves and made obscene gestures at Muslim women residing just opposite the
station, who had come out to perform their morning chores. There was also some stone throwing, both from within and from outside the compartments.

As the train left the platform, at 7.48 a.m., it was immediately stopped by someone pulling the chain. The obvious reason for this was to enable some of the kar sevaks who were still left behind on the platform to enter the train. The train proceeded for about a kilometre. At Singal Falia the train stopped. Whether this was on account of someone pulling the chain or otherwise is not clear. The engine driver, at that point of time, had only seen someone from outside pelting stones at the train though not at coach S-6. Soon thereafter, coach S-6 was on fire. The question is, how did the fire occur?

The version of the government appears to be that the Ghanchi Muslims residing near the railway station, who had gathered in large numbers, threw fireballs into the train and that resulted in the fire. The government version also has it that these Ghanchi Muslims wanted to attack the kar sevaks, and that there were about 2,000 Muslims who were bent on attacking the train.

It may be stated at this stage that the full capacity of the train is 1,100. But, in fact, the train at that time had about 2,000 passengers, of which about 1,700 were kar sevaks. As far as coach S-6 of the Sabarmati Express is concerned, the reservation capacity is 72. However, it was jam-packed on that day. Only one coach was burned and even in that coach one is not sure how many passengers were kar sevaks. The train had 11 coaches with vestibule connection and the kar sevaks were spread all over the train. So why did anyone target coach S-6? If 2,000 Muslims had gathered there, could they not have attacked the other coaches? Again, did anyone try to come out from the other coaches? If it is reasonably presumed that some of the passengers, including kar sevaks, rushed out, did anyone attack them? On all these questions there is no satisfactory answer.

In all, 58 bodies were found in coach S-6, out of which 26 were of women, 12 were of children and 20 were of men. It appears that 43 persons sustained injuries, of whom only 5 were admitted to the hospital. The rest were treated for minor injuries like bruises, and were allowed to go. Out of the five admitted to hospital, one died, and the rest were discharged after 3 or 4 days.

Since the bodies were charred beyond recognition, it was not possible to identify anyone on the basis of physical features. The collector of Godhra told the Tribunal that only five bodies could be identified on the basis of articles or things which were on their person. One was the local station master’s wife who had boarded the train at Godhra to go to Vadodara. She had a metal tiffin box in her hand and she was thus identified. Thus, no one could say with certainty that the dead bodies were all of kar sevaks.

9.10 Mohan Guruswamy, close to Modi, objected to the denial of FSL findings

Who is Mohan Guruswamy? A Facebook friend, it appears he knew Modi extensively [from FB, 2 June 2014]
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Suraj Dasgupta

The FSL has also conclusively demonstrated by experiments that it was virtually impossible to throw inflammable liquids into the train through the open windows that are at a height of seven feet. The report also states that there was a three feet high mound running parallel to the track at a distance of 14 feet and if the fire bombers were standing on this mound and sloshing the fuel at the compartment only about 10-15% of the fuel would have got inside. Since the rest of the fuel would then have fallen outside there would have been burn damage on and near the track. This was not so. File photographs of the burning coach very clearly show the flames raging from within and without even the external paintwork being touched. The pictures also show rescuers trying to hose down the flames standing right alongside the burning coach. Very obviously the coach was set afire from within and whosoever still insists that it was set afire from outside by the incensed mob is lying through their teeth.

This report is indeed incendiary stuff. No sooner it was published by a leading newspaper, the Deputy Prime Minister debunked it. By doing so he was questioning a professional forensic analysis and seeking to replace it with his political convenience. To sustain itself the BJP government in Gujarat requires that the coach was set afire by the Muslim mob and therefore justifying the open participation of all branches of the sangh Parivar with the connivance of the state government. Unfortunately the FSL report is a part of the states charge sheet and now a part of the record. We now are being treated to deliberately leaked stories that some “suspects” after being injected with sodium pentothal have confessed to burning the coach. The use of sodium pentothal is considered inhumane and any admission under its influence is not admissible in a court of law. But the issue is not about law and justice any more but about making malicious and
The train was chock-a-block full of kar sevaks and whosoever was carrying “a container with a wide opening holding about 60 liters of inflammable liquid” should have been able to mingle freely with the inflamed kar sevaks. If this whosoever it was, was carrying such a container with a wide opening quite openly he, she or they would have been known to the other passengers to be able to do so without arousing apprehensions. Remember the country was in a state of heightened military alert after the December 13 attack on the Parliament and it would just not be possible for a stranger to walk into a crowded coach of true believers with a large container with liquid sloshing about. [Source]

9.11 Article: the fabrication of evidence

**Burning of S6 Coach at Godhra using ‘Petrol’- A Fabricated story**

Pratik Sinha and Mukul Sinha September 20, 2013

It took Government of Gujarat only 10 hours to declare that the burning of S6 Coach of Sabarmati Express at Godhra on 27th February, 2002 was the result of a pre-planned conspiracy to kill karsevaks but it took them another full year to name the fuel that was used to “burn down” the Coach.

The first charge-sheet in the Godhra Train Burning case was filed by DySP KC Bawa, the first Investigating Officer, on 22nd May 2002 alleging that the S6 coach was burnt from outside by the use of some inflammable fluid (He did not specify whether the inflammable fluid was petrol, kerosene or diesel). Bawa relied upon the statements of nine important eye witnesses who claimed to have been standing near the “A” Cabin near which the S6 coach had burnt:

Five-six persons with carboys in their hands were sprinkling the fluid on one coach and they set it on fire and we kept standing at the side of A cabin.

Shri Talati, forensic officer from FSL in his report dated 26th April 2002, had found the presence of kerosene in these three carboys which were sent to him for examination!! Shri Ajaykumar Kanubhai Bariya, the star witness for the prosecution, who had allegedly ‘travelled’ with the accused in their rickshaw to carry the ‘inflammable’ fluid to burn the S6 coach had said:

I saw Rafique Bhatuk (one accused) came with the carbo and gave it to Irfan Bhopa (another accused) and he told me , ‘put this carbo in the..."
The first charge-sheet thus vaguely hints that the inflammable fluid was Kerosene and left it at that.

The second and third charge-sheet by Noel Parmar, the second Investigation officer dated 20th September 2002 and 19th December 2002 converted the kerosene into petrol...

After the exit of K C Bawa and the appointment of Noel Parmer as the next investigating Officer, the mode and manner in which the Coach was burnt was totally changed. It was alleged for the first time after 7 months that the accused had entered S6 coach with six carboys of petrol by cutting through the vestibule between S6 and S7 coach and poured 140 litres of petrol in the coach from the rear-side gallery of the S6 coach and got out through the door. The aforementioned six carboys were never to be found.

Why did Noel Parmar have to change the theory of burning from outside to inside? Because it was opined by the FSL that it is not possible to throw enough liquid fuel into the compartment from outside to be able to set the whole coach on fire as most of the fuel will be spilled.

Also the evidence of the 9 eye-witnesses who were relied upon by KC Bawa which claimed that the coach was burnt from outside were conveniently thrown out of the window, thus admitting that the first round of eye witnesses were fabricated.

It was later alleged that Maulana Umarji was the main conspirator (the alleged main conspirator was acquitted by the sessions court!) who on 26th February had directed at around 9-10.30pm that S6 coach should be burnt. The entire “Petrol” theory was extracted from one Binyamin Behras’s “confession u/s 164 on 5th February 2003, that is after about one year of the incident! However later on, Shri Binyamin Behra also retracted his statement and declared that his earlier statement was taken under third degree method.

The master stroke of Noel Parmar was his manipulation of the statements of two employees of the Kalabhai’s Petrol pump Shri Ranjitsinh J Patel and Shri Prabhatsinh G Patel. In their first testimony before the police on 10.4.2002, they had stated that they had not sold any loose petrol to anybody on 27th February 2002. However they changed their statement and in their new statement made after one year, the two employees stated u/s. 164 of CrPC recorded on 11.3.2003 and 12.3.2003 that they had sold 140 litres of Petrol to Salim Panwala (another main accused) on 26th February, 2002!
However, Ranjit Singh Patel, the key police witness in the Sabarmati train case, spilled his beans in a sting operation carried out by Tehelka and revealed that he was paid Rs. 50000/- to name Salim Panwala and two other accused at the behest of the Investigating Officer Shri Noel Parmer (The transcript of this sting operation is available at the bottom of the post). This admission by Ranjit Patel demolishes his second statement before the Police that he had sold 140 litres of Petrol to Salim. So where did the petrol come from?

In the mean time, a huge amount of material (370 kilos) from inside the S6 coach was collected on 1st May 2002 and sent for Forensic examination. The FSL report No. 2002/c/594 dated 17th May 2002 failed to report any detection of petrol from the burnt residues of the things inside the coach.

The only FSL report that had detected presence of residual petrol in samples collected was the first FSL report (No. FSL/EE/2002/c/287) dated 20th March 2002 prepared by D.B.Talati, Assistant Director of Forensic Science Laboratory (FSL) Ahmedabad. He had claimed the presence of residual petrol hydrocarbons in 25 samples, while the other 20 samples he had tested did not disclose the presence of any hydrocarbons. Shri Talati had informed the Commission that he had performed the Gas-liquid chromatography for the detection of residual petrol which he defined as the remains of petrol after it is burnt.

However, when cross-examined, Shri Talati admitted that he had not done any quantitative analysis of the ratios between the higher and lower volatile components of the hydrocarbons of the samples he had examined. Without a quantitative analysis, it’s not possible to ascertain that the petrol that has been detected is unburnt petrol or burnt petrol residue!

On behalf of Jan Sangharsh Manch (JSM), a quantitative analysis was carried out by experts from the chromatographs supplied by Shri Talati. The results of analysis proved that Shri Talati actually detected unburnt petrol in the samples instead of burnt residual petrol which is contrary to what he had claimed in his FSL report. It may now be pertinent to ask, did some one mix unburnt petrol in the samples obtained from S6 coach to fabricate the presence of petrol?

Further, in his report, FSL/EE/2002/c/442, dated 26th April 2002, Shri D.B.Talati stated that he could not give a clear opinion whether the petrol detected in some samples in and around S6 and the petrol detected in the samples from Kalabhai’s petrol pump were same or not!
It is clearly seen that first 9 witnesses were fabricated to make a case of burning from outside the coach using kerosene. Since that did not stand the scrutiny of FSL, the story was conveniently changed to show that coach was burnt from inside using 140 litres of petrol. However their star witness, Ranjit Singh Patel, who had stated that he had sold petrol to Salim Panawala, got caught in a Tehelka string operation and admitted that he had taken Rs 50000 to give a false statement. Another witness, Binyamin Behera also retracted his statement based on which the entire Petrol theory was founded. Mr Talati failed to do a quantitative analysis of the gas chromatograph to find out whether he found burnt residual petrol or raw liquid petrol – and JSM’s analysis proved that he’d found unburnt petrol instead of burnt residual petrol.

All these evidences and observations prove that the Gujarat Government’s claim that the S6 Coach was burnt by pouring petrol inside the coach is absolutely concocted and experts need to review the evidence in this regards.

Transcript of the Tehelka string operation of Ranjit Singh Patel

Q. Do you remember the names who has to be named?
A. One of them is Salem paanwaala...another is Salim Darza..one is..he is...I actually do not know his name..but he is called Bhatt by everybody..I know three person’s names but I could not know the names of the other two...I have recognized them from behind in the recognition parade.

Q. You used to see them in Godhra.
A. Yes I used to see them.

Q. Because when it will be your turn to recognize in the court, it would have been a long time since you’ve seen them.
A. No Noel Parmar Sahab had told me that before the court he would show them to me because I would have forgotten...first they will be shown to me then they will be shown in the court....Noel Saahab had told us that I had to say this..I told him that I don’t recognize him so how can I say that..then Sahab showed us the photograph and sent me to see him that this is the same man..I am interested in cause of Hindutva.

Q. You got 2 lakhs?
A. No I did not get
Q. They didn’t give?
A. I did not get two
Q. Did they give you close to one...
A. No I was given Fifty
Q. You got fifty?
A. I got Fifty..
Fabricating systematic lies

(Mukul Sinha, Jan Sangharsh Manch)

When the S6 coach of the Sabarmati Express had reduced to ashes near the Godhra railway station on 27th February, 2002, few had imagined that this event would forever change the politics of this country. Use of communal politics is not alien to the political culture of this country but never before has the slogan for “the destruction of the minorities” fetched so many winning votes in a general election as it did in the Gujarat Assembly election of December, 2002!

Hatred has always been a powerful tool so far as social engineering is concerned. Strangely, on the same date, i.e. 27th February (1933), Adolf Hitler’s men had burnt down the Reichstag in Germany and put the blame on the communists for doing so. Thousands of communists were butchered thereafter paving the way for the fascist rule of the Nazis.

The burning of the S6 coach on 27th February was used similarly by Shri Narendra Modi. He had made the following press statement on the same day which was published all over Gujarat:

“The abominable event that has occurred in Godhra does not befit any civilized society, is not a communal event but is an one sided collective terrorist attack by one community .... He further said that this incident is not a simple incident of violence or communal event but is a preplanned incident....”

Thus by announcing the event to be a “preplanned terrorist attack by one community against another”, the Chief Minister had set the stage for a reprisal attack against the Muslims as a revenge for the “preplanned terrorist attack by the Muslims” at Godhra! The statement of Modi also set the line of investigation- the charge of a preplanned Islamic terrorist conspiracy had to be brought home irrespective of what the real truth was.

Thus started the fabrication of the systematic lies.

How would a conspirator burn down a railway coach to burn to death 59 Hindu Karsevaks and terrorize the entire majority community? Without any inflammable fluid being used by the “conspirators’, the terrorist conspiracy theory would not have any takers. Would a conspiracy and least of all, a terrorist conspiracy under POTA make any sense, if there was no allegation of the conspirators acquiring some highly inflammable fluid to set fire to the S6 coach?? But the question at that the first instance was whether to allege the use of petrol or settle for the poor man’s fuel, the Kerosene!

The first panchnama of objects lying outside the coach was made on 27.2.2002 between 13.00 hrs and 15 hrs. It was recorded that there were certain cement sleepers lying about fifty feet east of the electric post No. 468/36, which in turn, was in the north of the electric post No. 468/35. On these cement sleeper, there were one white and two black carboys of ten liter capacity. No liquid was found but smell of some fluid was coming out of the
carboys. These carboys were sealed and sent for forensic examination. 15 parcels were collected of different objects for examination.

The next panchnama of the things lying inside the coach S6 was recorded on 28.2.2002 between 17.45 hrs to 19.35 hrs. The burnt residues from nine cubicles of S6, plus from the toilets were collected, sealed in plastic bags and sent for forensic examination. Between the recording of the first and second panchnamas, 28 hours had passed and the coach remained unsealed and any number of persons were allowed to enter the coach, Shri Narendra Modi along with his cohorts had also been inside the coach on 27th around 5.30pm.

The first FSL report of the analysis of the materials sent from outside as well as inside the coaches, covered by the above two panchnamas were given by a single report No. FSL/EE/2002/c/287 dated 20.3.2002. This report of FSL prepared by D.B.Talati, Assistant Director of Forensic Science Laboratory (FSL) Ahmedabad, claimed the presence of residual petrol hydrocarbons in 25 samples. The other 20 samples did not disclose the presence of any hydrocarbons.

The reliability of the report of the latter 16 samples is very doubtful since hundreds of onlookers and visitors including the Chief Minister/other ministers had visited the site as well as entered the S6 coach and therefore any material taken from inside the coach or outside on 28.2.2002 could be tampered and/or planted material.

Despite this FSL report dated 20.3.2002, being with the Investigation Officer, the first charge-sheet filed on 22.5.2002, did not make any specific allegation of the S6 being burnt by the use of petrol. Shri K.C.Bawa.

Initially, the papers and statements of witnesses which formed the part of the first charge-sheet dated 22.5.2002, suggested the use of Kerosene as the fuel that was used by the “conspirators” to burn down the S6 coach. Shri Talati in the report dated 26.4.02, had found the presence of kerosene in three carboys which were apparently discovered at the instance of one Shri Haji Bilal who was projected as the main conspirator in the beginning.

Even their star “eye witness” Shri Ajaykumar kanubhai Bariya, who for the first time narrated the absurd story of accused entering S6 by cutting through the vestibule between S6 and S7 coach in his statement u/s 164 on 9.7.2002, did not allege that petrol was used to burn the S6 coach. This is what he said, “...after sometime I saw Rafique Bhatuk come with the carbo and give it to Irfan bhopa and he told me , ‘put this carbo in the rickshaw’. I kept that carbo in the rickshaw as I was very scared. The smell like kerosene was coming out from the carbo...” The Kerosene theory prevailed for sometime till beginning of July, 2002 but the new I.O. Noel Parmar had more refined ideas and fuel in mind.

The primary motivation for the introduction of “Petrol” as the conspirators’ fuel and the burning of S6 coach from inside was the mischievous report of Dr. M.S.Dahiya dated 17.5.2002, opining that the S6 coach could not be burned from outside but 60 liters of petrol would be required to be poured inside the coach to burn the same.
Thus after a period of one year, petrol is rediscovered and the Kerosene given up. 
But the problem lies precisely in this switch over from Kerosene to petrol on one 
hand and from the burning of the coach from outside to the burning of the coach 
by pouring petrol from inside!

The entire “Petrol” theory hinges on Binayim Behras’s “confession” u/s 164 dated 5.2.2003 
to the effect that at about 9pm on 26th February, 2002, Razak Kurkure had asked him to 
accompany him to bring petrol from the petrol pump of kalabhai. Binayamin had gone 
there with few others in a popti colored tempi with seven carboys of 20 liters each which 
were filled up at the pump and brought back and kept in Razak Kurkures romm which was 
behind the Aman Guest house. ...this petrol was used on 27th February to set fire to S6 
coach! But the petrol theory has absolutely no evidence to support it.

Firstly, two petrol pumps near the Godhra station were sealed by the police on 27th Feb. 
2002. The first pump was owned by M.H. & A Patel on Vejalpur road and the other was 
owned by Asgarali qurban Hussein (Kalabhai). Petrol was seized from Kalabhai’s petrol 
Assistant Director, FSL, stated that he could not however give a clear opinion whether the 
petrol detected in some samples in and around S6 as per the FSL report dated 20.3.2002 
and the petrol detected in the samples from Kalabhai’s petrol pump were from the same 
or not!

Secondly, a huge amount of material ( 370 kilos) from inside the S6 coach was once again 
collected on 1.5.2002 and sent for Forensic examination. The FSL report No. 2002/c/594 
dated 17.5.2002 however failed to report any detection of petrol from the burnt residues 
of the things inside the coach.

The fatal blow to the “Petrol theory” came from the two employees of Kalabhai’s petrol 
pump, namely Shri Prabhatshing G Patel and Ranjitsinh G Patel who in their statement 
recorded u/s 162 on 10. 4.02, flatly denied having sold any loose petrol to any body and in 
fact stated that they did not sell loose petrol from their pump. After almost a year later 
they were however coerced to change their statement!

Lastly, Shri Binyamin Behra also retracted his statement and declared that his earlier 
statement was taken under third degree method.

Thus there was absolutely no evidence on record to even prima facie establish the 
presence of petrol in the remains of the S6 coach except the unreliable report of Talati 
dated 20.3.2002 claiming the detection of residual petrol! We shall deal with the absurdity 
of this finding a little later.

Interestingly, the report of FSL dated 20.3.2002, prepared by D.B.Talati, Assistant Director 
of Forensic Science Laboratory (FSL) Ahmedabad, detected petrol in two of the three 
carboys found from the cement sleepers near the post no. 468/36, one of them being a 
white carboy with a white stopper bearing the inscriptions, “fortune” in English whereas 
the other was a black carboy. Mr. Talati however did not bother to find out whether the 
source of petrol found in the two carboys were same as the sourse of the petrol with
which the Karsevaks had burnt down the Malla’s Garage and the trucks near it around 11 am which were just near the post No. 468/36!

The Malla’s Garage across the railway tracks near the post No. 468/36, with the trucks burnt down by the Karsevaks around 11 am on 27th February, 2002. Reverting back to the FSL report dated 20.3.2002 prepared by Shri D.B.Talati, claiming the detection of residual petrol, Jan Sangharsh Manch had requested the Nanavati Commission to re-summon him for further cross examination on his report. Shri Talati was specifically asked what he meant by residual petrol and how did he detect the same.

Shri Talati had informed the Commission that he had performed the Gas-liquid chromatography for the detection of residual petrol which he defined as the remains of petrol after it is burnt. He also filed an Affidavit explaining the difference of unburnt petrol and burnt petrol and he stated that in the burnt petrol the more volatile component of petrol gets evaporated more faster than the less volatile ones and therefore the ratio of the higher to lower volatile components of the unburnt petrol would be more than the same ratio in the burnt petrol. Theoretically, Shri Talati was right.

In practice however, Shri Talati admitted that he had not done any quantitative analysis of the ratios between the higher and lower volatile components of the hydrocarbons of the samples he had examined! He in fact went on to make absurd statements to the effect that he did study such things at all etc.. On behalf of Jan Sangharsh Manch, a quantitative analysis was carried out of the data derived from the chromatograms supplied by Shri Talati and the results are given below:

From the above graphs, the heights of the peaks at 1.445, 2.592,4.636 and 5.638 were measured in centimeters including the graph of the control petrol (Petrol of known source). Thereafter, the ratios of the peak height of (a) was found with respect to peak height at (b), (c) and (d) and the results are tabulated below:

Table showing the ratios of the height of the peak (a) to the heights of the peaks(b), (c) and (d) in all the five samples of which the chromatograms were produced by D.B.Talati before the Nanavati Commission.

The results shows that the ratio of a/b in the unburnt petrol [Sr. No.1] to be much lower than the ratio a/b of the burnt petrol! Exactly the opposite of what was the theoretical claim of Shri Talati! The fact that the same ratio of the sample 16 [Sr. No.2]matches with the ratio of the control petrol [Sr. No.1] establishes that while the theory was right, Talati’s claim of finding residual burnt petrol in the samples of S6 coach was absolutely wrong. It is therefore very clear that the FSL, Gujarat has been fabricating systematic lies to mislead the nation in believing that there was conspiracy to burn down the S6 coach. From the reverse ratios, it may now be pertinent to ask, did some one mix unburnt petrol in the samples obtained from S6 coach to fabricate the presence of Petrol??
Source:
THE HORRIFIC burning of 59 Hindus in coach S-6 of the Sabarmati Express at Godhra on 27 February 2002 and the deadly Muslim pogrom that followed is one of the worst ruptures in recent Indian history. It is imperative, therefore, to understand the flawed nature of the verdict on the Godhra carnage that was handed out by Judge PR Patel on 22 February 2011.

This verdict has far-reaching implications. Over the past few days, the media has been reporting how the verdict upholds the idea that the carnage at Godhra was a premeditated conspiracy. But the facts are much more complicated. And darker. There was indeed a conspiracy: but of an entirely different kind. This is the story of how it played out.

On February 22, Judge PR Patel walked into a packed courtroom inside Sabarmati Jail in Ahmedabad. After nine years in jail, 63 people — two-thirds of the accused — had been acquitted, 31 had been deemed guilty.

Set aside for a moment the pathos of those wasted years in jail. Consider this instead. Of the acquitted, there are two men who were most crucial from the prosecution’s point of view: Maulvi Umarji and Mohammad Hussain Kalota. Both Umarji and Kalota had been charged as the masterminds of the carnage. Umarji was one of the most respected Muslim clerics in Godhra. Kalota was the chief political opponent of the BJP in the communally sensitive town and was president of the Godhra Municipal Council at the time of his arrest.

According to the prosecution, Umarji had instructed his co-accused to burn coach S-6 and it was at his behest that the entire conspiracy was hatched. Kalota, who did not figure in the core group of conspirators, was accused by the police of inciting the violent mob once it was assembled.

On the day of carnage, the Gujarat government had issued a press release calling the Godhra incident an act of “terror”.

Two days later, Modi had made an offensively sweeping statement. Instead of condemning those who had been part of the terrible arson, he generically accused the Muslims of Godhra of possessing “criminal tendencies”. In an interview to Zee TV, asked about the Muslims who had been massacred in the aftermath of the Godhra train burning, he added ‘Kriya pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikriya (This is a chain of action and reaction. We want both the action and reaction to stop)’ — justifying the post-Godhra pogrom as a sequel to the train carnage.

Modi had thus pronounced his verdict on the nature of the Godhra incident even before the investigation had begun. Accordingly, on 3 March 2002, the stringent anti-terror law POTA was invoked and the Godhra case morphed into an act of terrorism. But since mob fury could not pass muster as terrorism without introducing the element of conspiracy, six days after POTA was invoked, on 9
March, the police invoked section 120(b) of the Indian Penal Code, which pertains to criminal conspiracy.

In the course of the next few weeks, in addition to Kalota and Umarji, six other respectable members of the Muslim community in Godhra were charged with terrorism. Four were corporators of the municipal council — Bilal Haji, Farooq Mohammad Bhana, Salim Shaikh and Abdul Rahman Dhantiya. Two were advocates — Rol Amin Hussain Hathila and Habib Karim Shaikh.

To establish the culpability of Muslims cutting across social and economic strata, the police also booked 134 Muslims of varying descriptions. Of these, only 94 were tried (17 went absconding, 13 were released for lack of evidence, 5 died during trial, 5 were juveniles and not tried). The trial was eventually conducted in a regular court, after a central review committee revoked the application of POTA from the case.

Of the eight influential political figures, the court has convicted just two — Bilal Haji and Abdul Rahman Dhantiya. At the time of writing, it’s not known what exactly the court has found them guilty of. The court will deliver its full judgment on February 25.

In truth, Maulvi Umarji and Kalota’s acquittal, combined with the large number of other acquittals, has knocked the bottom out of the prosecution’s argument that the conspiracy was hatched by the political and religious leaders of the Muslim community in Godhra.

In a significant and shaming move, the judge has also discarded the testimonies of nine BJP men, who had falsely accused 41 innocent Muslims, as being extremely unreliable. Among the 41 accused by them were Kalota, four Muslim corporators — Haji, Bhana, Shaikh and Dhantiya — and two advocates — Hathila and Karim Shaikh.

It’s important to recall that, in its 2007 sting investigation (The Truth about Gujarat 2002), TEHELKA had exposed that these nine BJP men who were cited as eyewitnesses were, in fact, not even present at the scene of crime. They had been asked to give false testimonies by the police to further the Modi government’s communal and political agenda, and they had gone along to “serve the cause of Hindutva”.

THE TRUTH ABOUT THE LIES OF GODHRA
The prosecution’s conspiracy theory against Godhra Muslims rested primarily on five sets of witnesses

1. Nine BJPmen who claimed to be eyewitnesses to the carnage
These men accused 41 Muslims who spent nine years in jail. A TEHELKA sting caught two of these BJP men admitting on camera they were actually at home that day and the police fabricated their statements. They went along to “serve the cause of Hindutva”. The judge has now discarded all nine testimonies

2. Ajay Baria, a Hindu vendor, forced into the plot; saw it all
Judge Patel has relied hugely on Baria’s account. But why would Muslim conspirators pick a Hindu man at the last minute to help load the petrol and burn the train? TEHELKA tried to track him but failed. His mother said he had been coerced into becoming a police witness and lived under constant police surveillance.

3. Two petrol pump attendants who claim they sold 140 litres of fuel to some Muslims on 26 Feb

Ranjitsinh and Pratapsinh Patel had first told the police that they had not sold any loose petrol that crucial night. In a shocking turnaround, six months later, they changed their version. However, TEHELKA caught Ranjitsinh admitting on camera that he and Pratap had been bribed Rs. 50,000 by police officer Noel Parmar to do that. He also tutored them to identify particular Muslims in court as being the buyers.

4. Jabir Bahera, a petty criminal, who first named Maulvi Umarji as a mastermind

Bahera claimed it was Umarji who picked coach S-6 as the target, but also said Umarji was not at any conspiracy meetings. He later retracted everything.

5. Sikandar Siddique, another petty criminal, said he had pulled the chain the second time

Siddique is an obvious unreliable witness. Besides Umarji, he had said Maulvi Punjabi had incited the mob. But Punjabi was not even in the country that day.

Two of these — Murli Mulchandani and Kakul Pathak — were caught on camera telling the TEHELKA reporter that both of them were actually sleeping at home when the incident occurred. Shockingly, they said not only them but the other seven BJP ‘eyewitnesses’ had also not been present at Godhra station (see boxes on pages 36 and 40). Pathak also confessed that though all nine were from the BJP, the police had passed them off as VHP members to justify their presence at the railway station. (The call for the Ayodhya karseva had been given by the VHP).

TEHELKA had also laid out in great detail the pre-existing political and business rivalries that had guided the testimonies of these nine BJP men.

These nine witnesses were a critical link in the prosecution’s theory. Forty-one Muslims had stayed behind bars for the last nine years as previous judges had denied bail based on these testimonies. By calling them unreliable now, Judge Patel has validated both TEHELKA’s findings and the assertions of the Muslim accused that the Gujarat police had manufactured evidence and tutored witnesses.

But more importantly, the discrediting of these nine BJP men is proof that there was a deliberate conspiracy by the Modi dispensation to implicate innocent Muslims.

Not only were they asked to put up false testimonies, the police then deliberately failed to produce their call data — something that could have easily nailed their exact location at the time of the incident. Kakul Pathak, in fact, had told this
reporter that the police had drafted his testimony in advance. All he did was give his consent and sign.

Stop for a moment and let the full implication of all this sink in. Now combine it with Judge Patel’s own findings.

There were other crucial pieces in the prosecution’s case that the judge has discarded. For one, the police had claimed that 15 of the accused were arrested from the scene of crime immediately after the incident and made to squat near Cabin A, guarded by armed police personnel. According to them, a Muslim mob which included Kalota and a few other local Muslim leaders had then descended upon Cabin A and attacked the police personnel to free their arrested co-conspirators. The judge set this assertion aside as baseless.

He also told the public prosecutor that he did not believe the police claim that another 15 accused had been arrested during the course of the day on 27 February 2002. Instead, the judge said the evidence before the court established that they had been arrested during combing operations by the police on the night of 27-28 February. These conclusions by the judge, coupled with TEHELKA’s exhaustive 2007 sting, raise disturbing questions India can ill-ignore.

WHAT WAS the motive behind these nine false testimonies by BJP members? Were there instructions from the top? Why did the police write out pre-fabricated testimonies? Why were they passed off as eyewitnesses?

The Modi establishment is not the only official entity that has answers to give. The large number of acquittals by Judge Patel, including that of Umarji and Kalota, and the discredited BJP witnesses also cast a shadow on the credibility of the Supreme Court-constituted Special Investigation Team (SIT).

The SIT had been set up by the apex court on 26 March 2008. Nine major riot cases, including the Godhra train carnage, was handed over to it for re-investigation. Though the court picked retired CBI director RK Raghavan, a Tamil Nadu cadre officer, as chairman, the three crucial members of the probe team — IGs Ashish Bhatia, Geeta Johri and Shivanand Jha — were all from the Gujarat police. It was these three officers who were entrusted with the direct supervision of the investigations. The entire supporting team of policemen was also picked from the Gujarat police. But the most shocking appointment to the SIT was Noel Parmar, a deputy SP with the Gujarat police.

Parmar was the chief investigating officer of the Godhra carnage. It was he who had constructed the premeditated conspiracy theory which was supposedly under independent review by the SIT. When the SIT was formed, Parmar was serving his fourth post-retirement extension given by the Gujarat police. How could a probe officer be inducted into the SIT to review his own investigation, petitioners protested. Under pressure, the SIT reluctantly dropped him from the probe team. But, in another malicious move, it inducted Parmar’s aide Ramesh Patel instead. The logic? Patel was familiar with the case so his presence would help the investigators.
The idea behind the SIT was to have an independent review of the Gujarat police investigation by neutral officers. That purpose was defeated when the probe in effect was handed back to the Gujarat police, under the cloak of the SIT.

Raghavan visited Gujarat only for three days in a month. For all practical purposes, the investigation was carried out by the Gujarat police. In less than 10 months, IGP Jha claimed he had concluded his scrutiny of the Godhra carnage investigation carried out by the Gujarat state police. He claimed to have re-examined all the crucial police witnesses. But dismayingly, when Murli Mulchandani and Kakul Pathak were examined by the SIT, they were not quizzed about their damaging confessions made before this TEHELKA reporter. Even the basic question of whether they were caught on camera by TEHELKA was not put before them.

Even more dismayingly, though this reporter’s statement was recorded by the SIT, his testimony — about Pathak and Mulchandani admitting on camera that they had fudged their statements — and the supporting sting footage were not produced before the court. When you consider the fact that both testimony and evidence produced by this same reporter has been cited as an important piece of evidence by the SIT in three other riot cases — Naroda Gaon, Naroda Patiya and Gulberg Society — the inconsistency becomes even more glaring. Why did the SIT not want to nail Pathak and Mulchandani? Why did Jha accept the sanctity of the Gujarat police investigation in toto?

**TRANSCRIPT 1:** Kakul Pathak, BJP’s media cell convenor in Godhra district *(Click here to read transcript)*

A key ‘witness’, Pathak blames police officers Noel Parmar, Rakesh Asthana and JK Bhatt for the ‘statement’ he signed. The TEHELKA sting caught him at a roadside dhaba in Godhra on 17 July 2007. Excerpts:

TEHELKA: When did you reach the station?

KP: At 8, 8.15...

T: People had left by then?

KP: There was no one there.

T: The Muslim mob? It had left?

KP: There were dead bodies all over the compartment. How many, even we didn’t know.

T: So you have not taken anybody’s name on your own accord?

KP: I did not write the statement on my own.

T: Along with you, there were six or seven more witnesses?

KP: Yes.

T: Who were they?

KP: The total number was 13...

T: Who were they? Was there someone with the surname Advani?

KP: No, I don’t know if there was any Advani... No, there was no Advani...
In a report submitted to the Supreme Court on 11 February 2009, Raghavan said the SIT had “thoroughly reviewed” the Gujarat police investigation and found it to be “on correct lines”. He said IGP Shivanand Jha had re-examined all the key police witnesses. Satisfied, Raghavan said, the SIT had accepted the Gujarat police investigation and therefore not filed any additional chargesheet.

But now, with Judge Patel completely discarding the testimonies of the nine BJP members, the SIT’s claim that it thoroughly re-examined all important police witnesses stands exposed. Also the 63 acquittals stand testimony to the prejudiced and malicious nature of the investigation first done by the Gujarat CID and later validated by the SIT. Clearly, the SIT investigation has failed to stand scrutiny at the lowest level of the judiciary. The question is, was this mere incompetence or ill-intent?

AFTER THE initial years of outrage against the Godhra carnage and the bloody riots that followed, both the national media and opposition political parties have become less and less vigilant about unearthing the facts of what really happened or seeking accountability for it.

TEHELKA is often asked why it pursues the Gujarat story so aggressively. In the face of the stark and overwhelming evidence of foul play by the State, it is difficult to do otherwise.

For instance, the terrible miscarriages of justice just in this case alone don’t end with the nine BJP men and their perjuries. In a surprise move, despite all his own astute conclusions which contravenes the position, Judge Patel still upheld the police theory that the Godhra carnage was the result of a premeditated conspiracy. The question is why? And how can he justify this?

Have a look at the malevolent case put up by the prosecution. The entire conspiracy theory spun by the prosecution was based on two primary claims: One, that on the night of 26 February 2002, two secret meetings were held at Aman Guest House near Godhra railway station. It was decided there that petrol should be bought and used the next morning to set coach S-6 of the passing Sabarmati train on fire.
According to the police, five Muslim vendors were present at the first meeting. At the second meeting, which happened after the buying of the petrol, two vendors and two Muslim corporators — Bilal Haji and Farooq Bhana — were present.

According to the police again, though Maulvi Umarji himself was not present at any of these meetings, it was he who had chosen coach S-6 as a target and it was at his behest that the meetings were held and 140 litres of petrol were bought from a nearby petrol pump called Kalabhai Petrol Pump. The police claimed that two attendants from Kalabhai Petrol Pump had told them that the accused had indeed bought 140 litres of petrol.

The police also claim that the next morning, taking advantage of an altercation between karsevaks on the train and Muslim vendors on the platform, the conspirators mobilised a violent Muslim mob and used the petrol bought the previous night to set the train on fire. According to the police, though Kalota was not part of the original conspiracy, he incited the rioters to burn the train once the mob had built up.

Bizarrely, the police also claim that the Muslim conspirators forced a Hindu tea vendor to help them burn the train. On 9 July 2002, five months after the actual incident, the police produced this new witness: Ajay Kanu Baria. Baria was unemployed at the time. He claimed that on the morning of 27 February 2002, just after the arrival of the Sabarmati Express, nine Muslim hawkers whom he knew since they all sold wares at Godhra station, forcibly took him to the house of Razzak Kurkur, the owner of Aman Guest House. Once there, the nine went inside Kurkur’s house and brought out carboys filled with ‘kerosene’ (he doesn’t specify the number of carboys and he specifically uses the word kerosene). One of the hawkers, he said, then forced him to load a carboy onto a rickshaw while the other hawkers loaded the rest.

This beggars belief. Why would alleged Muslim fundamentalists, gripped by hatred towards karsevaks, induct a Hindu tea vendor into their ‘plot’ at the last minute? Surely they would know that he would be the first to turn hostile? With an entire Muslim-dominated town to draw from, why would they risk involving a Hindu? If there were already nine hawkers to load the carboys, why did they need Baria to load just one?

Baria said the rickshaw was parrot-coloured but he could not see its registration number. Once the carboys were loaded, the hawkers forced him to go along. They drove up to Cabin A, where the train was standing. According to him, a few hawkers first tried to set coach S-2 on fire. When they failed, they cut the vestibule between coaches S-6 and S-7. Having done that, six hawkers went inside S-6 and poured ‘kerosene’ along the coach floor. Three others sprinkled kerosene through the windows into the coach. A vendor then threw a burning cloth inside.

Interestingly the police do not say that Baria was present in either of the conspiracy meetings or that his name was suggested by any of the conspirators as one who could provide help the next day. Yet, the introduction of Ajay Baria — ‘the Hindu tea vendor who saw everything’ — is integral to the prosecution’s case. In fact, apart from the nine lying BJP men, the police’s conspiracy theory, upheld by Judge Patel, primarily rests on five people: Baria, the two petrol pump attendants
mentioned above, and two petty Muslim criminals, Jabir Yamin Bahera and Sikandar Siddique.

In its 2007 undercover investigation, TEHELKA had conclusively established that like the nine BJP men, the testimonies of these five ‘key’ police witnesses were completely bogus. But more on that later. First look at the inherently uneasy pieces in the story about these five men that everyone seems to be missing.

With Baria’s entry, the police propounded a new theory through a second chargesheet filed on 20 September 2002. These were some of its key propositions. And anomalies.

FIRST, THIS chargesheet claimed that the Muslim conspirators had cut open the rubber vestibule covering between coaches S-6 and S-7, then forcibly entered coach S-6 by sliding open the locked vestibule door. This theory about the cut vestibule and forced entry was first made in Ajay Baria’s statement to the police on 4 July 2002. By this time the forensic team had already examined the coach at least thrice on 1 May 2002; 3 May 2002 and 2 July 2002 and not found anything amiss with the vestibule. However, once Baria’s statement had been recorded before a magistrate on 9 July 2002, the police requisitioned the forensic team (FSL) again on 11 July 2002.

Strangely, on 11 July 2002, while re-examining the coach for the fourth time, the FSL concluded that the vestibule door had indeed been forcibly opened and, as a result, had got completely jammed into the toilet wall. ‘We have taken pictures of the sliding door (vestibule door) which shows it has got completely jammed in the north side toilet. That’s the reason we have not been able to take it out and examine it in the lab,’ the FSL reported.

It is important to note that all the windows and doors of coach S-6 were extricated by the FSL and taken for forensic examination in the lab. But when Judge Patel carried out a spot inspection on 30 May 2010, he found the vestibule door was not jammed as the FSL had claimed but instead stood in its original position. This clearly shows that either there was some post-facto tampering of evidence or the forensic team report was doctored.

Baria’s Section 164 CRPC statement itself suffers from many improbabilities. On his first appearance before the police on 4 July, Baria had given incomplete names of 17 accused with no addresses. A day later, on 5 July, when the police recorded his statement again, he miraculously gave full names with complete descriptions and addresses. But on 9 July, before the magistrate, Baria again forgot all the details he had so elaborately given only four days earlier. Clearly, the fumbling Baria was testifying under the influence of the police.

But this was not the only use Baria was put to. According to him, a Muslim man called Sikander Siddique was part of the group that burnt the train.

The story of Sikandar is even stranger than what has gone before and smacks of blatant engineering by the police. Once Sikandar was tracked down, he was made to give a statement before the magistrate. He duly endorsed the police case. In an interesting detail, the police claimed Sikandar had come from Surat to depose, but Sikandar told the judge he had been in Godhra the previous day. Clearly, either Sikandar or the police were lying. But that is a small detail compared to what
happened afterwards. Once his statement had been secured, in an obvious quid pro quo arrangement, the police made Baria exonerate Sikandar through a test identification parade — an exercise unknown in law because it’s only the accused who are put through identification parades, not witnesses. At this parade, Baria claimed Sikandar was not the Sikandar he had first named and so the latter was let off.

Now, to stitch their improbable vestibule theory even more tightly, the police tracked down an accused named Jabir Bin Yamin Bahera on 22 January 2003. Produced before the magistrate on 4 February 2003, he parroted the entire police theory — the forced entry, the throwing of petrol — and claimed he was one of the accused who had entered through the vestibule. But he made one glaring mistake. He told the court that he had exited from the northern side — the same door through which karsevaks were exiting. None of the 150 survivors had seen Bahera or for that matter anybody entering the coach and pouring petrol inside.

Bahera later retracted his entire statement before the POTA court on 24 August 2003.

This brings one to the two final star witnesses: Prabhatsinh Patel and Ranjitsinh Patel, two salesmen employed at Kalabhai Petrol Pump at the time of the Godhra incident. On 10 April 2002, just a month after the incident, the two told the police that they had been at work from 6 pm on 26 February to 9 am on 27 February 2002, and had not sold any loose petrol during that period. But after Bahera’s statement before the magistrate, on 23 February 2003, the police approached the two salesmen again. In a shocking turnaround, both now claimed they had sold 140 litres of petrol to six Muslims, including Bahera, who had come in a parrotcoloured tempo to the pump.

It’s the improbable testimonies of these five — Baria, Bahera, Sikandar, Prabhatsinh and Ranjitsinh Patel — that the judge has relied on while upholding the conspiracy theory.

The nine BJP men were lying; the other five were coerced. That makes all 14 star witnesses suspect. If the SIT had acted in good faith and produced this TEHELKA reporter’s testimony and sting footage, this is what the judge would have known.

In 2007, this reporter had managed to track down pump attendant Ranjitsinh Patel. Caught on camera, in an incriminating admission, he had told TEHELKA he was bribed Rs. 50,000 by chief investigating officer Noel Parmar to change his testimony. He claimed his colleague Prabhatsinh Patel was bribed the same amount. This is why, in a sudden turnaround, they had both claimed to have sold petrol to the accused the night before the carnage. Ranjit also said the police had told him when the time came to identify the accused in court, they would tutor him secretly in advance so he could remember the faces of the accused and pin them in court.

This was a bombshell. Here was a star witness admitting he had been bribed by the police to lie. There should have been an uproar. Nothing happened.
EVEN TO a non-partisan eye, TEHELKA’s investigation should have added up to a clear indictment of the Modi establishment and its malevolent attempt to tar the Muslim community.

As if that were not enough, the proceedings of the court — available with TEHELKA — itself tells a big story. The defence had pointed many glaring inconsistencies in the testimonies recorded by the police. The prosecution and witnesses failed to provide convincing explanations for many of them.

The main questions raised by the defence were:

. There was no reason why the accused would specifically target coach S-6. There was no material to show Maulvi Umarji had any knowledge of who was travelling on this coach, or of having any enmity with them.

. The entire train was full of karsevaks drawn from VHP and Bajrang Dal. Why would Umarji and his co-conspirators target coach S-6 alone?

. There was nothing to show that on or before 26 February 2002, there was any friction between karsevaks and Godhra Muslims grave enough to provoke premeditated carnage.

. Nothing to show that any Godhra resident was even aware that karsevaks were travelling back on this train.

. Nothing to show the altercation between tea vendors and karsevaks on February 27 or the alleged molestation of a Muslim girl were ever an element of the conspiracy.

Still, curiously the judge upheld the conspiracy theory. From all credible evidence, the horrific events at Godhra seem the result of a criminal but spontaneous mob upsurge. Whoever was in that mob definitely deserves harsh punishment. But to call it a premeditated conspiracy is to blight Godhra Muslims with a canard that is perhaps not deserved.

Given the persistent desire to turn away from the truth, therefore, it is necessary to revisit the events on 27 February 2002, the suspect police investigation that followed and the untenable case that emerged, in greater detail. This might help readers draw their own conclusions.

The Arrival: Sabarmati Express Enters Godhra Station

7:43 am. 27 February 2002. The Sabarmati Express, carrying karsevaks returning from Ayodhya, arrives at platform No. 1. The train is five hours late. Scheduled arrival was 2:55 am.

First Provocation: Karsevaks Clash with Muslim Vendors

During the trial, several eyewitnesses told the court that there was a fight between karsevaks and Muslim tea vendors on the platform. Veer Chedi Pal, a survivor of the coach S-6 inferno, told the court: ‘A few karsevaks beat up a Muslim vendor who had entered the coach to sell tea. Then they threw him out of the compartment.’

Another survivor Govindsinh Ratnasinh Panda, 54, an army man travelling from Lucknow to Ahmedabad, told the court: ‘I had a reservation for berth 9 in coach S-
6, but a Bajrang Dal activist asked me to shift to berth 3. There were about 250 people in the coach. Most passengers were sitting unreserved and were members of the Bajrang Dal. At every station, they would get down and shout Jai Shri Ram. On 27 February 2002, between 7:30 am and 7:45 am, when the train reached Godhra, the karsevaks got down and raised slogans. I got up. Ten or 12 people from my coach had alighted. I felt Bajrang Dal members had also alighted from other coaches and were shouting slogans. There was loud noise on the platform. After three or four minutes, a few passengers came running inside the coach, closed the door and said a quarrel had taken place on the platform and stones were being pelted. They told everybody to shut the windows and doors.

Second Provocation: Karsevaks Try to Abduct a Muslim Girl from the Platform

There was more than a tea-stall wrangle on the platform. Some karsevaks had allegedly tried to abduct a Muslim girl. Sophia Bano Shaikh, around 18, accompanied by mother and sister, was visiting relatives in Godhra and had come to the station to board a train for her hometown Vadodara.

Sophia testified before the court that she and her family were standing on platform No. 1 when the Sabarmati pulled in. Some men with saffron strips on their head got off for tea and snacks. They were shouting Jai Shri Ram. Some of them were beating a Muslim man with a stick and shouting “Kill Musalmans”. Frightened, Sophia and her family started moving away when one of the men grabbed her from behind, clamped her mouth and tried dragging her away. Her mother shouted loudly for help; the man let go. Sophia says she and her family stood in the booking clerk’s office for a while then gave up the idea of going to Vadodara, took a rickshaw and went back to her aunt’s house. According to Sophia, the karsevaks also tried to abduct another burqa-clad woman on the platform. However, the police have failed to identify the woman or record her statement till date.

Though the police recorded Sophia and her family’s statement on 28 March 2002 — a month after the Godhra incident — they neither mentioned the episode in the official narration of events nor included Sophia’s statement in the first chargesheet filed on 22 May 2002. These statements were only made part of the first supplementary chargesheet filed six months later.

It was this aborted abduction of Sophia that aggravated the situation. A rumour went through the station that karsevaks had abducted many Muslim girls. A mob gathered. Though Sophia had taken refuge in the booking clerk’s office, the rumour spread that the karsevaks had successfully abducted her and other girls in coach S-6. During the trial, Purshotbhai Govardhanbhai Patel, a coach S-6 karsevak, told the court that the mob had been shouting slogans for the women to be released from the coach.

The First Halt: Chain Is Pulled; Sabarmati Stops

After the altercation, both Muslims and karsevaks started pelting stones at each other on the platform. Many passengers have corroborated this in their testimonies during the trial. The railway police personnel, some tea vendors and a railway officer stationed at the parcel office on that day also testified to this. After a scheduled stop of five minutes, the Sabarmati Express started its onward journey at 7.47 am.
According to the train driver Rajendrarao Raghunathrao Jadhav, he got the signal to leave at about 7:45 am. “The train had just started moving,” Jadhav told the court, “when the chain was pulled at about 7:47 am. The train stopped. My assistant driver and guard found that the chain had been pulled from four coaches. We informed the station master.”

Plausibly, eyewitness accounts suggest it was the karsevaks who pulled the chain as some of their colleagues had got left behind. But the police say two Muslim vendors — Illyas Mullah and Anwar Kalandar — had pulled the chain from outside. Interestingly, the police do not claim that they were part of the Aman Guesthouse meetings or part of the conspiracy in any way. Then why would they pull the chain? The prosecution failed to answer this basic question. Importantly, both vendors retracted their statements before the trial began.

TRANSCRIPT 2: Murli Mirchandani, vice-chairman, Godhra Municipal Council

A key police witness in the train burning case, Mirchandani was caught in the TEHELKA sting on 23 July 2007. Excerpted transcript:

TEHELKA: Who are these people who have changed their version?

MURLI MIRCHANDANI: Raju Darji, Dileep Dasadia... they all have changed their version... They took money... They are in league with them (Godhra Muslims)...

T: I think Kakul Pathak has also given an affidavit?

MM: Yes. He turned hostile....

T: Then nothing is going to happen in the case?

MM: Nothing is going to happen... All these Muslims will come out (of Jail). Just mark my words.

T: When I met Kakul... He told me he wrote to KPS Gill...

MM: What did he write?

T: He wrote that we was not present there

MM: He was also not there, I was also not there... Those who became witness, were they ever at the spot? ... Was I present at the Railway Station? I was sleeping at home when this happened... Do you know whose names I gave (in my statement)?

T: No, I don’t know.

MM: Kalota and Bilal, who are now accused in the case. I am not changing my version.

T: Half of the people (Muslims) would have been out of jail, had you not given your statement.

MM: If the statement is there, it is there... What can I do about it? ...If the statement has been made...
On the contrary, train guard Satyanarayan Verma told the court that many passengers were left behind at the station. When the train started pulling out, he saw many passengers running to catch it.

In this chaos, the chain-pulling was set right and the train began to move again. The time was now 7:55 am.

The Fateful Halt: Chain is Pulled Again, Sabarmati Halts Near Cabin A

At 8 am, after the train had moved a short distance, it again came to a halt near Cabin A. The time is recorded by Assistant Station Master (ASM) Rajindersingh Meena, manning the cabin.

It’s this second halting that is the most contentious fact in the chain of events leading to the carnage. The police claim the two Muslim vendors had pulled the chain with an intention to burn the train. But the evidence that emerged during the trial suggested this second halt was caused by the bursting of hose pipes, not chain-pulling.

Assistant train driver Mukesh Pachauri told the court that the heavy stone-pelting and ensuing carnage didn’t allow him to investigate the reason for the drop in vacuum pressure which had resulted in the second halt. But driver Jadhav told the court that he was informed by the lobby assistant in the Carriage Department at the Godhra Station that two hose pipes had burst and were replaced by him before the train finally left for Ahmedabad.

Ground Zero: The Fury of the Mob Intensifies

Before the assistant driver could find out why the train had halted a second time, the mob combusted. It had chased the train to Cabin A. Driver Jadhav says he saw a 1,000-strong mob pelting stones but he couldn’t see much more because he was separated from Cabin A by 8-10 coaches.

The heavy stone-pelting had begun to break the window panes. Survivors told the court that at this stage the passengers had downed all the iron shutters and locked the doors to save themselves.

The police had not yet reached. The two officials closest to Ground Zero were ASM Meena and his colleague AK Sharma, both manning Cabin A.

Meena told the court that about 10 coaches had already passed beyond Cabin A when the driver blew the chainpulling whistle. He got down from his cabin to set the chain right. That’s when he saw a mob of about 200-500 people running towards the train from the back. They were pelting stones.

When TEHELKA’s stung Meena in 2007, he had said that when he came down and asked the mob why they were chasing the train, a few of them had replied that one of their people had been abducted by the karsevaks on the train. Meena also said he heard some of them suggesting the coach be set on fire to drive people out of it so they could find the missing person. But he saw no sharp weapons or inflammable material with the mob.

Tinderbox: The Packed S-6 Coach was a Death Trap
By all accounts, coach S-6 was bursting at its seams. It was carrying over 200 passengers, at least three times its normal capacity. Its doors and windows were shut. Further, to stop the mob from forcing its way into the compartment, the passengers had blocked the doors with their luggage.

Outside, unable to dissuade the mob, the frightened Meena ran back to his cabin. His colleague Sharma had already informed their seniors about the situation.

Inside coach S-6, no one could quite make out what was happening as all the windows and doors were shut. This was more or less the case in every coach. During the trial, testimonies of passengers in other coaches established that the mob had pelted stones on the coaches S-2, S-5, S-4 and S-7 as well. Burning rags were also thrown at coaches S-4 and S-2. A witness testified that a burning rag had landed in coach S-4 which the passengers promptly threw out.

Smoke And Fire: Eyewitness Accounts By S-6 Passengers

Meena told the court that he first spotted smoke rising from coach S-6 at about 8:30 am. Passengers inside S-6 also first saw the smoke, then the fire. Many survivors told the court that after they spotted smoke in S-6, they opened the door on the northern side and started vacating the coach.

Manufacturing Truth: The Nine BJP Men

As mentioned earlier, the police claimed it had arrested 15 people from the spot and another 15 during the course of the day and the following night. Within a fortnight, over 40 people were arrested. (The court has now discredited this theory about spot arrests).

Apart from police and the fire brigade, the first independent witnesses to come forward and identify people from the mob were the nine BJP men whom both the judge and TEHELKA’s investigation has discredited. Between them they identified 41 Godhra Muslims. All nine claimed they had gone to the station to serve refreshments to the karsevaks. They claimed they saw everything — the assembling of the mob, the sharp-edged weapons and inflammable material they were carrying, and the actual starting of the fire. In nine identical statements they said, ‘Five to six people who had plastic containers of liquid in their hands had sprinkled the liquid from the said containers upon one compartment and set it ablaze. We all stayed under the cover of Cabin A.’

Fascinatingly, the only variation in the nine statements is the names of the culprits. Each BJP man identified different people from the mob. Interestingly, if they were indeed eyewitnesses, none of them talked of the accused as cutting the vestibule covering or forcibly entering the coach. How could they? First, they were not at Cabin A. Secondly, the police only came up with that theory much later.

Simmering Rivalries: Godhra’s Political Context

The testimonies of these nine BJP men have a complex political backdrop. Godhra is divided into 12 wards, each with three corporator seats. In the December 1999 municipal council elections, the BJP won 11 seats, independent Muslim candidates 16, the Congress five, and four seats were bagged by pro-BJP independents.
Murli Mulchandani, one of the nine BJP men, had been the president of the municipal council. In 1999, he had contested but lost. To form the House in the council, a party needs 19 seats. The BJP had formed the House, supported by five Congress and three Muslim corporators. Raju Darji, a BJP corporator (who claims to be a witness to the fire) was elected president. Deepak Soni, another BJP corporator (also one of the nine witnesses), was appointed president of the education board formed under the council.

But a year after the elections, 24 corporators — 16 Muslim, five Congress and three Hindu independents — joined ranks against the BJP and moved a no-confidence motion. The BJP lost the House. These 24 now elected Kalota as president of the municipal council. During a no-confidence motion debate, Muslim corporator Bilal Haji had beaten up BJP corporator Raju Darji, and a criminal complaint had been lodged against him. In 2002, after the Sabarmati Express carnage, Raju Darji, Deepak Soni and Murli Mulchandani, along with six other BJP members, claimed they saw Kalota, Bilal Haji and three other Muslim corporators ‘attack the train’.

Ludicrously, these nine BJP men claimed they could identify the 41 Muslims they had named — including sundry pickpockets and truck drivers — because they were all Godhra residents. However, when cross-examined, they admitted to their pre-existing enmity with Kalota and others.

Science And Fiction: The Forensic Report

As the police were still banking on the theory that petrol or kerosene was sprinkled on the train from outside, as the nine BJP men had claimed, a FSL report came on 17 May 2002. Importantly, it drew the following conclusions:

Many marks caused by stones were observed on the southern outer side of the burnt coach S-6. The windows on the southern side were primarily broken by high intensity stone-pelting, while the ones on the northern side were broken due to the heat of the fire.

There was no sign of corrosive fluid in the fire.

The coach windows were closed at the time of the fire.

At the place where the train stopped, the windows of coach S-6 were 7 ft above the ground. So, it was not possible to throw inflammable fluid into the coach from a bucket or carboy. If this had happened, a major part of the fluid would have fallen back around the track outside. This would’ve caught fire too and damaged the outer, bottom part of the coach. The coach and tracks showed no such signs.

In effect, the state’s own forensic report ruled out the claims made by the nine BJP members and several karsevaks that inflammable liquid had been thrown from outside.

In a curious twist, the forensic team then decided to carry out an experiment with a bucket of water. And what conclusion does the report draw from this experiment?

In a dazzling leap of un-deductive logic, the report claims, ‘On the basis of the above experimental demonstration, a conclusion can be drawn that 60 litres of
inflammable liquid was poured towards the western side of the coach by using a widemouthed container and by standing on the passage between the northern door of the eastern side of coach S-6 and the compartment... The coach was set on fire immediately thereafter.’

First Chargesheet: A Loose Conspiracy Theory is Hatched

In the first chargesheet filed on 22 May 2002, the police briefly mentioned the scuffle between the karsevaks and the platform vendors. However, no reference was made to the abduction attempt on Sophia Bano.

Instead, the chargesheet set up a conspiracy theory. It said, ‘The train reached Cabin A at about 8:05 am. At that time, in order to fulfill their intentional and illegal conspiracy (our emphasis), the accused persons pulled the chain of coach S-6, changed the disc of the train and got the train stopped.’ The police then claim that the accused, with a mob, set coach S-6 on fire by using ‘petrol-like inflammable liquids’ (sic).

But this theory left basic questions unanswered. Who were the main conspirators? When was the conspiracy hatched? What was the motive? Since the train was scheduled to arrive at 2:55 am, was the conspiracy hatched days in advance or only after they came to know the train was late?

The police had no evidence to prove the accused had pulled the chain. Or where the inflammable liquid had come from. The only conspirators the police had named till then was the mob and the 54 Godhra Muslims already arrested.

In this first chargesheet, the only ‘evidence’ were statements from police, fire personnel, the nine BJP men, some karsevaks and the forensic report. The trouble is all of this contradicted itself. Further, the police’s claim that a few railway policemen had witnessed the arson was highly suspect as no survivor had mentioned police presence at that time.

Given this dogged obfuscation of the truth, perhaps it is necessary to revisit the events of February 27, the subsequent police investigation and the untenable case it built.

Noel Parmar, a New Investigating Officer, Takes Over

On 27 May 2002 — five days after the first chargesheet — a new investigating officer was appointed: Noel Parmar, ACP, Vadodara city control room, took over from KC Bawa, Western Railways Deputy Superintendent of Police.

Parmar was far from neutral: he was highly communal. These are snatches of what he told TEHELKA’s hidden camera in 2007. ‘During Partition, many Muslims of Godhra migrated to Pakistan... In fact, there is an area called Godhra Colony in Karachi... Every family in Godhra has a relative in Karachi... They are fundamentalists... This area, Signal Falla, was completely Hindu but gradually Muslims took over... In 1989 also there were riots... Eight Hindus were burnt alive... They all eat cow meat since it comes cheap... No family has less than ten children...’

Little wonder then that far from doing a fair job, Parmar bribed the pump attendants to change their testimonies.
The first chargesheet was a mesh of conflicting claims. To bring method to the madness, on 9 July 2002, five months after the incident, the police produced their new star witness: Ajay Kanu Baria, the Hindu tea vendor who saw it all.

Baria’s ludicrous claims have already been detailed above. But he was the convenient tool through which the police tried to pull all its loose threads together. Dauntingly, it is on his testimony that Judge Patel has most relied.

During its investigation, TEHELKA tried to reach Baria, but failed. Kakul Pathak, one of the BJP men, told TEHELKA that Baria lived under close supervision of Parmar. Pathak said the last he had heard of him, Baria was selling tea near Parmar’s office in Vadodara. TEHELKA then decided to meet his mother who was a daily wage labourer in Godhra. Baria’s mother said her son had become a police witness out of fear. She said he was not an eyewitness, he was at home and fast asleep at the time of the incident. She also said Baria now lived under the constant vigil of the police. He could not visit her often and was always accompanied by two policemen.

The Chain-Pullers: Two Muslim Vendors Are Tortured and Tutored into Making a Statement

With Baria’s statement, several pieces fell into place for the police. They had found a witness to claim that ‘kerosene’ was brought to the spot, to explain how the accused gained entry, and how the ‘kerosene’ was poured into the coach and set on fire. But one hitch remained. The police still had to prove that it was the conspirators who had stopped the train near Cabin A. Surely they couldn’t have relied on Hindu karsevaks to stop the train exactly where they wanted so that Godhra Muslims could burn it.

To get around this, the police came up with two more witnesses — both Muslim — who now confessed it was they who had pulled the chain that brought the train to a halt near Cabin A. The statements of these witnesses — Illias Mullah Hussain and Anwar Sattar Kalandar, part-time hawkers and part-time truck drivers — were recorded on 9 July and 26 July 2002. Both said they were present at the station when the karsevaks beat up the tea vendors. After this fight, they said they were told by Salim Paanwala (a paan-seller at the station who has been absconding since the incident) and Razzaq Kurkur that the karsevaks had abducted a Muslim girl from the platform and they had to stop the train. So, both along with another vendor called Hussain Suleman Gijju (who, according to the police, is still absconding) scaled different coaches, turned the discs and stopped the train. Both also named all the accused whom Baria had named in his statement. Both said they had seen the parrot-coloured rickshaw parked near the coach. However, they went a step ahead of Baria and provided the rickshaw’s registration number and its owner’s name. Both also claimed to have seen the nine vendors, who Baria alleged had set S-6 on fire, near the coach carrying carboys and later running toward Signal Falia. At this point, they said, they also heard the nine hawkers saying, ‘The train is properly set on fire from inside.’

After two weeks of confinement, the duo were produced in court and their statements recorded. Parmar then told them to leave Godhra and not keep contact
with local Muslims. After about a year and a half, Hussain and Kalandar returned to Godhra and retracted their statements in affidavits filed before the Supreme Court.

In an interview with TEHELKA in 2007, the two narrated how they were illegally confined and tortured by Parmar and his team. “Every night, the cops would come and put a log of wood on my legs and then walk over it,” said Hussain. “I was given electric shocks on my genitals,” said Kalandar. They were made to memorise a statement handed to them by the police. “The cops would come and ask us how much we had memorised from the hand-written notes we were given,” both said.

The Plug in the Hole: Jabir Bin Yamin Bahera is Arrested. He Names Maulvi Umarji as the Mastermind

On 22 January 2003, the police arrested Jabir Bin Yamin Bahera, a hawker at Godhra railway station who had been absconding. Thirteen days after his arrest, the police produced him in court and had his confession recorded. This is what Bahera claimed.

On 26 February 2002, the eve of the Godhra incident, he was sitting at a tea stall when three hawkers, including Salim Paanwala, came up to him and said that Razzak Kurkur wanted to see him. When he reached Kurkur’s house, Kurkur instructed him to buy petrol. Along with a few other Muslim hawkers, Bahera then went to Kalabhai Pump and bought 140 litres of petrol in seven carboys, each holding 20 litres. This was stored at Kurkur’s house, located behind his shopcum-guesthouse at Signal Falia.

After that, at about 11:30 pm, Bahera says he was standing at Kurkur’s shop when two people — Bilal Haji and Farukh Bhana, both Godhra corporators — arrived. The corporators told him they had just met ‘Maulvi Sahab’ who had conveyed the message that the Sabarmati Express was coming and they were to burn coach S-6. After that, Salim Paanwala went to the station to enquire if the train was running late. When he came back with the information that the train was late by four hours, Bahera and the other hawkers went home and gathered again near Kurkur’s Aman Guesthouse at 6 am on 27 February 2002.

According to Bahera’s confession, after watching television for a while, he came out of the guesthouse at around 7:15 am, and saw a hawker named Mahboob Latika running from the direction of the station shouting, ‘Beating... beating.’ Bahera went near the Parcel Office and saw five other Muslim hawkers pelting stones at the train. After that, Baria, along with the nine Muslim hawkers, went to Kurkur’s house and loaded the petrol-filled carboys into a tempo. Kurkur then told them to take the tempo near Cabin A. Kurkur and Paanwala followed on an M-80 scooter, with Paanwala driving and Kurkur riding pillion, carrying a carboy. On reaching Cabin A, they first approached coach S-2. There, Bahera says, he saw a few hawkers armed with sticks, pipes and dhariyas trying to break down the train’s doors and windows. From coach S-2, they proceeded to S-6, where the hawkers had cut the vestibule with a pair of scissors. Bahera says he and a few other vendors then entered S-6 with five carboys and poured petrol along the floor of the coach. When the passengers started running helter-skelter, Bahera and a few others stole a gold ring from a passenger who had jumped out of the coach. He and his accomplices then ambushed an armyman and hit him with a rod. Later, one of
them escorted the armyman to the road. Through all this, the mob had continued
to pelt stones at the train. A stray stone came and hit Bahera on the forehead. He
rushed to a clinic for first aid. The next day, he says, he came to know that after he
had left the spot, a hawker named Hasan Lalu threw a burning mashaal inside the
coach, which then caught fire.

According to Bahera, he visited Maulvi Hussain Umarji during the next few days.
On his first visit, Umarji told him he was paying Rs. 1,500 to all those who had been
arrested; he did not pay Bahera though. On his second visit, Umarji told him to
escape. Having done so, Bahera says he sold the ring he had robbed a few months
later to a jeweller in Anand for Rs. 2,000.

In August 2003, Bahera retracted his statement. But since he had also given the
statement before a magistrate, the court has not factored in his retraction. The
suspicious circumstances under which Bahera’s statement was recorded have
already been detailed at the start.

Stitched Up: Conspiracy and Conspirators

Armed with Bahera’s confession, the police now claimed to know the main
conspirators (Maulvi Umarji, Bilal Haji, Farukh Bhana, Razzak Kurkur and Salim
Paanwala); where the conspirators had gathered on the eve of the incident (at
Kurkur’s shop); where the petrol had been bought from (Kalabhai Pump); and
where it was stored (at Kurkur’s house, behind his shop). But most importantly, the
police had now linked the conspiracy to Godhra’s most significant Muslim religious
figure — Maulvi Umarji.

With Kalota and others Muslim corporators in jail, Godhra’s Muslim political
leadership was already in the dock. With Umarji named a prime conspirator, the
entire Muslim community of Godhra was indicted. The police were now in a
position to claim that the Sabarmati Express incident was not an act of
spontaneous rioting but a cold-blooded, premeditated act of communal violence,
with respectable Muslims from Godhra at the centre of the conspiracy

Fresh Fuel: Fake Witnesses Produced to Prove the Source of the Petrol

The story of Prabhatsinh Patel and Ranjitsinh Patel – the two salesmen employed
at Kalabhai Pump – has already been detailed. How they first claimed they had not
sold any loose petrol on 26 February. How this changed to the assertion that they
had sold 140 litres of petrol to six Muslims, including Kurkur and Paanwala, Bahera,
Siraj Lala, Salim Zarda and Shaukat Babu. How they later told TEHELKA they had
been paid and tutored by investigating officer Noel Parmar to say all this.

The Seesaw Trail: Confessions, Chargesheets and Retractions

Later, the police obtained confessions from six other accused under section 32 of
POTA in which a police confession is considered admissible in a court — Shaukat
Bhano, Salim Zarda, Irfan Patalia, Mehboob Latika, Shaukat Bibina and Shakir Babu
(all Muslim hawkers). All six hawkers have since retracted their confessions. Also
on 16 May 2005, the POTA review committee revoked POTA from the case. As a
result, all six POTA confessions became infructuous.
The police also took a statement from Sikandar Mohammad Siddique, a Muslim boy living with his family along the tracks at the time of the Godhra incident. Siddique has since migrated to Surat.

Siddique’s statement mirrored the names of the accused and the sequence of events as stated in Bahera’s confession. He also claimed Maulvi Umarji had told him he was paying Rs. 1,500 to all those who had set the train on fire. However, Siddique also named one more religious leader not mentioned by anyone. According to him, Maulvi Yakub Punjabi had been shouting provocative slogans from the rooftop of a masjid when the train halted near Cabin A. In an embarrassing disclosure which showed the cavalier way in which names were being added to the accused list, it was later revealed that Punjabi was not in the country at the time of Godhra incident. His passport and visa both proved that. The suspicious circumstances under which Sikandar’s statement was recorded before the magistrate has been detailed in the first half of the story.

While examining Sikandar, in what could qualify as a cover-up, the SIT inexplicably corrected the inaccuracy about Maulvi Punjabi and recorded a fresh statement from Sikander omitting Punjabi’s name but keeping Umarji’s. The SIT failed to ask Sikandar the basic question: why did he falsely name Punjabi and on whose instructions? If he had falsely implicated Punjabi, what was the genuineness of his claims about Umarji? It was clear the Gujarat police wanted to implicate Muslim clerics for the carnage.

What happened to the Sabarmati Express on 27 February 2002 will always be a blot on the nation’s conscience. It deserves fair but harsh retribution. There can be no arguing that. What is being argued is whether this was a horrific upsurge of mob anger or a premeditated conspiracy. That there was a conspiracy afoot in Gujarat those years is undoubtable. But as this story shows, it was a conspiracy of a different kind. It was a conspiracy designed to rent the fabric of this country: a conspiracy by State machinery to blacken one community’s name. And declare them the enemy.

9.14 Analysis of the court’s judgement by Ashish Khetan

TOTALLY FAKE AND DOCTORED STATEMENTS OF NINE BJP (MODI TUTORED, SIT SUPPORTED) WITNESSES. There has been severe injustice done in this case. The case is in appeal, but the facts are CLEAR. There was NO ISI involvement. There was NO conspiracy. There was NO pre-planning.

"In nine identical [AND TOTALLY FAKE] statements they said, ‘Five to six people who had plastic containers of liquid in their hands had sprinkled the liquid from the said containers upon one compartment and set it ablaze. We all stayed under the cover of Cabin A.”

Source.

The horrific burning of 59 Hindus in coach S-6 of the Sabarmati Express at Godhra on 27 February 2002 and the deadly Muslim pogrom that followed is one of the worst ruptures in recent Indian history. It is imperative, therefore, to understand the flawed nature of
the verdict on the Godhra carnage that was handed out by Judge PR Patel on 22 February 2011.

This verdict has far-reaching implications. Over the past few days, the media has been reporting how the verdict upholds the idea that the carnage at Godhra was a premeditated conspiracy. But the facts are much more complicated. And darker. There was indeed a conspiracy: but of an entirely different kind. This is the story of how it played out.

On February 22, Judge PR Patel walked into a packed courtroom inside Sabarmati Jail in Ahmedabad. After nine years in jail, 63 people — two-thirds of the accused — had been acquitted, 31 had been deemed guilty.

Set aside for a moment the pathos of those wasted years in jail. Consider this instead. Of the acquitted, there are two men who were most crucial from the prosecution’s point of view: Maulvi Umarji and Mohammad Hussain Kalota. Both Umarji and Kalota had been charged as the masterminds of the carnage. Umarji was one of the most respected Muslim clerics in Godhra. Kalota was the chief political opponent of the BJP in the communally sensitive town and was president of the Godhra Municipal Council at the time of his arrest.

According to the prosecution, Umarji had instructed his co-accused to burn coach S-6 and it was at his behest that the entire conspiracy was hatched. Kalota, who did not figure in the core group of conspirators, was accused by the police of inciting the violent mob once it was assembled.

On the day of carnage, the Gujarat government had issued a press release calling the Godhra incident an act of “terror”.

Two days later, Modi had made an offensively sweeping statement. Instead of condemning those who had been part of the terrible arson, he generically accused the Muslims of Godhra of possessing “criminal tendencies”. In an interview to Zee TV, asked about the Muslims who had been massacred in the aftermath of the Godhra train burning, he added ‘Kriya pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikriya (This is a chain of action and reaction. We want both the action and reaction to stop)’ — justifying the post-Godhra pogrom as a sequel to the train carnage.

Modi had thus pronounced his verdict on the nature of the Godhra incident even before the investigation had begun. Accordingly, on 3 March 2002, the stringent anti-terror law POTA was invoked and the Godhra case morphed into an act of terrorism. But since mob fury could not pass muster as terrorism without introducing the element of conspiracy, six days after POTA was invoked, on 9 March, the police invoked section 120(b) of the Indian Penal Code, which pertains to criminal conspiracy.

In the course of the next few weeks, in addition to Kalota and Umarji, six other respectable members of the Muslim community in Godhra were charged with terrorism. Four were corporators of the municipal council — Bilal Haji, Farooq Mohammad Bhana, Salim Shaikh and Abdul Rahman Dhantiya. Two were advocates — Rol Amin Hussain Hathila and Habib Karim Shaikh.

To establish the culpability of Muslims cutting across social and economic strata, the police also booked 134 Muslims of varying descriptions. Of these, only 94 were tried (17 went absconding, 13 were released for lack of evidence, 5 died during trial, 5 were juveniles and not tried). The trial was eventually conducted in a regular court, after a central review committee revoked the application of POTA from the case.
Of the eight influential political figures, the court has convicted just two — Bilal Haji and Abdul Rahman Dhantiya. At the time of writing, it’s not known what exactly the court has found them guilty of. The court will deliver its full judgment on February 25.

In truth, Maulvi Umarji and Kalota’s acquittal, combined with the large number of other acquittals, has knocked the bottom out of the prosecution’s argument that the conspiracy was hatched by the political and religious leaders of the Muslim community in Godhra.

In a significant and shaming move, the judge has also discarded the testimonies of nine BJP men, who had falsely accused 41 innocent Muslims, as being extremely unreliable. Among the 41 accused by them were Kalota, four Muslim corporators — Haji, Bhana, Shaikh and Dhantiya — and two advocates — Hathila and Karim Shaikh.

It’s important to recall that, in its 2007 sting investigation (The Truth about Gujarat 2002), TEHELKA had exposed that these nine BJP men who were cited as eyewitnesses were, in fact, not even present at the scene of crime. They had been asked to give false testimonies by the police to further the Modi government’s communal and political agenda, and they had gone along to “serve the cause of Hindutva”.

THE TRUTH ABOUT THE LIES OF GODHRA

The prosecution’s conspiracy theory against Godhra Muslims rested primarily on five sets of witnesses

1. Nine BJPmen who claimed to be eyewitnesses to the carnage
   These men accused 41 Muslims who spent nine years in jail. A TEHELKA sting caught two of these BJP men admitting on camera they were actually at home that day and the police fabricated their statements. They went along to “serve the cause of Hindutva”. The judge has now discarded all nine testimonies

2. Ajay Baria, a Hindu vendor, forced into the plot; saw it all
   Judge Patel has relied hugely on Baria’s account. But why would Muslim conspirators pick a Hindu man at the last minute to help load the petrol and burn the train? TEHELKA tried to track him but failed. His mother said he had been coerced into becoming a police witness and lived under constant police surveillance.

3. Two petrol pump attendants who claim they sold 140 litres of fuel to some Muslims on 26 Feb
   Ranjitsinh and Pratapsinh Patel had first told the police that they had not sold any loose petrol that crucial night. In a shocking turnaround, six months later, they changed their version. However, TEHELKA caught Ranjitsinh admitting on camera that he and Pratap had been bribed Rs. 50,000 by police officer Noel Parmar to do that. He also tutored them to identify particular Muslims in court as being the buyers

4. Jabir Bahera, a petty criminal, who first named Maulvi Umarji as a mastermind
   Bahera claimed it was Umarji who picked coach S-6 as the target, but also said Umarji was not at any conspiracy meetings. He later retracted everything

5. Sikandar Siddique, another petty criminal, said he had pulled the chain the second time
   Siddique is an obvious unreliable witness. Besides Umarji, he had said Maulvi Punjabi had incited the mob. But Punjabi was not even in the country that day

   Two of these [nine?] — Murli Mulchandani and Kakul Pathak — were caught on camera telling the TEHELKA reporter that both of them were actually sleeping at home when the incident occurred. Shockingly, they said not only them but the other seven BJP ‘eyewitnesses’ had also not been present at Godhra station (see boxes on pages 36 and 40). Pathak also confessed that though all nine were from the BJP, the police had passed
them off as VHP members to justify their presence at the railway station. (The call for the Ayodhya karseva had been given by the VHP). TEHELKA had also laid out in great detail the pre-existing political and business rivalries that had guided the testimonies of these nine BJP men.

These nine witnesses were a critical link in the prosecution’s theory. Forty-one Muslims had stayed behind bars for the last nine years as previous judges had denied bail based on these testimonies. By calling them unreliable now, Judge Patel has validated both TEHELKA’s findings and the assertions of the Muslim accused that the Gujarat police had manufactured evidence and tutored witnesses.

But more importantly, the discrediting of these nine BJP men is proof that there was a deliberate conspiracy by the Modi dispensation to implicate innocent Muslims. Not only were they asked to put up false testimonies, the police then deliberately failed to produce their call data — something that could have easily nailed their exact location at the time of the incident. Kakul Pathak, in fact, had told this reporter that the police had drafted his testimony in advance. All he did was give his consent and sign.

Stop for a moment and let the full implication of all this sink in. Now combine it with Judge Patel’s own findings.

There were other crucial pieces in the prosecution’s case that the judge has discarded. For one, the police had claimed that 15 of the accused were arrested from the scene of crime immediately after the incident and made to squat near Cabin A, guarded by armed police personnel. According to them, a Muslim mob which included Kalota and a few other local Muslim leaders had then descended upon Cabin A and attacked the police personnel to free their arrested co-conspirators. The judge set this assertion aside as baseless.

He also told the public prosecutor that he did not believe the police claim that another 15 accused had been arrested during the course of the day on 27 February 2002. Instead, the judge said the evidence before the court established that they had been arrested during combing operations by the police on the night of 27-28 February. These conclusions by the judge, coupled with TEHELKA’s exhaustive 2007 sting, raise disturbing questions India can ill-ignore.

WHAT WAS the motive behind these nine false testimonies by BJP members? Were there instructions from the top? Why did the police write out pre-fabricated testimonies? Why were they passed off as eyewitnesses?

The Modi establishment is not the only official entity that has answers to give. The large number of acquittals by Judge Patel, including that of Umarji and Kalota, and the discredited BJP witnesses also cast a shadow on the credibility of the Supreme Court-constituted Special Investigation Team (SIT).

The SIT had been set up by the apex court on 26 March 2008. Nine major riot cases, including the Godhra train carnage, was handed over to it for re-investigation. Though the court picked retired CBI director RK Raghavan, a Tamil Nadu cadre officer, as chairman, the three crucial members of the probe team — IGs Ashish Bhatia, Geeta Johri and Shivanand Jha — were all from the Gujarat police. It was these three officers who were entrusted with the direct supervision of the investigations. The entire supporting team of policemen was also picked from the Gujarat police. But the most shocking appointment to the SIT was Noel Parmar, a deputy SP with the Gujarat police.

Parmar was the chief investigating officer of the Godhra carnage. It was he who had constructed the premeditated conspiracy theory which was supposedly under independent review by the SIT. When the SIT was formed, Parmar was serving his fourth
post-retirement extension given by the Gujarat police. How could a probe officer be inducted into the SIT to review his own investigation, petitioners protested. Under pressure, the SIT reluctantly dropped him from the probe team. But, in another malicious move, it inducted Parmar’s aide Ramesh Patel instead. The logic? Patel was familiar with the case so his presence would help the investigators.

The idea behind the SIT was to have an independent review of the Gujarat police investigation by neutral officers. That purpose was defeated when the probe in effect was handed back to the Gujarat police, under the cloak of the SIT.

Raghavan visited Gujarat only for three days in a month. For all practical purposes, the investigation was carried out by the Gujarat police. In less than 10 months, IGP Jha claimed he had concluded his scrutiny of the Godhra carnage investigation carried out by the Gujarat state police. He claimed to have re-examined all the crucial police witnesses. But dismayingly, when Murlidhar Mulchandani and Kakul Pathak were examined by the SIT, they were not quizzed about their damning confessions made before this TEHELKA reporter. Even the basic question of whether they were caught on camera by TEHELKA was not put before them.

Even more dismayingly, though this reporter’s statement was recorded by the SIT, his testimony — about Pathak and Mulchandani admitting on camera that they had fudged their statements — and the supporting sting footage were not produced before the court. When you consider the fact that both testimony and evidence produced by this same reporter has been cited as an important piece of evidence by the SIT in three other riot cases — Naroda Gaon, Naroda Patiya and Gulberg Society — the inconsistency becomes even more glaring. Why did the SIT not want to nail Pathak and Mulchandani? Why did Jha accept the sanctity of the Gujarat police investigation in toto?

In a report submitted to the Supreme Court on 11 February 2009, Raghavan said the SIT had “thoroughly reviewed” the Gujarat police investigation and found it to be “on correct lines”. He said IGP Shivanand Jha had re-examined all the key police witnesses. Satisfied, Raghavan said, the SIT had accepted the Gujarat police investigation and therefore not filed any additional chargesheet.

But now, with Judge Patel completely discarding the testimonies of the nine BJP members, the SIT’s claim that it thoroughly re-examined all important police witnesses stands exposed. Also the 63 acquittals stand testimony to the prejudiced and malicious nature of the investigation first done by the Gujarat CID and later validated by the SIT. Clearly, the SIT investigation has failed to stand scrutiny at the lowest level of the judiciary. The question is, was this mere incompetence or ill-intent?

AFTER THE initial years of outrage against the Godhra carnage and the bloody riots that followed, both the national media and opposition political parties have become less and less vigilant about unearthing the facts of what really happened or seeking accountability for it.

TEHELKA is often asked why it pursues the Gujarat story so aggressively. In the face of the stark and overwhelming evidence of foul play by the State, it is difficult to do otherwise.

For instance, the terrible miscarriages of justice just in this case alone don’t end with the nine BJP men and their perjuries. In a surprise move, despite all his own astute conclusions which contravene the position, Judge Patel still upheld the police theory that the Godhra carnage was the result of a premeditated conspiracy.

The question is why? And how can he justify this?

Have a look at the malevolent case put up by the prosecution. The entire conspiracy theory spun by the prosecution was based on two primary claims: One, that on the night
of 26 February 2002, two secret meetings were held at Aman Guest House near Godhra railway station. It was decided there that petrol should be bought and used the next morning to set coach S-6 of the passing Sabarmati train on fire.

According to the police, five Muslim vendors were present at the first meeting. At the second meeting, which happened after the buying of the petrol, two vendors and two Muslim corporators — Bilal Haji and Farooq Bhana — were present.

According to the police again, though Maulvi Umarji himself was not present at any of these meetings, it was he who had chosen coach S-6 as a target and it was at his behest that the meetings were held and 140 litres of petrol were bought from a nearby petrol pump called Kalabhai Petrol Pump. The police claimed that two attendants from Kalabhai Petrol Pump had told them that the accused had indeed bought 140 litres of petrol.

The police also claim that the next morning, taking advantage of an altercation between karsevaks on the train and Muslim vendors on the platform, the conspirators mobilised a violent Muslim mob and used the petrol bought the previous night to set the train on fire. According to the police, though Kalota was not part of the original conspiracy, he incited the rioters to burn the train once the mob had built up.

Bizarrely, the police also claim that the Muslim conspirators forced a Hindu tea vendor to help them burn the train. On 9 July 2002, five months after the actual incident, the police produced this new witness: Ajay Kanu Baria. Baria was unemployed at the time. He claimed that on the morning of 27 February 2002, just after the arrival of the Sabarmati Express, nine Muslim hawkers whom he knew since they all sold wares at Godhra station, forcibly took him to the house of Razzak Kurkur, the owner of Aman Guest House. Once there, the nine went inside Kurkur’s house and brought out carboys filled with ‘kerosene’ (he doesn’t specify the number of carboys and he specifically uses the word kerosene). One of the hawkers, he said, then forced him to load a carboy onto a rickshaw while the other hawkers loaded the rest.

This beggars belief. Why would alleged Muslim fundamentalists, gripped by hatred towards karsevaks, induct a Hindu tea vendor into their ‘plot’ at the last minute? Surely they would know that he would be the first to turn hostile? With an entire Muslim-dominated town to draw from, why would they risk involving a Hindu? If there were already nine hawkers to load the carboys, why did they need Baria to load just one?

Baria said the rickshaw was parrot-coloured but he could not see its registration number. Once the carboys were loaded, the hawkers forced him to go along. They drove up to Cabin A, where the train was standing. According to him, a few hawkers first tried to set coach S-2 on fire. When they failed, they cut the vestibule between coaches S-6 and S-7. Having done that, six hawkers went inside S-6 and poured ‘kerosene’ along the coach floor. Three others sprinkled kerosene through the windows into the coach. A vendor then threw a burning cloth inside.

Interestingly the police do not say that Baria was present in either of the conspiracy meetings or that his name was suggested by any of the conspirators as one who could provide help the next day. Yet, the introduction of Ajay Baria — ‘the Hindu tea vendor who saw everything’ — is integral to the prosecution’s case. In fact, apart from the nine lying BJP men, the police’s conspiracy theory, upheld by Judge Patel, primarily rests on five people: Baria, the two petrol pump attendants mentioned above, and two petty Muslim criminals, Jabir Yamin Bahera and Sikandar Siddique.

In its 2007 undercover investigation, TEHELKA had conclusively established that like the nine BJP men, the testimonies of these five ‘key’ police witnesses were completely bogus.
But more on that later. First look at the inherently uneasy pieces in the story about these five men that everyone seems to be missing.

With Baria’s entry, the police propounded a new theory through a second chargesheet filed on 20 September 2002. These were some of its key propositions. And anomalies.

**FIRST, THIS chargesheet claimed that the Muslim conspirators had cut open the rubber vestibule covering between coaches S-6 and S-7, then forcibly entered coach S-6 by sliding open the locked vestibule door.** This theory about the cut vestibule and forced entry was first made in Ajay Baria’s statement to the police on 4 July 2002. **By this time the forensic team had already examined the coach at least thrice on 1 May 2002; 3 May 2002 and 2 July 2002 and not found anything amiss with the vestibule.** However, once Baria’s statement had been recorded before a magistrate on 9 July 2002, the police requisitioned the forensic team (FSL) again on 11 July 2002.

Strangely, on 11 July 2002, while re-examining the coach for the fourth time, the FSL concluded that the vestibule door had indeed been forcibly opened and, as a result, had got completely jammed into the toilet wall. ‘We have taken pictures of the sliding door (vestibule door) which shows it has got completely jammed in the north side toilet. That’s the reason we have not been able to take it out and examine it in the lab,’ the FSL reported.

It is important to note that all the windows and doors of coach S-6 were extricated by the FSL and taken for forensic examination in the lab. But **when Judge Patel carried out a spot inspection on 30 May 2010, he found the vestibule door was not jammed as the FSL had claimed but instead stood in its original position. This clearly shows that either there was some post-facto tampering of evidence or the forensic team report was doctored.**

Baria’s Section 164 CRPC statement itself suffers from many improbabilities. On his first appearance before the police on 4 July, Baria had given incomplete names of 17 accused with no addresses. A day later, on 5 July, when the police recorded his statement again, he miraculously gave full names with complete descriptions and addresses. But on 9 July, before the magistrate, Baria again forgot all the details he had so elaborately given only four days earlier. Clearly, **the fumbling Baria was testifying under the influence of the police.**

But this was not the only use Baria was put to. According to him, a Muslim man called Sikander Siddique was part of the group that burnt the train.

The story of Sikandar is even stranger than what has gone before and smacks of blatant engineering by the police. Once Sikandar was tracked down, he was made to give a statement before the magistrate. He duly endorsed the police case. In an interesting detail, the police claimed Sikandar had come from Surat to depose, but Sikandar told the judge he had been in Godhra the previous day. Clearly, either Sikandar or the police were lying. But that is a small detail compared to what happened afterwards. Once his statement had been secured, in an obvious quid pro quo arrangement, the police made Baria exonerate Sikandar through a test identification parade — an exercise unknown in law because it’s only the accused who are put through identification parades, not witnesses. At this parade, Baria claimed Sikandar was not the Sikandar he had first named and so the latter was let off.

Now, to stitch their improbable vestibule theory even more tightly, the police tracked down an accused named Jabir Bin Yamin Bahera on 22 January 2003. Produced before the magistrate on 4 February 2003, he parroted the entire police theory — the forced entry, the throwing of petrol — and claimed he was one of the accused who had entered through the vestibule. **But he made one glaring mistake. He told the court that he had**
exited from the northern side — the same door through which karsevaks were exiting. None of the 150 survivors had seen Bahera or for that matter anybody entering the coach and pouring petrol inside.

Bahera later retracted his entire statement before the POTA court on 24 August 2003. This brings one to the two final star witnesses: Prabhatsinh Patel and Ranjitsinh Patel, two salesman employed at Kalabhai Petrol Pump at the time of the Godhra incident. On 10 April 2002, just a month after the incident, the two told the police that they had been at work from 6 pm on 26 February to 9 am on 27 February 2002, and had not sold any loose petrol during that period. But after Bahera’s statement before the magistrate, on 23 February 2003, the police approached the two salesman again. In a shocking turnaround, both now claimed they had sold 140 litres of petrol to six Muslims, including Bahera, who had come in a parrotcoloured tempo to the pump.

It’s the improbable testimonies of these five — Baria, Bahera, Sikandar, Prabhatsinh and Ranjitsinh Patel — that the judge has relied on while upholding the conspiracy theory. The nine BJP men were lying; the other five were coerced. That makes all 14 star witnesses suspect. If the SIT had acted in good faith and produced this TEHELKA reporter’s testimony and sting footage, this is what the judge would have known.

In 2007, this reporter had managed to track down pump attendant Ranjitsinh Patel. Caught on camera, in an incriminating admission, he had told TEHELKA he was bribed Rs. 50,000 by chief investigating officer Noel Parmar to change his testimony. He claimed his colleague Prabhatsinh Patel was bribed the same amount. This is why, in a sudden turnaround, they had both claimed to have sold petrol to the accused the night before the carnage. Ranjit also said the police had told him when the time came to identify the accused in court, they would tutor him secretly in advance so he could remember the faces of the accused and pin them in court.

This was a bombshell. Here was a star witness admitting he had been bribed by the police to lie. There should have been an uproar. Nothing happened.

EVEN TO a non-partisan eye, TEHELKA’s investigation should have added up to a clear indictment of the Modi establishment and its malevolent attempt to tar the Muslim community.

As if that were not enough, the proceedings of the court — available with TEHELKA — itself tells a big story. The defence had pointed many glaring inconsistencies in the testimonies recorded by the police. The prosecution and witnesses failed to provide convincing explanations for many of them.

The main questions raised by the defence were:

• There was no reason why the accused would specifically target coach S-6. There was no material to show Maulvi Umarji had any knowledge of who was travelling on this coach, or of having any enmity with them.

• The entire train was full of karsevaks drawn from VHP and Bajrang Dal. Why would Umarji and his co-conspirators target coach S-6 alone?

• There was nothing to show that on or before 26 February 2002, there was any friction between karsevaks and Godhra Muslims grave enough to provoke premeditated carnage.

• Nothing to show that any Godhra resident was even aware that karsevaks were travelling back on this train.
Nothing to show the altercation between tea vendors and karsevaks on February 27 or the alleged molestation of a Muslim girl were ever an element of the conspiracy.

Still, **curiously the judge upheld the conspiracy theory.** From all credible evidence, the horrific events at Godhra seem the result of a criminal but spontaneous mob upsurge. Whoever was in that mob definitely deserves harsh punishment. But to call it a premeditated conspiracy is to blight Godhra Muslims with a canard that is perhaps not deserved.

Given the persistent desire to turn away from the truth, therefore, it is necessary to revisit the events on 27 February 2002, the suspect police investigation that followed and the untenable case that emerged, in greater detail. This might help readers draw their own conclusions.

**The Arrival: Sabarmati Express Enters Godhra Station**

7:43 am. 27 February 2002. The Sabarmati Express, carrying karsevaks returning from Ayodhya, arrives at platform No. 1 The train is five hours late. Scheduled arrival was 2:55 am.

**First Provocation: Karsevaks Clash with Muslim Vendors**

During the trial, several eyewitnesses told the court that there was a fight between karsevaks and Muslim tea vendors on the platform. Veer Chedi Pal, a survivor of the coach S-6 inferno, told the court: ‘A few karsevaks beat up a Muslim vendor who had entered the coach to sell tea. Then they threw him out of the compartment.’

Another survivor Govindsinh Ratnasinh Panda, 54, an army man travelling from Lucknow to Ahmedabad, told the court: ‘I had a reservation for berth 9 in coach S-6, but a Bajrang Dal activist asked me to shift to berth 3. There were about 250 people in the coach. Most passengers were sitting unreserved and were members of the Bajrang Dal. At every station, they would get down and shout Jai Shri Ram. On 27 February 2002, between 7:30 am and 7:45 am, when the train reached Godhra, the karsevaks got down and raised slogans. I got up. Ten or 12 people from my coach had alighted. I felt Bajrang Dal members had also alighted from other coaches and were shouting slogans. There was loud noise on the platform. After three or four minutes, a few passengers came running inside the coach, closed the door and said a quarrel had taken place on the platform and stones were being pelted. They told everybody to shut the windows and doors.’

**Second Provocation: Karsevaks Try to Abduct a Muslim Girl from the Platform**

There was more than a tea-stall wrangle on the platform. Some karsevaks had allegedly tried to abduct a Muslim girl. Sophia Bano Shaikh, around 18, accompanied by mother and sister, was visiting relatives in Godhra and had come to the station to board a train for her hometown Vadodara.

Sophia testified before the court that she and her family were standing on platform No. 1 when the Sabarmati pulled in. Some men with saffron strips on their head got off for tea and snacks. They were shouting Jai Shri Ram. Some of them were beating a Muslim man with a stick and shouting “Kill Musalmans”’. Frightened, Sophia and her family started moving away when one of the men grabbed her from behind, clamped her mouth and tried dragging her away. Her mother shouted loudly for help; the man let go. Sophia says she and her family stood in the booking clerk’s office for a while then gave up the idea of going to Vadodara, took a rickshaw and went back to her aunt’s house. According to Sophia, the karsevaks also tried to abduct another burqa-clad woman on the platform. However, the police have failed to identify the woman or record her statement till date.

Though the police recorded Sophia and her family’s statement on 28 March 2002 — a month after the Godhra incident — they neither mentioned the episode in the official
narration of events nor included Sophia’s statement in the first chargesheet filed on 22 May 2002. These statements were only made part of the first supplementary chargesheet filed six months later.

It was this aborted abduction of Sophia that aggravated the situation. A rumour went through the station that karsevaks had abducted many Muslim girls. A mob gathered. Though Sophia had taken refuge in the booking clerk’s office, the rumour spread that the karsevaks had successfully abducted her and other girls in coach S-6. During the trial, Purshotbhai Govardhanbhai Patel, a coach S-6 karsevak, told the court that the mob had been shouting slogans for the women to be released from the coach.

The First Halt: Chain Is Pulled; Sabarmati Stops

After the altercation, both Muslims and karsevaks started pelting stones at each other on the platform. Many passengers have corroborated this in their testimonies during the trial. The railway police personnel, some tea vendors and a railway officer stationed at the parcel office on that day also testified to this. After a scheduled stop of five minutes, the Sabarmati Express started its onward journey at 7.47 am.

According to the train driver Rajendrarao Raghunathrao Jadhav, he got the signal to leave at about 7:45 am. “The train had just started moving,” Jadhav told the court, “when the chain was pulled at about 7:47 am. The train stopped. My assistant driver and guard found that the chain had been pulled from four coaches. We informed the station master.”

Plausibly, eyewitness accounts suggest it was the karsevaks who pulled the chain as some of their colleagues had got left behind. But the police say two Muslim vendors — Illyas Mullah and Anwar Kalandar — had pulled the chain from outside. Interestingly, the police do not claim that they were part of the Aman Guesthouse meetings or part of the conspiracy in any way. Then why would they pull the chain? The prosecution failed to answer this basic question. Importantly, both vendors retracted their statements before the trial began.

On the contrary, train guard Satyanarayan Verma told the court that many passengers were left behind at the station. When the train started pulling out, he saw many passengers running to catch it.

In this chaos, the chain-pulling was set right and the train began to move again. The time was now 7:55 am.

The Fateful Halt: Chain is Pulled Again, Sabarmati Halts Near Cabin A

At 8 am, after the train had moved a short distance, it again came to a halt near Cabin A. The time is recorded by Assistant Station Master (ASM) Rajindersingh Meena, manning the cabin.

It’s this second halting that is the most contentious fact in the chain of events leading to the carnage. The police claim the two Muslim vendors had pulled the chain with an intention to burn the train. But the evidence that emerged during the trial suggested this second halt was caused by the bursting of hose pipes, not chain-pulling.

Assistant train driver Mukesh Pachauri told the court that the heavy stone-pelting and ensuing carnage didn’t allow him to investigate the reason for the drop in vacuum pressure which had resulted in the second halt. But driver Jadhav told the court that he was informed by the lobby assistant in the Carriage Department at the Godhra Station that two hose pipes had burst and were replaced by him before the train finally left for Ahmedabad.

Ground Zero: The Fury of the Mob Intensifies
Before the assistant driver could find out why the train had halted a second time, the mob combusted. It had chased the train to Cabin A. Driver Jadhav says he saw a 1,000-strong mob pelting stones but he couldn’t see much more because he was separated from Cabin A by 8-10 coaches.

The heavy stone-pelting had begun to break the window panes. Survivors told the court that at this stage the passengers had downed all the iron shutters and locked the doors to save themselves.

The police had not yet reached. The two officials closest to Ground Zero were ASMM Meena and his colleague AK Sharma, both manning Cabin A.

Meena told the court that about 10 coaches had already passed beyond Cabin A when the driver blew the chain-pulling whistle. He got down from his cabin to set the chain right. That’s when he saw a mob of about 200-500 people running towards the train from the back. They were pelting stones.

When TEHELKA’s stung Meena in 2007, he had said that when he came down and asked the mob why they were chasing the train, a few of them had replied that one of their people had been abducted by the karsevaks on the train. Meena also said he heard some of them suggesting the coach be set on fire to drive people out of it so they could find the missing person. But he saw no sharp weapons or inflammable material with the mob.

**Tinderbox: The Packed S-6 Coach was a Death Trap**

By all accounts, coach S-6 was bursting at its seams. It was carrying over 200 passengers, at least three times its normal capacity. Its doors and windows were shut. Further, to stop the mob from forcing its way into the compartment, the passengers had blocked the doors with their luggage.

Outside, unable to dissuade the mob, the frightened Meena ran back to his cabin. His colleague Sharma had already informed their seniors about the situation.

Inside coach S-6, no one could quite make out what was happening as all the windows and doors were shut. This was more or less the case in every coach. During the trial, testimonies of passengers in other coaches established that the mob had pelted stones on the coaches S-2, S-5, S-4 and S-7 as well. Burning rags were also thrown at coaches S-4 and S-2. A witness testified that a burning rag had landed in coach S-4 which the passengers promptly threw out.

**Smoke And Fire: Eyewitness Accounts By S-6 Passengers**

Meena told the court that he first spotted smoke rising from coach S-6 at about 8:30 am. Passengers inside S-6 also first saw the smoke, then the fire. Many survivors told the court that after they spotted smoke in S-6, they opened the door on the northern side and started vacating the coach.

**Manufacturing Truth: The Nine BJP Men**

As mentioned earlier, the police claimed it had arrested 15 people from the spot and another 15 during the course of the day and the following night. Within a fortnight, over 40 people were arrested. (The court has now discredited this theory about spot arrests).

Apart from police and the fire brigade, the first independent witnesses to come forward and identify people from the mob were the nine BJP men whom both the judge and TEHELKA’s investigation has discredited. Between them they identified 41 Godhra Muslims. All nine claimed they had gone to the station to serve refreshments to the karsevaks. They claimed they saw everything — the assembling of the mob, the sharp-edged weapons and inflammable material they were carrying, and the actual starting of the fire. In nine identical statements they said, ‘Five to six people who had plastic..."
containers of liquid in their hands had sprinkled the liquid from the said containers upon one compartment and set it ablaze. We all stayed under the cover of Cabin A.’

Fascinatingly, the only variation in the nine statements is the names of the culprits. Each BJP man identified different people from the mob. Interestingly, if they were indeed eyewitnesses, none of them talked of the accused as cutting the vestibule covering or forcibly entering the coach. How could they? First, they were not at Cabin A. Secondly, the police only came up with that theory much later.

**Simmering Rivalries: Godhra’s Political Context**

The testimonies of these nine BJP men have a complex political backdrop. Godhra is divided into 12 wards, each with three corporator seats. In the December 1999 municipal council elections, the BJP won 11 seats, independent Muslim candidates 16, the Congress five, and four seats were bagged by pro-BJP independents.

Murli Mulchandani, one of the nine BJP men, had been the president of the municipal council. In 1999, he had contested but lost. To form the House in the council, a party needs 19 seats. The BJP had formed the House, supported by five Congress and three Muslim corporators. Raju Darji, a BJP corporator (who claims to be a witness to the fire) was elected president. Deepak Soni, another BJP corporator (also one of the nine witnesses), was appointed president of the education board formed under the council.

But a year after the elections, 24 corporators — 16 Muslim, five Congress and three Hindu independents — joined ranks against the BJP and moved a no-confidence motion. The BJP lost the House. These 24 now elected Kalota as president of the municipal council. During a no-confidence motion debate, Muslim corporator Bilal Haji had beaten up BJP corporator Raju Darji, and a criminal complaint had been lodged against him. In 2002, after the Sabarmati Express carnage, Raju Darji, Deepak Soni and Murli Mulchandani, along with six other BJP members, claimed they saw Kalota, Bilal Haji and three other Muslim corporators ‘attack the train’.

Ludicrously, these nine BJP men claimed they could identify the 41 Muslims they had named — including sundry pickpockets and truck drivers — because they were all Godhra residents. However, when cross-examined, they admitted to their pre-existing enmity with Kalota and others.

**Science And Fiction: The Forensic Report**

As the police were still banking on the theory that petrol or kerosene was sprinkled on the train from outside, as the nine BJP men had claimed, a FSL report came on 17 May 2002. Importantly, it drew the following conclusions:

>> Many marks caused by stones were observed on the southern outer side of the burnt coach S-6. The windows on the southern side were primarily broken by high intensity stone-pelting, while the ones on the northern side were broken due to the heat of the fire.

>> There was no sign of corrosive fluid in the fire.

>> The coach windows were closed at the time of the fire.

>> At the place where the train stopped, the windows of coach S-6 were 7 ft above the ground. So, it was not possible to throw inflammable fluid into the coach from a bucket or carboy. If this had happened, a major part of the fluid would have fallen back around the track outside. This would’ve caught fire too and damaged the outer, bottom part of the coach. The coach and tracks showed no such signs.
In effect, the state’s own forensic report ruled out the claims made by the nine BJP members and several karsevaks that inflammable liquid had been thrown from outside.

In a curious twist, the forensic team then decided to carry out an experiment with a bucket of water. And what conclusion does the report draw from this experiment?

In a dazzling leap of un-deductive logic, the report claims, ‘On the basis of the above experimental demonstration, a conclusion can be drawn that 60 litres of inflammable liquid was poured towards the western side of the coach by using a widemouthed container and by standing on the passage between the northern door of the eastern side of coach S-6 and the compartment... The coach was set on fire immediately thereafter.’

**First Chargesheet: A Loose Conspiracy Theory is Hatched**

In the first chargesheet filed on 22 May 2002, the police briefly mentioned the scuffle between the karsevaks and the platform vendors. However, no reference was made to the abduction attempt on Sophia Bano.

Instead, the chargesheet set up a conspiracy theory. It said, ‘The train reached Cabin A at about 8:05 am. At that time, in order to fulfill their intentional and illegal conspiracy (our emphasis), the accused persons pulled the chain of coach S-6, changed the disc of the train and got the train stopped.’ The police then claim that the accused, with a mob, set coach S-6 on fire by using ‘petrol-like inflammable liquids’ (sic).

But this theory left basic questions unanswered. Who were the main conspirators? When was the conspiracy hatched? What was the motive? Since the train was scheduled to arrive at 2:55 am, was the conspiracy hatched days in advance or only after they came to know the train was late?

The police had no evidence to prove the accused had pulled the chain. Or where the inflammable liquid had come from. The only conspirators the police had named till then was the mob and the 54 Godhra Muslims already arrested

In this first chargesheet, the only ‘evidence’ were statements from police, fire personnel, the nine BJP men, some karsevaks and the forensic report. The trouble is all of this contradicted itself. Further, the police’s claim that a few railway policemen had witnessed the arson was highly suspect as no survivor had mentioned police presence at that time.

Given this dogged obfuscation of the truth, perhaps it is necessary to revisit the events of February 27, the subsequent police investigation and the untenable case it built.

**Noel Parmar, a New Investigating Officer, Takes Over**

On 27 May 2002 — five days after the first chargesheet — a new investigating officer was appointed: Noel Parmar, ACP, Vadodara city control room, took over from KC Bawa, Western Railways Deputy Superintendent of Police.

Parmar was far from neutral: he was highly communal. These are snatches of what he told TEHELKA’s hidden camera in 2007. ‘During Partition, many Muslims of Godhra migrated to Pakistan... In fact, there is an area called Godhra Colony in Karachi... Every family in Godhra has a relative in Karachi... They are fundamentalists... This area, Signal Falia, was completely Hindu but gradually Muslims took over... In 1989 also there were riots... Eight Hindus were burnt alive... They all eat cow meat since it comes cheap... No family has less than ten children...’

Little wonder then that far from doing a fair job, Parmar bribed the pump attendants to change their testimonies.

**The Hindu Hand: Ajay Baria**
The first chargesheet was a mesh of conflicting claims. To bring method to the madness, on 9 July 2002, five months after the incident, the police produced their new star witness: Ajay Kanu Baria, the Hindu tea vendor who saw it all.

Baria’s ludicrous claims have already been detailed above. But he was the convenient tool through which the police tried to pull all its loose threads together. Dauntingly, it is on his testimony that Judge Patel has most relied.

During its investigation, TEHELKA tried to reach Baria, but failed. Kakul Pathak, one of the BJP men, told TEHELKA that Baria lived under close supervision of Parmar. Pathak said the last he had heard of him, Baria was selling tea near Parmar’s office in Vadodara. TEHELKA then decided to meet his mother who was a daily wage labourer in Godhra. Baria’s mother said her son had become a police witness out of fear. She said he was not an eyewitness, he was at home and fast asleep at the time of the incident. She also said Baria now lived under the constant vigil of the police. He could not visit her often and was always accompanied by two policemen.

The Chain-Pullers: Two Muslim Vendors Are Tortured and Tutored into Making a Statement

With Baria’s statement, several pieces fell into place for the police. They had found a witness to claim that ‘kerosene’ was brought to the spot, to explain how the accused gained entry, and how the ‘kerosene’ was poured into the coach and set on fire. But one hitch remained. The police still had to prove that it was the conspirators who had stopped the train near Cabin A. Surely they couldn’t have relied on Hindu karsevaks to stop the train exactly where they wanted so that Godhra Muslims could burn it.

To get around this, the police came up with two more witnesses — both Muslim — who now confessed it was they who had pulled the chain that brought the train to a halt near Cabin A. The statements of these witnesses — Illias Mullah Hussain and Anwar Sattar Kalandar, part-time hawkers and part-time truck drivers — were recorded on 9 July and 26 July 2002. Both said they were present at the station when the karsevaks beat up the tea vendors. After this fight, they said they were told by Salim Paanwala (a paan-seller at the station who has been absconding since the incident) and Razzak Kurkur that the karsevaks had abducted a Muslim girl from the platform and they had to stop the train. So, both along with another vendor called Hussain Suleman Gijju (who, according to the police, is still absconding) scaled different coaches, turned the discs and stopped the train. Both also named all the accused whom Baria had named in his statement. Both said they had seen the parrot-coloured rickshaw parked near the coach. However, they went a step ahead of Baria and provided the rickshaw’s registration number and its owner’s name. Both also claimed to have seen the nine vendors, who Baria alleged had set S-6 on fire, near the coach carrying carboys and later running toward Signal Falia. At this point, they said, they also heard the nine hawkers saying, ‘The train is properly set on fire from inside.’

After two weeks of confinement, the duo were produced in court and their statements recorded. Parmar then told them to leave Godhra and not keep contact with local Muslims. After about a year and a half, Hussain and Kalandar returned to Godhra and retracted their statements in affidavits filed before the Supreme Court.

In an interview with TEHELKA in 2007, the two narrated how they were illegally confined and tortured by Parmar and his team. “Every night, the cops would come and put a log of wood on my legs and then walk over it,” said Hussain. “I was given electric shocks on my genitals,” said Kalandar. They were made to memorise a statement handed to them by the police. “The cops would come and ask us how much we had memorised from the hand-written notes we were given,” both said.
On 22 January 2003, the police arrested Jabir Yamin Bahera, a hawker at Godhra railway station who had been abscording. Thirteen days after his arrest, the police produced him in court and had his confession recorded. This is what Bahera claimed.

On 26 February 2002, the eve of the Godhra incident, he was sitting at a tea stall when three hawkers, including Salim Paanwala, came up to him and said that Razzak Kurkur wanted to see him. When he reached Kurkur’s house, Kurkur instructed him to buy petrol. Along with a few other Muslim hawkers, Bahera then went to Kalabhai Pump and bought 140 litres of petrol in seven carboys, each holding 20 litres. This was stored at Kurkur’s house, located behind his shopcum-guesthouse at Signal Falia.

After that, at about 11:30 pm, Bahera says he was standing at Kurkur’s shop when two people — Bilal Haji and Farukh Bhana, both Godhra corporators — arrived. The corporators told him they had just met ‘Maulvi Sahab’ who had conveyed the message that the Sabarmati Express was coming and they were to burn coach S-6. After that, Salim Paanwala went to the station to enquire if the train was running late. When he came back with the information that the train was late by four hours, Bahera and the other hawkers went home and gathered again near Kurkur’s Aman Guesthouse at 6 am on 27 February 2002.

According to Bahera’s confession, after watching television for a while, he came out of the guesthouse at around 7:15 am, and saw a hawker named Mahboob Latika running from the direction of the station shouting, ‘Beating... beating.’ Bahera went near the Parcel Office and saw five other Muslim hawkers pelting stones at the train. After that, Baria, along with the nine Muslim hawkers, went to Kurkur’s house and loaded the petrol-filled carboys into a tempo. Kurkur then told them to take the tempo near Cabin A. Kurkur and Paanwala followed on an M-80 scooter, with Paanwala driving and Kurkur riding pillion, carrying a carboy. On reaching Cabin A, they first approached coach S-2. There, Bahera says, he saw a few hawkers armed with sticks, pipes and dhariyas trying to break down the train’s doors and windows. From coach S-2, they proceeded to S-6, where the hawkers had cut the vestibule with a pair of scissors. Bahera says he and a few other vendors then entered S-6 with five carboys and poured petrol along the floor of the coach. When the passengers started running helter-skelter, Bahera and a few others stole a gold ring from a passenger who had jumped out of the coach. He and his accomplices then ambushed an armyman and hit him with a rod. Later, one of them escorted the armyman to the road. Through all this, the mob had continued to pelt stones at the train. A stray stone came and hit Bahera on the forehead. He rushed to a clinic for first aid. The next day, he says, he came to know that after he had left the spot, a hawker named Hasan Lalu threw a burning mashaal inside the coach, which then caught fire.

According to Bahera, he visited Maulvi Hussain Umarji during the next few days. On his first visit, Umarji told him he was paying Rs. 1,500 to all those who had been arrested; he did not pay Bahera though. On his second visit, Umarji told him to escape. Having done so, Bahera says he sold the ring he had robbed a few months later to a jeweller in Anand for Rs. 2,000.

In August 2003, Bahera retracted his statement. But since he had also given the statement before a magistrate, the court has not factored in his retraction. The suspicious circumstances under which Bahera’s statement was recorded have already been detailed at the start.

The Plug in the Hole: Jabir Bin Yamin Bahera is Arrested. He Names Maulvi Umarji as the Mastermind

Stitched Up: Conspiracy and Conspirators
Armed with Bahera’s confession, the police now claimed to know the main conspirators (Maulvi Umarji, Bilal Hajji, Farukh Bhana, Razzak Kurkur and Salim Paanwala); where the conspirators had gathered on the eve of the incident (at Kurkur’s shop); where the petrol had been bought from (Kalabhai Pump); and where it was stored (at Kurkur’s house, behind his shop). But most importantly, the police had now linked the conspiracy to Godhra’s most significant Muslim religious figure — Maulvi Umarji.

With Kalota and others Muslim corporators in jail, Godhra’s Muslim political leadership was already in the dock. With Umarji named a prime conspirator, the entire Muslim community of Godhra was indicted. The police were now in a position to claim that the Sabarmati Express incident was not an act of spontaneous rioting but a cold-blooded, premeditated act of communal violence, with respectable Muslims from Godhra at the centre of the conspiracy.

**Fresh Fuel: Fake Witnesses Produced to Prove the Source of the Petrol**

The story of Prabhatsinh Patel and Ranjitsinh Patel – the two salesmen employed at Kalabhai Pump – has already been detailed. How they first claimed they had not sold any loose petrol on 26 February. How this changed to the assertion that they had sold 140 litres of petrol to six Muslims, including Kurkur and Paanwala, Bahera, Siraj Lala, Salim Zarda and Shaukat Babu. How they later told TEHELKA they had been paid and tutored by investigating officer Noel Parmar to say all this.

**The Seesaw Trail: Confessions, Chargesheets and Retractions**

Later, the police obtained confessions from six other accused under section 32 of POTA in which a police confession is considered admissible in a court — Shaukat Bhano, Salim Zarda, Irfan Patalia, Mehtoob Latika, Shaukat Bibina and Shakir Babu (all Muslim hawkers). All six hawkers have since retracted their confessions. Also on 16 May 2005, the POTA review committee revoked POTA from the case. As a result, all six POTA confessions became infructuous.

The police also took a statement from Sikandar Mohammad Siddique, a Muslim boy living with his family along the tracks at the time of the Godhra incident. Siddique has since migrated to Surat.

Siddique’s statement mirrored the names of the accused and the sequence of events as stated in Bahera’s confession. He also claimed Maulvi Umarji had told him he was paying Rs. 1,500 to all those who had set the train on fire. However, Siddique also named one more religious leader not mentioned by anyone. According to him, Maulvi Yakub Punjabi had been shouting provocative slogans from the rooftop of a masjid when the train halted near Cabin A. In an embarrassing disclosure which showed the cavalier way in which names were being added to the accused list, it was later revealed that Punjabi was not in the country at the time of Godhra incident. His passport and visa both proved that. The suspicious circumstances under which Sikandar’s statement was recorded before the magistrate has been detailed in the first half of the story.

While examining Sikandar, in what could qualify as a cover-up, the SIT inexplicably corrected the inaccuracy about Maulvi Punjabi and recorded a fresh statement from Sikander omitting Punjabi’s name but keeping Umarji’s. The SIT failed to ask Sikandar the basic question: why did he falsely name Punjabi and on whose instructions? If he had falsely implicated Punjabi, what was the genuineness of his claims about Umarji? It was clear the Gujarat police wanted to implicate Muslim clerics for the carnage.

What happened to the Sabarmati Express on 27 February 2002 will always be a blot on the nation’s conscience. It deserves fair but harsh retribution. There can be no arguing that. What is being argued is whether this was a horrific upsurge of mob anger or a
premeditated conspiracy. That there was a conspiracy afoot in Gujarat those years is undoubtable. But as this story shows, it was a conspiracy of a different kind. It was a conspiracy designed to rent the fabric of this country: a conspiracy by State machinery to blacken one community’s name. And declare them the enemy.

TRANSCRIPT 1: Kakul Pathak, BJP’s media cell convenor in Godhra district (Click here to read transcript)

A key ‘witness’, Pathak blames police officers Noel Parmar, Rakesh Asthana and JK Bhatt for the ‘statement’ he signed. The TEHELKA sting caught him at a roadside dhaba in Godhra on 17 July 2007. Excerpts:

TEHELKA: When did you reach the station?
KP: At 8, 8.15...
T: People had left by then?
KP: There was no one there.
T: The Muslim mob? It had left?
KP: There were dead bodies all over the compartment. How many, even we didn’t know.
T: So you have not taken anybody’s name on your own accord?
KP: I did not write the statement on my own.
T: Along with you, there were six or seven more witnesses?
KP: Yes.
T: Who were they?
KP: The total number was 13...
T: Who were they? Was there someone with the surname Advani?
KP: No, I don’t know if there was any Advani... No, there was no Advani...
T: Some Sindhi?
KP: There were three Sindhis: Murli Mulchandani, Jiwat Bhai and Sonu.
T: The other 10-12 (witnesses) also did not see anything?
KP: Nobody was there....
T: So will you speak out?
KP: I can’t destroy my image... or that of the party (BJP).
T: But innocent people were named...
KP: Yes, innocent persons were named.

TRANSCRIPT 2: Murli Mirchandani, vice-chairman, Godhra Municipal Council (Click here to read transcript)

A key police witness in the train burning case, Mirchandani was caught in the TEHELKA sting on 23 July 2007. Excerpted transcript:

TEHELKA: Who are these people who have changed their version?
MURLI MIRCHANDANI: Raju Darji, Dileep Dasadia... they all have changed their version...
They took money... They are in league with them (Godhra Muslims)...
T: I think Kakul Pathak has also given an affidavit?
MM: Yes. He turned hostile....
T: Then nothing is going to happen in the case?
MM: Nothing is going to happen... All these Muslims will come out (of Jail). Just mark my words.
T: When I met Kakul... He told me he wrote to KPS Gill...
MM: What did he write?
T: He wrote that we was not present there
MM: He was also not there, I was also not there... Those who became witness, were they ever at the spot? ... Was I present at the Railway Station? I was sleeping at home when this happened... Do you know whose names I gave (in my statement)?
9.15 The chronology of the Godhra case

Following is the chronology of the case related to the 2002 Godhra train carnage and the communal violence that followed the incident. [Source]

February 27, 2002: 59 'karsevaks' die after S-6 coach of the Sabarmati Express is torched by a mob near Godhra railway station.

February 28, 2002: FIR filed against 1,500 people

March 31, 2002: Communal violence erupts in various parts of Gujarat killing over 1,200 people, mostly belonging to the minority community.

March 3, 2002: Prevention Of Terrorism Ordinance (POTO) invoked against those arrested for Godhra train burning case.

March 6, 2002: Gujarat government appoints a commission under Commission of Inquiry Act to probe the Godhra incident and the post-Godhra riots.

March 9, 2002: Police include IPC section 120 B (criminal conspiracy) against all accused.

March 25, 2002: POTO suspended on all the accused due to pressure from the central government.

May 27, 2002: First charge sheet filed against 54 accused but they are not charged under Prevention of Terrorism Act (POTO became an Act as it was cleared by Parliament).

February 18, 2003: Prevention of Terrorism Act re-invoked against the accused after BJP government is re-elected in the state.

November 21, 2003: Supreme Court stays judicial proceeding of all riot-related cases including Godhra train burning incident.

September 4, 2004: A committee headed by former Supreme Court judge U C Banerjee constituted following a Union cabinet decision to inquire into certain aspects of the incident under Railway Ministry when RJD leader Lalu Prasad was the minister.

September 21, 2004: Decision to review POTA charges against the accused, as the newly elected UPA government repeals POTA.

January 17, 2005: U C Banerjee submits preliminary report suggesting that fire in S6 coach was a 'accident' and ruled out the possibility of fire having resulted after any external attack.

May 16, 2005: POTA Review Committee gives its opinion to not charge the accused under POTA.

October 13, 2006: Gujarat high court rules formation of U C Banerjee committee as 'illegal' and 'unconstitutional' since Nanavati-Shah Commission was already conducting inquiry in all riot-related cases and said Banerjee probe results stand 'invalid'.

March 26, 2008: SC constitutes Special Investigation Team (SIT) to investigate Godhra train burning incident and eight other post-Godhra riot cases.
September 18, 2008: Nanavati Commission submits its report on Godhra train burning incident, saying that it was a pre-planned conspiracy and S6 coach was torched by a mob, which had poured petrol inside it.

February 12, 2009: HC upholds Pota Review Committee decision that the act cannot be applied in this case.

February 20, 2009: Kin of victim of Godhra train burning case move SC against decision of HC to drop POTA charges against the accused. Case is still pending.

May 1, 2009: SC lifts stay on trial of Godhra and all other cases being probed by the SIT, after the team headed by former CBI director R K Raghavan makes steady progress in the Godhra-train burning and eight other major riot cases in the state.

June 1, 2009: Trial of the Godhra train carnage commences inside the Sabarmati Central jail in Ahmedabad.

May 6, 2010: SC restrains trial courts to pronounce judgement in nine sensitive riot cases of Gujarat, including Godhra train incident.

September 28, 2010: Trial concludes, no pronouncement of judgement due to stay by the apex court.

January 18, 2011: SC lifts ban on pronouncement of verdict.

February 22, 2011: Special court convicts 31 accused and acquits 63 others in the train burning case.

9.16 Sanjiv Bhatt’s description of what happened

Q: Then why did it become so grave that it led to train-burning? Do you think there was a provocation? [Source]

A: Well there was a provocation. The train came late by few hours - let’s say for about more than four hours. This train would have ideally come at the middle of the night. Instead it came at 7’o clock in the morning. So it was tea-time and people, who were returning from Ayodhya, got down. They were people from the Bajrang Dal and the VHP who came in groups and were returning back from a mission where they felt empowered. When they got down they started shouting slogans like ‘Jay Shree Ram’ etc which is normal. But there should have been police bandobast. So when these people got down for tea there was an altercation with a tea vendor. They asked him to say Jay Shree Ram and then they beat the old man. Meanwhile a young Muslim girl intervened and she was also manhandled. During the fracas she fled. Some Muslim tea vendor boys thought the girl had been dragged into the train compartment. Rumour spread and the mob started gathering Signal Falia, which is the outer signal of Godhra railway station. Stone pelting started in the belief that the girl was in. People in the compartment downed shutters locking the door from inside and by the time probably someone had threw a burning rag into one of the windows. And that led to the vinyl coating getting burnt letting out lot of smoke though there was no fire. Not a single karsevak died due to burn injuries. All died due to asphyxia caused by smoke. So people died because of carbon monoxide poisoning. Nor they could open the compartment door fearing stone-pelting. The flames started only when someone opened the door which helped oxygen being sucked into the compartment resulting in fire. And that’s when entire compartment started burning. That was the flashpoint.

Q: Eyewitnesses had seen (as reported by Uday Mahurkar of India Today) that arsonists were seen carrying petrol cans and approaching the train.
A: It was all planted evidence that petrol was purchased a day earlier for this purpose. It was local Muslims and the corporators who tried to get the fire engines out and did best to douse the flames. They were the ones who were in repeated contact with district SP Raju Bhargav “please send someone here as the situation is getting out of hand.” So there is no question of conspiracy.

Q: So the investigation therefore was not properly handled.
A: Handled deviously. Properly handled is one thing. It was not bungled up but handled deviously. “It was given a specific direction.”

Q: That means?
A: That same day a statement came from the CM that it was “ISI conspiracy”. Now from where did it dawn upon him that it was an ISI conspiracy? When we in the intelligence knew not? And investigators could not make head or tail of it. In the afternoon when I spoke with the SP and asked him about the loss of lives, he said, “I had just entered it (compartment) and very hot inside. Not more than 15 to 20. Actually when the bodies were brought out we could know that it was much more. The ISI again was the creation of Modi. And it was picked up by investigators.

Q: So in other words it became an opportune incident for Modi?
A: It was a very unfortunate incident which was cleverly used. That which could have destroyed him completely was used by him cleverly. Something which became his USP. And he has that knack of turning adversity into opportunity. That luck he always had.

Q: Within hours of riots breaking out, RAF was deployed both in Godhra and Ahmedabad, Army was called, shoot-at-sight orders issued. Within three days situation was brought under control. How can Modi be a conspirator in killings Muslims?
A: Let’s break up your question. Your question is premised on so many untruths and half-truths. Question itself is wrongly put. RAF was only called on the night 27th at our behest for the next day bandh which should not have been called. Army was called on 1st with a requisition being sent and some local units coming. Actual deployment started on 2nd. All that is on record. Maximum damage took place on 28th, the night intervening 28th and 1st. That was the period when there was no deployment of additional forces. That is when the Government of Gujarat and administration failed “deliberately”.

There were so many deliberate acts: First supporting the bandh call; second not persuading BJP to withdraw the bandh; third getting dead bodies from Godhra to Ahmedabad out in a funeral procession. These things are against tenets of policing and any man who is in police or intelligence will know they are sure recipe for disaster. But this was done against advice.

Q: Against the advice of …?
A: Against the advice of police officials; against the intelligence. “Please don’t get the dead bodies as there was bandh call.” You are creating a situation whereby the police is asked to look the other way letting lumpen elements and goons getting a free hand. There was tremendous grief and anger. Yes army was called within three days and intensity of violence came down in urban areas like Ahmedabad, Baroda. But it spread to rural areas, the tribal belt.

Godhra should not have happened. It happened under Modi’s watch. Why was police not present at the Godhra railway station when kar sevaks were coming in the morning? Under normal operating procedure police bandobast had to be there when such groups were coming. Local police should have come on their own. Why didn’t they? It happened under your (Modi) watch and you are directly responsible, not vicariously.
Everyone talks about post Godhra. Talk about Godhra. Once the Godhra happened it was Modi’s duty to see that violence did not spread and contained quickly. Though local administration could be blamed where Modi gets the blame is post Godhra. He as chief minister should have taken immediate steps given the potential of incident snow-balling. It ought to have been tackled in Godhra itself.

Q: So it turned into a tinderbox?
A: This is what PC Pandey told him. He used the word ‘tinder box’. If you get the dead bodies to Ahmedabad it will turn into a virtual tinder box. That is what he said in so many words.

Q: So Modi should have paid heed to what not to do?
A: Modi wanted to deflect anger somewhere else. That evening of 27th he had gone to Godhra and was beaten up. At the railway station.

Q: Who was beaten up?
A: NARENDRA DAMODARDAS MODI was beaten up by the kith and kin of the deceased and kar sevaks because they felt it had happened during his watch. He had experienced the anger first hand. He was a fledgling chief minister still trying to find his feet just being elected from Rajkot and he thought this is his end of his political career. Had he become the brunt of anger of that failure it would have been end of Modi because there were politicians in the BJP who were ready to cut him into size. Somewhere there was the question of his survival. But that deflection (of anger) took a form and shape which consumed so many lives. But he didn’t mind as it would give him an image as flag-bearer of Hindutva.

Q: Even after being a Hindutva protagonist he banks upon his secular image. How can we call him communal?
A: Who calls him secular? Again your question is wrongly premised. Who calls him secular? His definition of secularism is “India first” which is perverted. Secularism is secularism. As a young man you would know. State has no business with a person’s belief and faith. You connect with your god and I connect with my god and it is no business of state. It shall not discriminate between you and me on the basis of faith or religious belief.

THE PATEL COURT SAID THAT 140 LITRES WERE CARRIED INSIDE BY MUSLIMS, COACH S6 BURNED. I've already shown how ridiculous that claim is. That has entirely imploded Modi’s claims of pre-planning/IS role. Modi has been PROVEN to be a big liar.

But here’s a KEY STATEMENT:

*****"Not a single karsevak died due to burn injuries."*****

This is getting really interesting. I wish I had time to study this case earlier. But this interview by Sanjiv Bhatt is an absolutely clear summary of events. I will now seek to validate Sanjiv’s assertion (that not one karsevak died due to burn injuries). I am certain he will be proven right once again, but I trust no one but myself. I need proof.

"burn injuries suffered by surviving passengers were all above the waist”.

Question for Sanjiv Bhatt - are you able to reconcile this statement with your statement that "Not a single karsevak died due to burn injuries"?

I'm trying to understand this statement in more detail.
Is there any report/photo of the dead kar sevaks in the public domain?

9.17 A good summary of reasons why Modi is TOTALLY LYING about Godhra in order to save his skin

Chanced upon this extract while searching for something. Very good summary of key issues:

Conspiracy theory has several loopholes. How did the conspirators know that there are Karsevaks on Sabarmati Express. The train was also running more than four hours late. And as for Karsevaks being on the train inquiries show that even RAW, L.B. and Railway Police did not know anything about it. In fact Karsevaks were scheduled to return a day earlier but were delayed by a day. How could then conspirators know that Karsevaks were on the train that day? They could not know more than government intelligence agencies. Even if they did, delay of more than four hours could have upset their plans. In such matters even minutes matter, let alone hours.

Even pulling the chain, cross examination in the court clearly brings out, was not the handiwork of Muslims, the chain was pulled by Karsevaks themselves as some Karsevaks chasing the vendors on Godhra railway platform were left out when the train moved. They pulled the chain twice. The conspiracy theory maintains that the accused had pulled the chain, stopped the train to carry petrol or inflammable liquid into S-6 and set fire. The forensic report also clearly states that no traces of hydrocarbon were found on the floor of S-6 compartment. That clearly means no petrol was spread on the floor of S-6 to set fire to it. However, Modi maintained that Muslims had used 140 litres of petrol. He never said what was his source of information. With so much petrol the whole compartment would have exploded and charred completely.

The Dy. SP, Railway also said in his statement that he did not see petrol or any other liquid being carried by anyone inside the compartment. The survivors had superficial injuries on upper part of their bodies. Had petrol been thrown on the floor and set to fire, they would have had injuries on lower parts of the body. Also, no Karsevak has admitted petrol being smuggled in and poured out on the floor.

Haribhai Joshi, an income tax officer from Ahmedabad who was travelling in S-6 with his wife said he saw only smoke and no fire. His wife died and he crawled out of the compartment. Though he crawled on the floor he had no burn injuries. If petrol had been thrown on the floor to set fire, Mr. Joshi could not have crawled on the floor. His wife was sitting near the window and did not come out in time and died of asphyxiation. In fact all those who died do not seem to have died of burns but of asphyxiation.

The post-mortem reports the less said the better. Unfortunately much has not come out in the press about it. Mr. Mukul Sinha, the defence lawyer rolled out startling information in a talk recently. His information was based on cross-examination and examination of relevant documents. There are several flaws in the report. Post mortem was done before the inquest report. Inquest was done at 6.45 P.M. whereas post mortem began at 4.30 P.M. Post mortem is always followed by inquest.

What is more important is to note that post mortem was done at railway station itself and one doctor has signed it on 14th March though it was done on 27th February. This doctor was perhaps very honest and put the date when he signed the report. Mr. Mukul Sinha concluded that perhaps post mortem was never done as there were no signs of severe burns on the bodies of the deceased. Also very few bodies actually had been identified. Most others could not be identified at all.
The then Railway Minister Mr. Nitish Kumar obliged the BJP led Government by not holding any inquiry as long as NDA was in power. Actually inquiry should have been immediately held following the incident.

It has been testified by witnesses that smoke was noticed before fire. Also, looking at the other aspect of the matter the train stopped hardly for five minutes after pulling of chain and it was physically impossible to carry out such in operation in such a short time. To carry several cans of petrol (about 60 litres as estimated by forensic experts) inside S-6 through the vestibule cutting its canvas is almost impossible. In fact they entered through S-7 and the rubber cover of that S-7 vestibule was not cut. That evidence was also sought to be destroyed. S-7 was not preserved as an evidence and was used for 7 days after the incident. In fact if the culprits had entered through S-7 cutting its canvas, how could it be used for seven days before it was grounded.

Also, the terrain was such as to make such an operation impossible. There was a deep drain between the Signal Faliah and the track and thick shrubs asking it impossible for the miscreants to cross it and enter the train. The Karsevaks were also carrying trishuls and how could they allow outsiders to enter the compartment without resistance with petrol to set fire to the compartment.

All these factors have to be taken into account if the conspiracy theory is to be substantiated. [Source]

ALSO:

Railway officials and passengers present at the scene have testified before the Nanavati commission that they saw no Muslim enter S-6 during the fracas which erupted at Godhra station, let alone pour more than 60 litres of petrol as the police alleges. And then there is the second forensic report which states that samples lifted from S-6 contained no traces of petroleum hydrocarbons. [Source]

Note that the 60 litre theory was promoted by Modi after an FSL report. Later Modi switched to 140 litres. With 140 litres, the entire coach would have TOTALLY EXPLODED LIKE A BOMB.

9.18 Sanjiv Bhatt’s allegations must be tested in court

Zakia Jafri’s lawyers say Bhatt’s allegations should be tested in court. They contend that his account is bolstered by cellphone records obtained by a third whistle-blower, former Gujarat deputy police commissioner Rahul Sharma, which show that Bhatt was in the vicinity of Modi’s official residence the night of the meeting. [Source: http://www.latimes.com/world/asia/la-fg-india-modi-whistleblower-20150920-story.html]
10. My analysis of the final Godhra case judgement

Now the key question I’m going to examine is the alleged role of ISI in the Godhra incident.

Mr Narendra Modi had already found out about ISI’s role within 2 hours of reaching Godhra. He made a song and dance about it, made provocative speeches and generally asked everyone (VHP/his police force) to go kill Muslims. Let us review the facts and check whether ISI actually burnt the train.

10.1 Modi, please release “Godhra Incident of 27/02/2002-An Intelligence Analysis” – unless you have something to hide

Sanjiv informed me on FB that "The Government of Gujarat is conveniently suppressing a contemporaneous Report prepared by the State Intelligence Bureau in March 2002".

So what is this report?

Apparently its title is: Godhra Incident of 27/02/2002-An Intelligence Analysis.

What’s the background of this report?

Here’s some news coverage:

He [Sanjiv Bhatt] said as DCP in-charge of Internal Security at SIB, he had obtained all the phone call records for various areas in Gujarat, including Godhra Town, for 26th and 27th February 2002; as well as of certain high dignitaries including the Chief Minister for 27th and 28th February 2002.

"I had analysed the said call-records and also interacted with certain eyewitnesses and sources, in an attempt to understand the real nature of events that led to the incident of burning of the S-6 Coach of the Sabarmati Express near Godhra," Bhatt said.

"The said analysis and research was internally documented in SIB as "Godhra Incident of 27/02/2002-An Intelligence Analysis", completely demolished the so-called ‘Conspiracy Theory’ and brought out the real nature of events that had led to the incident," he added. [Source]

ALSO

Bhatt, a Deputy Commissioner of Intelligence in-charge of Internal Security in 2002, maintains that some of these documents would throw light on the dubious role of Chief Minister Narendra Modi, other ministers, police officers, etc.

These documents include control room records, telephone call details, movement diaries of top police officials and an internal document of SIB, authored by Bhatt and titled ‘Godhra Incident of 27-02-2002: An Intelligence Analysis’.
Bhatt’s letter also reveals that Commission had last month declined his request, saying it had no power to do so. The decision was conveyed to him by a letter on December 30. [Source]

I’m curious about this now.

Sanjiv Bhatt baiters have been asking why he suddenly piped up in 2009. I had analysed this allegation and found that Bhatt had nothing to explain. He was just a diligent officer doing his (often secret) work.

But if Sanjiv Bhatt had only recently become an "anti-Modi" officer, then his 2002 report/s should have been PRO-MODI. So Modi should have nothing to fear.

So, Modi, WHY ARE YOU OBSTRUCTING JUSTICE? Let us all see this report.

Seems you have something to hide.

10.2 Why is the truth about how Coach S6 got burnt in Godhra so important to the case against Modi?

Sarfy mentioned this on FB:

Any kind of analysis of the Godhra train incident implies that we endorse Sangh Parivar’s bigoted view that if Muslims burnt the train, innocent Muslims deserved to be killed in the riots thereafter. This narrative is very disturbing but still finds space in sensible societies -> "A kills B, so C must kill D. Where A, B, C and D are 4 different individuals."

He has a point. My response:

Sarfy, I agree with the general tenor of your analysis. Indeed, Madhu Kishwar has fallen for such argument.

My interest is different. I have strong proof that Modi has been lying from day one on this matter. I believe through his actions he incited Gujarat and CAUSED the mayhem that followed.

Step 1 is to prove that he was lying. Thereafter it becomes a clear case of INCITEMENT TO MURDER – which is a major crime.

If he was not lying, then his inability to stop further deaths becomes a case of INCOMPETENCE or dereliction of duty, which is a smaller misdemeanour/crime.

For each person who died, there has to be a separate process of justice. However, for Modi, the test is different. He did not directly kill anyone (like Hitler did not kill anyone directly, as well). But he likely misused his position of authority to ensure that hundreds of innocents got killed. That is the question to be tested/confirmed.

Now, only one person in India is acutely aware of this: Modi himself. He NEEDS the shelter of Godhra burning being PRE-PLANNED in order to protect himself from the charge of INCITEMENT TO MURDER.
I believe his case will ultimately be decided by the Godhra train burning appeal currently in the High Court. If the High Court throws out the ABSURD STORY cooked up by Modi (and judge Patel) to "explain" the Godhra train burning, then it would be clear that the train burning was a BAD but UNINTENDED INCIDENT, removing any possible excuse for Modi to not have prevented the post-Godhra killings.

10.3 Kar Sevaks beat a Muslim vendor, said they would CUT UP Muslims, gagged a Muslim girl and pulled a woman’s burka

<table>
<thead>
<tr>
<th>EXTRACTS FROM COURT’S FINAL JUDGEMENT</th>
<th>These are ADMITTED FACTS (even though they seriously downplay what actually took place)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On the day of incident, the Sabarmati Express Train was over crowded with passengers who obtained reservations, other passengers as well as Karsevaks.</td>
<td></td>
</tr>
<tr>
<td>In the cross-examination, most of the passengers and karsevaks have admitted that the karsevaks who were travelling in this train were shouting slogans, as and when the train was passing through the stations. They have also admitted that at Godhra Railway Station also, the karsevaks were shouting slogans as “Jai Shri Ram”.</td>
<td></td>
</tr>
<tr>
<td>Some disputes arose between karsevaks and hawkers on the platform in respect of making payments to hawkers and shouting slogans “Jai Shri Ram”. In cross examination, it has also been admitted that in Coach No.S6 also, when a muslim hawker having a beard entered for selling tea, some karsevaks misbehaved with him and prevented him from selling tea, and then, pushed him out of that coach.</td>
<td></td>
</tr>
<tr>
<td>Some passengers wearing saffron coloured cotton belt(Patto) got down for tea-breakfast and started shouting slogans “Jai Shri Ram”. Thereafter, for some reason quarrel took place, and they were beating to one muslim hawker having a beard.</td>
<td></td>
</tr>
<tr>
<td>They were also shouting “ Musalmano-Ne-Mari Nakho, Kapi Nakho (kill and cut muslims)”</td>
<td></td>
</tr>
<tr>
<td>one karsevak having a saffron coloured cotton belt coming from back, gagged mouth of Sofiya by putting his hand, but on raising shouts, he released her. At that time, one another person, tried to pull “Burkho” of one muslim pardanshin lady.” Then, they all three girls-lady went near Ticket office.</td>
<td></td>
</tr>
</tbody>
</table>

10.4 Modi has been paying FAKE witnesses to prove ‘conspiracy’. The Godhra “judgement” is fiction.

| The Godhra judgement is an absolute mess. It has virtually no detail on KEY issues (which were WIDELY reported everywhere), and has totally glossed over CRITICAL EVIDENCE. |
| It should be amply clear to even to the MOST STUPID human being examining the facts of 27 February 2002 that there could not possibly been any pre-planning. The events were precipitated by the violent behaviour of Kar Sevaks. The judge has conveniently ignored the widely made assertion that after the molestation of two women by the Kar Sevaks, a rumour had spread among the Muslims of Godhra that one woman had been abducted. |
This was the cause of subsequent vicious retaliation. (Note I'm not justifying any retaliation. That was totally improper. The Muslims should have reported to the police. But this blows a huge hole through Modi's claims of pre-planned conspiracy).

But leave this issue. The rest of the "case" is just ABSURD.

Below is conclusive proof (Tehelka transcript – original here) that Ranjitsinh Jodhabhai Patel, the person supposed to have "witnessed" the purchase of 140 litres of petrol (ALLEGEDLY used – again: not substantiated), was PAID Rs.50,000 to lie.

There are too many discrepancies in the judgement, but this one is beyond absurd.

There is ABSOLUTELY no basis to argue pre-planning. The WHOLE "case" is FABRICATED through false witness, compromised police and bought judge/s. This judgement will be thrown out by the higher court (assuming Modi has not bought it, as well).

Ranjit Singh Patel, the key police witness in the Sabarmati train case. He is the man, the police claim (and Judge Patel accepted), sold 140 litres of petrol to the accused on the night of 26th February, 2002.

T: bas aap adig rahiya ... bayan se badaliyega nahi T: You be firm ... don’t change the statement
P: nahi badloonga ...jo bola tha na wohi to bolna hai...

T: Do you remember the names who has to be named.

P: wohh ek aadmi salem paanwala hai ... aur ek salim darza hai...ek uska naam hai wohh ... achha naam to mere ko nahi aata ... lekin bhatt bhatt kar bolte hai ... teen aadmi ka naam mere muh se hai aur do aadmi ka main jaan hi nahi saka ... teen ki maine ulat parade ki hai...

P: One of them is Salem paanwala..another is Salim Darza ... one is...he is ... I actually do not know his name ... but he is called Bhatt by everybody...I know three person's names but I could not know the names of the other two.. I have recognized them from behind in the recognition parade...

T: aur shakal pahchan lenge?

Will you recognize their faces too..

P: pahchaan lenge...salem darza ko main pahchaanta hu... I will recognize them ... I know Salem Darza...

T: waha godhra me dekhte the aap?

T: You used to see them in Godhra...

P: ha dekhe the...

T: Because when it will come to recognize in the court, it would have been a long time since you have seen them.

P: nahi wohh sahab bhi bola tha Noel Parmar ki jab court me dikhayenga na usse pahle aap ko dikha denge kyuki aap bhool gaye hoge kabhi to pahle tumko dikhayenge baad me aapko court me dikhane...

P: no Noel Parmar Sahab had told me that before the court he would show them to me because I would have been forgotten..first they will be shown to me then they will be shown in the court.
One who came to buy ... I do not recognize him too well ... But Noel Saahab had told us that I had to say this ... I told him that I don't recognize him so how can I say that ... then Sahab showed us the photograph and sent me to see him that this is the same man ... I am interested in cause of Hindutva.

T: do lakh rupiye diye the na? You got 2 lakhs?
P: nahi diye
No I did not get.
T: nahi diye... You did not get..
P: do nahi diye...
I did not get two..
T: ab paisa waha se aata hai kaha tak kitna pahuchta hai hum logo ko pata nahi chal patta hai...
Now money comes from there ... how much reaches to whom we do not get to know...
T: ek tak diya?
Did they give you close to one...
P: ek nahi pachaas diye the... No I was given Fifty..
T: pachaas diye the... You got fifty
P: pachaas diye the... I got fifty...
T: pachaas diye the... You got fifty
P: sahi bolta hu main...

**Murli Mulchandani**

Murli Mulchandani, key police witness in the Sabarmati train case
T: iski kya wajah hai ki parivar ne aise saath chod diya?
T: jaise main kakul se mila ... kakul se maine poocha ki tumne aisa affidavit kyo kiya ..
M: kiya nahi hai ... usne yeh kiya hai...
T: usne KPS gill ko likh ke bheja hai aisa bol raha tha...
M: kya likh ke bheja hai...
T: ki main tha nahi waha par...
T: usne likha ki hum the nahi waha par...
M: to hum bhi nahi the ... main bhi nahi tha udhar...
T: ji
M: hum bhi nahi the udhar...
T: lekin phir bhi kaam kiya ki nahi kiya...
M: kiya na ...
M: lekin ab nahi hai interest...
T: to ab court me nahi aap ... court me saath nahi denge...
M: wohh to denge ... usme na nahi hai ...wohh hindu ke saath gaddari nahi kr sakte hai...
M: hansa kuwar raj ...hamne bataya jo sakshi fir gaye hai unke aap kaise odhedhar bana rahe ho...
T: sakshi kisme?
M: yeh godhra kand me...
T: sabarmati
M: sabarmati kand me...jo sakshi gum gaye hai uko district ka general secretary banaya hai...
T: to kya bole...
M: main kya kar akti ho ...wohh doosre ko city ka general secrety aj banaya hai ... divya bhaskar me aaya hai...
T: kaun
M: dilip dasadia...
T: wohh fir gaya hai...
M: wohh bhi fir gaya hai ... usne to affidavit kr ke de diya hai...
T: dileep dasadia se main mila ...
T: wohh kahta hai ki...
M: wohh bolta hai ki main duty pe tha ... arey duty pe tha lekin samjho yeh bilkis bano ka case hua hai yah baroda me wohh case hua hai to usme wohh log udhar hajir the kya ...
T: jinhone FIR likhwayi...
M: nahi jinnone FIR likhwayi ya..
T: jo sakshi bane..
M: jo salshi bane wohh hajir the kya ...ya main sakshi ho to main kya railway station pe hajir tha kya ...
M: main to ghar pe so raha tha jab banav bana ... mera naam likhwa diya ...
M: mere me kiska naam hai pata hai aapko?
T: nahi mujhe nahi maloom
M: kalota ka ...bilal ka ...jo main tohamatdar hai ... fir bhi main nahi fir raha ho..kyu main bhi nahi tha...main bhi bol deta main nahi tha...
T: aap bhi bol dete ha...
M: main bhi bol deta main nahi tha ...
T: kakul bola mujhe do mahine bad pata chala ki mere nam se koi statement bhi hai...
M: to humko bhi nahi pata hai... humko bhi nahi pata hai ... uska matlab yeh thodi hai...
T: aap ko bhi baad me pata chala...
M: ha...to iska matlab yeh thodi hai...aa gaya to aa gaya...
T: aap logo ka statement na hota to adhe log andar bhi na hote ab bahar ghoom rahe hote ...
M: aa gaya to aa gaya ... usko kya karne ka ...cho cheez aa gayi hai...
Kakul Pathak
Kakul Pathak, media cell convenor of the BJP in Godhra district, and one of the key police witnesses. The police had produced a dozen witnesses—all BJP party members—who they claimed had seen more than two-dozen Muslims—most of them were respected citizens including the mayor, several corporators and a few advocates—leading the mob that had set the train on fire. Most of those who were named by the BJP workers are still behind bars. Here Kakul himself blows craters into the police case, saying none of them had gone to the railway station to serve tea and biscuits to the kar sevaks on the morning of 27 February 2007. Kakul says he and others were not even aware of the names included in their statements until much later. Says none of the names mentioned in their statements were present on the spot at the time of the incident. He says when the time comes for deposing before the court he will still identify these people lest his and his party’s image be tarnished.

K: case me kuchh lagta hi nahi hai... case me kuchh lagta hi nahi hai... usme kya hai jo 128 logo ko arrest kiya hai na utne jyada logo o arrest nahi karna chaihye tha... jo bhi aaye unko usme dal do... jo bhi aaye unko usme dal do... wogg glat hai... limitation kar diya hota na... sirf 5-6 admi hote...

K: There is nothing in the case... nothing... Actually, they should not have arrested all the 128 people, who have been arrested in the case... They kept putting anyone who came inside the jail... kept putting in... This is wrong... There should have been a limitation... only 5-6 people should have been there...

T: to kareeb aadhe ghante ho gaye honge?
T: So half an hour must have past by then?
K: hum pahuche hai kariban aath sawa aath baje...

K: I reached there around eight-quarter past eight...

T: tab tak waha se log chale gaye the?
T: The people had left by then?
K: wohh to koi nahi tha na
K: Nobody was there no
T: muslim mob? Sab chali gayi thi?
T: The Muslim mob? They had left?
K: sab gadi me deadbody padi hui thi...baki jo log sab andar ghus gaye... unko sabko nikal ke bahar rakha...

K: All the dead bodies were lying in the vehicle... The rest who had entered inside... they had been taken out...
T: jo bachhe wale?
T: the ones with kids?
K: kitna admi mara tha us time pe humko bhi pata nahi chala tha...
K: Even I didn’t get to know how many were killed at that time...
K: kitna admi mara tha us time pe humko bhi pata nahi chala tha...
K: Even I didn’t get to know how many were killed at that time...
T: to apne apne statement me kissi ka naam nahi liya hai?
T: So have you named anyone in your statement?
K: The police are the one who have given all the names no...in my statement ... I am the eyewitness... There have been seven arrests on my statement ... I saw those seven people...

T: aap ke statement me?
T: On your statement?
K: statement maine khud nahi likhwaya hai... police ne liikh diya...
K: I haven’t written the statement myself ... the police has written it...
T: aur jo baki log the 6-7?
T: And the rest of the 6-7 who were there?
K: baki sab ... sab logo ke ... koi eyewitness...jo bhi eyewitness hai sabhi ka statement kudh ka nahi hai ... police ne hi liikh diya hai...
K: Rest all... everyone’s... any eyewitness... none of the eyewitnesses have written their own statements... the police has written all of them...
T: aur jo naam unhone liye hai... 
T: And the names that have been taken...
K: wohh sab polisewalo ne ... maine aap ko bol diya nai ki meri dushmani aap ke saath hai to mera dost aap ka naam likhwa denga...
K: All that has been written by the policemen ... I told you no, if you and I share have an enmity, then my friend will get your name written...
T: to yeh jo baki 10-12 unhone bhi kissi ko nahi dekha...
T: So the rest of the 10-12, they also didn’t see anyone...
K: koi koi admi tha hi nahi ... wohh to yaar kya bolte hai yeh kar diya hai ... khi koi nahi gaya tha...
K: Some people weren’t even there ... Yaar, what has been done is ... that nobody had gone...
T: koi waha pe nahi tha?
T: Nobody was there?
K: koi waha pe nahi tha ... chai dene ke liye koi nahi gaya tha ... nashta dene ke liye koi nahi gaya tha...
K: Nobody was there ... Nobody had gone to give tea ... Nobody had gone to give snacks...
T: koi nahi gaya tha...yeh baki 10-12 nashta dene ke liye bhi nayi gaye the?
T: Nobody had gone ... the rest of these 10-12 hadn't even gone to give snacks?
K: koi admi nahi gaya tha ... yeh kya hai jo karyakarta aa rahe the unko connectivity bhajap ke saath to koi nahi hai ... yeh sab jo naam aaya hai eyewitness me ...hamara eyewitness me naam kisne likhwaya humko pata nahi hai ... VHP ka karyakarta tha to VHP wale jaaye na chai ... chai nashta jo dena hai VHP wala jaa sakta hai na ...BJP walo ka yya ... aur nam BJP walo ka eyewitness me de diya hai..
K: none of the people had gone... actually these workers who were coming had no connection with BJP ... All these names that are there as eyewitnesses ... I don’t even
know who got my name written in the list of these eyewitnesses ... they were VHP workers, so the VHP people will give tea ... tea, snacks whatever has to be given, so the VHP members will come ... What do the BJP people have to do with it ... And the names that have given as eyewitnesses are that of BJP people...

K: mere partner ka naam ... maine dekh liya ... wohh kaant raha tha maine dekh liya ... aisa mere naam me daal diya ...mere ko do mahine ke bad me maloom pada ki mere eyewitness me wohh mera partner hai...

K: My partner’s name ... I saw ... I saw it when he was cutting it ... like this, he was put under my name ... I got to know two months later that my partner name is also there in my statement as an eyewitness...

T: yeh do mahine ke baad me pata chala aapko...

T: You got to know this two months later...

K: usme kya hai FIR jo darj hui wohh humko kaha pata hai ... kaun si FIR darj hui hai ... jisko jo pasand hai wohh uska naam dal de ... mere ko ... kya hai ... yeh hindutva ka kaam hai ...jo party bolegi wohh karne ka hai ...to mere to eyewitness tarike se mera ek admi pakda hua hai ... usme mera teen admi andar hai...

K: Actually, I don’t know what FIR has been registered... Which FIR has been registered... The names have been put in according to people’s whims and fancies...As far as I am concerned... the thing is ... that this work is for hindutva ... I have to do whatever the party tells me to do ... being an eyewitness, one of my man has been caught... three people are inside the jail because of that...

10.5 Godhra Muslims thought a girl had been abducted by Karsevaks. But was this a pre-planned story?

[Sorry, I had published this earlier today, but while adding some more info, I had to change the title, URL etc.]

Judge Patel seems to have neglected to discuss in his judgement one of the MOST SIGNIFICANT ASPECTS OF THE GODHRA INCIDENT – the perception among Godhra Muslims on 27 February 2002 that one of their girls had been abducted by Kar Sevaks.

Judge Patel AGREES (unlike Nanawati Commission) that two Muslim women were physically touched/assaulted by kar sevaks. He noted:

[58] MUSLIM LADIES-MISBEHAVIOR BY KARSEVAKS:-

As regards misbehavior by some karsevaks with muslim girls-ladies, the prosecution has examined the following two witnesses:

1 183 915 Sofiyaben S. Dhantiya Vadodara
2 184 916 Jetunbibi S. Shaikh Godhra

In the examination-in-chief these witnesses have deposed that:
“On 23-2-2002, because of Id-festival, Jetunbibi and her two daughters Sofiya and Saida had gone to Godhra from Vadodara and stayed at the residence of Taherabibi, sister of Jetunbibi, at Bhatuk Plot, Signal Faliya, Godhra.

On 27-2-2002, as they had to return to Vadodara, they were standing on platform No.1 waiting for a local train (MEMU). At that time, Sabarmati Express Train came on the platform No.1, some passengers wearing saffron coloured cotton belt(Patto) got down for tea-breakfast and started shouting slogans “Jai Shri Ram”. Thereafter, for some reason quarrel took place, and they were beating to one muslim hawker having a beard.

They were also shouting “Musalmano-Ne-Mari Nakho, Kapi Nakho (kill and cut muslims)”. Because of such happening, they afraid of, and started to rush towards ticket window, meanwhile one karsevak having a saffron coloured cotton belt coming from back, gagged mouth of Sofiya by putting his hand, but on raising shouts, he released her. At that time, one another person, tried to pull “Burkho” of one muslim pardanshin lady.” Then, they all three girls-lady went near Ticket office.

What happened then is that one of the assaulted women went inside to take shelter, but on not finding her around, the local Muslims got alarmed and thought she had been abducted. Or at least that’s the RUMOUR that went around.

This rumour is PROVEN BY AT LEAST TWO EYEWITNESSES:

a) “It was this aborted abduction of Sophia that aggravated the situation. A rumour went through the station that karsevaks had abducted many Muslim girls. A mob gathered. Though Sophia had taken refuge in the booking clerk’s office, the rumour spread that the karsevaks had successfully abducted her and other girls in coach S-6. During the trial, Purshotbhai Govardhanbhai Patel, a coach S-6 karsevak, told the court that the mob had been shouting slogans for the women to be released from the coach.” [Source]

b) It is not just karsevak Patel who confirmed this misapprehension among members of the crowd, but also Assistant Station Master Meena:

ASM Meena also says that he spoke with a few members of the mob and was told by them that one of their people had been abducted by the Karsevaks on the train. [Source]

So now the story becomes CLEAR.

a) Karsevaks severely provoked the local Muslim vendors/ population by attacking two vendors AND two Muslim women
b) The Muslims thought (wrongly) they had abducted Sophia Bano Shaikh, a girl aged around 18.

Nanawati Commission rejected the Sophia Banu/Sofiaben story

67. One more incident of attempted abduction of Sofiabanu (W-51) is stated to have happened while the train was standing at the station. On 27-12-2002, learned advocate for Jamiate-Ulma-E-Hind gave an application for calling Sofiabanu before this Commission to give evidence. It was stated in the application that as she is cited as a witness in the charge sheet filed by the police, her evidence is likely to help the Commission in bringing out the truth. On 6-1-2003 the Commission passed an order allowing that application. She was examined as a witness on 13-1-2003. In her evidence she has stated that on 23.2.2002 she along with her sister and mother had gone from Vadodara to Godhra to celebrate Idd festival. They had stayed with their mother’s sister Jaitunbibi who was then residing in Signal Falia. They had gone to the railway station on 27-2-2002 at about 7-30 in the morning as they wanted to go back to Vadodara by Memu train. They were sitting near the water hut when Sabarmati Express train had arrived on the platform. Some persons wearing saffron colour Pattas (cloth belts) and shouting ‘Jay Bajrang’ had come out on the platform from the train. They had beaten one bearded person, and therefore getting frightened they had moved little away from that place. Soon thereafter one person with a saffron colour belt had put his hand on her mouth and by pulling her, had tried to take her towards the train. On her raising shouts, he had left her hand. They had thereafter moved away from that place and gone near the ticket window.

68. After careful scrutiny of her evidence, the Commission comes to the conclusion that the version given by her does not appear to be true. If they had really gone to the station for going to Vadodara, they would have boarded Sabarmati Express train as it would have taken them to Vadodara earlier, but they had not done so. The alleged attempt to abduct her was made while they were near the book stall. That would mean that they were almost in the middle of the covered portion of the platform and very close to the offices of the railway staff. The evidence discloses that there were many persons on the platform. Apart from passengers, many Muslim vendors were there. The railway staff was present in their offices. Some policemen were also present. If she had raised shouts to save her then they would have been heard at least by some persons who were near about but not a single vendor or anyone else has come forward to support her version. According to her evidence, they had then gone inside the office of the booking clerk. They did not inform anyone there about what had happened. When inside that office, they had no reason to be afraid of anything thereafter and return immediately to their relative’s place instead of waiting for the Memu train which was about to arrive. Her explanation that she was much frightened and had giddiness and, therefore, they had decided not to go back to Vadodara on that day, does not appear to be true. That Ramsevak’s behaviour was not such as to create so much fear. He had immediately gone away from that place. He alone had made an attempt to abduct her. It is also difficult to believe that a Ramsevak had attempted to abduct a Ghanchi Muslim girl from Godhra railway station and that too in presence of so many persons. Likely consequences of such an act would have deterred any Ramsevak from doing so. Her evidence is that they had gone away from the railway station when Sabarmati Express train was about to start. By that time most of the Ramsevaks must have gone inside the train. As regards when she had talked about this incident to anyone, she has stated that 3 or 4 days after the incident she was taken to a relief camp which was set up in Iqbal School and there she was questioned by some press reporters. After about a month her statement was recorded by the railway police. In her
police statement she had stated that after about 5 or 6 days somebody belonging to their caste had taken her to Iqbal school. As she had not stated anything to anyone about this incident till then no outsider would have come to know about the same. Under the circumstances, it becomes doubtful and suspicious why somebody had approached her after about 5 days and taken her to a relief camp and that too at the time when press reporters were present.

Salim Panwala had raised shouts before Sabarmati Express train had started from the station that one Ghanchi Muslim girl was being abducted by the Karsevaks. Salim Panwala was not present near that place and had not seen the alleged attempt to kidnap Sofiya Banu and yet he had raised a shout that a Ghanchi Muslim girl was being kidnapped by the Karsevaks. The evidence discloses that Salim Panwala had appeared on the platform at about the time when Mohmad Latika and Sidik Bakar had gone running near the open space towards the engine side. For all these reasons the Commission is inclined to take the view that such an incident had in fact not happened and probably what Sofiyabanu has stated was at the instance of Salim Panwala who had spread such a false rumour. It appears to be an attempt to pass off the false rumour as true. If what Salim Panwala had said was true, then an attempt would have been made to look for her while the train was standing on the station for about 8 to 10 minutes thereafter. No body had done that.

NOTES:

1) Note that according to Judge Patel Salim Panwala a key conspirator. Therefore, ASSUMING THIS IS A CONSPIRACY – there is a small possibility that this WAS a false rumour. It is VERY STRANGE that Judge Patel did not discuss this rumour in his judgement, for if he could prove that Salim Panwala had false spread it, that would have made the case for conspiracy even stronger.

2) It DOES remain true, though, that the Muslim crowd DID think a woman had been abducted. This CAN partially explain the aggravated response of the Muslims who literally chased the train.

3) The subsequent behaviour of Muslims doesn’t explain why they did not make an attempt to search the train after it had stopped near Cabin A, for the missing girl. How pelting or throwing burning rags at it was going to help get Sofiya back, remains a mystery.

Question for further study
If Nanawati are right, then the abduction of someone (possibly Sophia) was a PLANTED STORY.

I will revert to this in the coming days, as I get a better understanding of the issues. Happy for your thoughts.

10.6 Houdini would have been challenged: Carry seven 20-litre petrol cans, cut a vestibule, burn a train, and escape with empty cans. INVISIBLY. In broad daylight.

I’ve not yet had time to fully go through the Patel judgement and Nanawati etc. reports, but what bothers me is the AUDACITY of both Patel and Nanawati in "proving" their preferred case, which involves TRULY STRETCHING ONE’S IMAGINATION.

Houdini couldn’t have done, leave alone Patel or Nanawati.
The perpetrators of the Godhra train apparently burnt the train in this manner:

a) they carried 7 HUGE carboys filled with petrol (the cans were not taken in advance to the site: only after the train reached the station).

b) lugged them IN BROAD DAYLIGHT into the Sabarmati Express that had stopped near Cabin A,

c) cut open the canvas of the vestibule connecting coaches S6 and S7 (Sanjeev: there is NO EVIDENCE of such cut marks).

d) rushed inside and poured the petrol into S6

e) lit the petrol

f) ran away WITH THE SEVEN CARBOYS (since they have never been found)

g) did all of the above in the presence of HUNDREDS OF PASSENGERS, and KEY POLICE AND RAILWAY WITNESSES who NEVER SAW ANY OF THIS HAPPEN. There were people monitoring this area as part of their regular duties. NO ONE saw these huge cans.

I request anyone who can to please explain how this can be done. It is true that I’ve not yet read the entire report/s but this thing is bugging me. It simply doesn’t add up. And Nanawati admits there are NO WITNESSES.

I simply can’t imagine how this feat can be done without ANYONE observing it, in broad DAYLIGHT, with 1000s of witnesses. Please help me understand what’s going on.

FROM JUDGE PATEL’S JUDGEMENT

[14] As the assailants could not succeed in setting on fire the coach by throwing burning rags etc, some assailants found out another way and after cutting canvas vestibule of Coach S-7, succeeded in opening eastern side sliding door of Coach S-6 forcibly and after entering into the coach, the East-South corner door of Coach S-6 came to be opened, from which some others entered with Carboys containing petrol and poured petrol sufficient enough in the coach and then by a burning rag, the entire Coach S-6 set on fire. [Sanjeev: this sounds like a suicide attack, but apparently the guys who burnt the train are FULLY ALIVE AND KICKING. Only others died. And these others didn’t even SEE THEM!]

FROM NANAWATI COMMISSION REPORT

208. It is true that no passenger has said that he had seen anybody entering the coach with a Carboy or some container filled with petrol and throwing it inside the coach. What they have said is that initially burning rags and bottles and pouches filled with inflammable liquid were thrown inside the coach through the broken windows. Some of them had fallen on the floor and some had fallen on the seats. The burning rags would have surely started burning other things with which they had come into contact. The seats were of rexine and therefore the burning bags that had fallen on the seats must have made them burn and cause smoke. All that must have caused lot of confusion amongst the passengers of coach S/6 and that is probably the reason why there is no clear and complete evidence. [Sanjeev: What amazing “logic”! So how did these people themselves escape? And WHERE are the carboys they brought?]
10.2 Modi magical rickshaw: this man is pulling wool over an entire country’s eyes, and the country doesn’t want to ask questions.

The Godhra judgement is one of the most mysterious that one can come across.

I've already pointed out the HUGE GAPS IN THE SCENARIO PRESENTED BY MODI’S STOOGES:

The rickshaw is one of the most fascinating fabrications of the human imagination:

Note this:

7:43 am: arrival at Godhra
7:48 am: train starts
7:55 am: train resumes after first chain pulling
7:58 am: train stops at Cabin "A"

"Distance between the station and A cabin is about 3/4 kmt. and ordinarily it takes about 3 to 4 minutes for a train to cover that distance." [Nanawati Commission]

The court judgement notes:

the First part of the incident i.e. stone pelting etc was occurred on the Platform No.1 of the Godhra Railway Station. Then, Second part of incident i.e. stone pelting, damages, Fire etc was occurred near ‘A’ Cabin approximately one Km. away from the said Platform No.1.

Now, presumably ISI had all this prepared in advance:

a) The train would be late

b) There would be a number of altercations

c) Kar Sevaks would assault the modesty of two Muslim women

d) An angry crowd would emerge (after all, the Muslims lived just outside the station).

e) That ISI would manage to get a HINDU boy to load the 7 cans of petrol (that this boy was SLEEPING SOUNDLY AT THAT TIME is a different matter)

f) It was all known in advance that the train would somehow stop at Cabin A

g) The rickshaw would rush like a bullet to reach Cabin A in four minutes (after the loading, which presumably BEGAN after the train arrived)

h) 140 litres of petrol (weighing 102.3 kilos) was lugged up a VERY STEEP INCLINE FROM THE ROAD (Despite Modi’s wishes, I assume his rickshaw can only disappear, not fly) by superman Muslims in BROAD DAYLIGHT. No lapse of time occurred in this process. Instantaneous.

i) These supermen, with SEVEN cans of 20 litres each of petrol snuck in INVISIBLY to the vestibule. They cut it but NEVER LEFT ANY CUT MARK BEHIND.
j) Despite the officers of the Railways watching the scene clearly, no one noticed them. All passengers were blind. The 250 karsevaks in bogie S6 were entirely numb with fear. Or maybe then never saw anything.

etc. etc.

This is from the court judgement.

The petrol Cans which were stored at Aman Guest House were taken in a loading rickshaw, near the “A” Cabin.

OK. Let's assume this actually happened. Now, the police rehearsed the rickshaw story by taking water for a distance of 750 metres:

PW-200/Exh.1013 Karansinh Ranjitsinh Jhala (panch witness):
Rehearsal of taking loading Rickshaw putting nine Carboys of 20 litres water from Aman Guest House to open space near ‘Ali Masjid’ came to be done in presence of panchas and other seven police officials and in that rehearsal within four minutes that distance of 750 meters came to be passed.

Very nice. So there is now proof that a rickshaw can travel 750 metres in 4 minutes, carrying 180 litres of water.

What next?

the ‘A’ Cabin where the alleged incident was occurred, is situated at the distance of approximately one k.m. on the western side (on Vadodara side) from the Godhra Railway Station platform No.1.

The building of said ‘A’ Cabin is two storied i.e. ground floor and first floor and the same is on the southern side (on Signal Faliya Side) of the Railway tracks. The first floor is being used by Railway staff, for the purpose of signal etc and there are glass windows, in the all the walls of the first floor, so that the Trains, Tracks, Signals etc can be seen easily by the Railway staff, from inside the ‘A’ Cabin.

Now, let me provide snapshots of the scene near this Cabin A:
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Suraj Dasgupta
Please watch this from 8 minutes and 55 seconds:

Now back to the rickshaw.

So we see CLEARLY that there was no road leading directly to coach S6. That means the rickshaw actually stopped somewhere, unless it was able to fly. The MOST LIKELY PLACE where such a (hypothetical) rickshaw could stop was below the bridge. The super-Muslims would then have to LUG 100 KILOS OF PETROL IN SEVEN CANS a good distance to coach S-6 (which came to a halt VERY CLOSE to Cabin A and was in full view of the Asst. Station Master).

The process of carrying these cans had to be done very quickly (the argument that these "planners" cut the air hose is FALSE. There is simply no proof of that. The only sensible reason is that of the four or more chains pulled, one of these hoses was not properly fitted. There is no evidence of any cut hose. The train did move after the first chain pulling and it is almost certain that the loose fitting of one of the hoses forced it to a further halt. No "planning" involved here).

These cans HAD TO BE CARRIED IN COMPLETE OPEN DAYLIGHT WITH HUNDREDS OF TRAIN PASSENGERS WATCHING. There is no other way to do that.
I'm afraid I'm getting a bit tired of this ridiculous story.

What is astonishing is that the Indian media has sat like a stunned mullet lapping up this GARBAGE. And so have people like Madhu Kishwar.

Have people lost their mind? Aren't they able to ask QUESTIONS?

The man who challenges this (Sehgal) is a senior forensic leader of India and a member of Interpol. He is basically saying that this story is impossible. And no one in India is bothered?

Has Modi cast a spell and LOCKED UP our mind?

10.3 This is how the train MIGHT HAVE gotten burnt. In any event, no evidence exists of any prior intent to kill

First this:

Raju Bishankumar Bhargava, the then SP of Godhra, says in his deposition, "I reached the burning coach at about 8.30 am. I saw people with black (charred) faces and with some burn injuries on the head coming out of the coach. I saw ten to twelve passengers coming out of the coach. The injuries which I had noticed on the passengers were on the upper part of their bodies. I did not notice any injury below their waists. I did not see any flames rising in that area of the coach which I could see from the door. I saw only smoke there. I did not notice any flames on the floor of the area between the two doors. I also did not smell any inflammable fuel like petrol, kerosene or diesel. I did not see any person from the Muslim community preventing the passengers in S-6 and S-7 from coming out of their coaches."

Passengers on the Sabarmati Express confirm this in their respective depositions. Says kar sevak Mahesh Chaudhary, who was returning from Ayodhya, "Before jumping out of the coach, I did not see any fluid on the floor of the coach. I did not see any flames while I was inside the train. I saw only smoke." Savitaben Sadhu, Babubhai Patel and Dwarkabhai Patel, also passengers on the train, depose likewise.

Savitaben did not recall seeing "any person coming inside the coach from outside and pouring any fluid". Similarly, Babubhai remembers neither seeing any person in a Muslim dress or with beard inside the coach nor any such Muslim rushing inside the coach. Dwarkabhai too "did not see any flames" when he was inside the coach. "I (also) did not notice any fluid being poured inside (when I was in the coach)," he has told the commission in his testimony. "I had not seen any person sprinkling any fluid or putting fire to the coach."

[Source]

We should now revert to Sanjiv Bhatt’s statement (also provided earlier):

Q: Then why did it become so grave that it led to train-burning? Do you think there was a provocation? [Source]

A: Well there was a provocation. The train came late by few hours - let’s say for about more than four hours. This train would have ideally come at the middle of the night. Instead it came at 7’o clock in the morning. So it was tea-time and people, who were
returning from Ayodhya, got down. They were people from the Bajrang Dal and the VHP who came in groups and were returning back from a mission where they felt empowered. When they got down they started shouting slogans like ‘Jay Shree Ram’ etc which is normal. But there should have been police bandobast. So when these people got down for tea there was an altercation with a tea vendor. They asked him to say Jay Shree Ram and then they beat the old man. Meanwhile a young Muslim girl intervened and she was also manhandled. During the fracas she fled. Some Muslim tea vendor boys thought the girl had been dragged into the train compartment. Rumour spread and the mob started gathering Signal Falia, which is the outer signal of Godhra railway station. Stone pelting started in the belief that the girl was in. People in the compartment downed shutters locking the door from inside and by the time probably someone had threw a burning rag into one of the windows. And that led to the vinyl coating getting burnt letting out lot of smoke though there was no fire. **Not a single karsevak died due to burn injuries. All died due to asphyxia caused by smoke.** So people died because of carbon monoxide poisoning. Nor they could open the compartment door fearing stone-pelting. The flames started only when someone opened the door which helped oxygen being sucked into the compartment resulting in fire. And that’s when entire compartment started burning. That was the flashpoint.

Q: Eyewitnesses had seen (as reported by Uday Mahurkar of India Today) that arsonists were seen carrying petrol cans and approaching the train.

A: It was all planted evidence that petrol was purchased a day earlier for this purpose. It was local Muslims and the corporators who tried to get the fire engines out and did best to douse the flames. They were the ones who were in repeated contact with district SP Raju Bhargav “please send someone here as the situation is getting out of hand.” So there is no question of conspiracy.

Q: So the investigation therefore was not properly handled.

A: Handled deviously. Properly handled is one thing. It was not bungled up but handled deviously. “It was given a specific direction.”

Q: That means?

A: That same day a statement came from the CM that it was “ISI conspiracy”. Now from where did it dawn upon him that it was an ISI conspiracy? When we in the intelligence knew not? And investigators could not make head or tail of it. In the afternoon when I spoke with the SP and asked him about the loss of lives, he said, “I had just entered it (compartment) and very hot inside. Not more than 15 to 20. Actually when the bodies were brought out we could know that it was much more. The ISI again was the creation of Modi. And it was picked up by investigators.

Q: So in other words it became an opportune incident for Modi?

A: It was a very unfortunate incident which was cleverly used. That which could have destroyed him completely was used by him cleverly. Something which became his USP. And he has that knack of turning adversity into opportunity. That luck he always had.

Q: Within hours of riots breaking out, RAF was deployed both in Godhra and Ahmedabad, Army was called, shoot-at-sight orders issued. Within three days situation was brought under control. How can Modi be a conspirator in killings Muslims?

A: Let’s break up your question. Your question is premised on so many untruths and half-truths. Question itself is wrongly put. RAF was only called on the night 27th at our behest for the next day bandh which should not have been called. Army was called on 1st with a requisition being sent and some local units coming. Actual deployment started on 2nd. All that is on record. Maximum damage took place on 28th, the night intervening 28th and
1st. That was the period when there was no deployment of additional forces. That is when the Government of Gujarat and administration failed “deliberately”.

There were so many deliberate acts: First supporting the bandh call; second not persuading BJP to withdraw the bandh; third getting dead bodies from Godhra to Ahmedabad out in a funeral procession. These things are against tenets of policing and any man who is in police or intelligence will know they are sure recipe for disaster. But this was done against advice.

Q: Against the advice of ...?

A: Against the advice of police officials; against the intelligence. “Please don’t get the dead bodies as there was bandh call.” You are creating a situation whereby the police is asked to look the other way letting lumpen elements and goons getting a free hand. There was tremendous grief and anger. Yes army was called within three days and intensity of violence came down in urban areas like Ahmedabad, Baroda. But it spread to rural areas, the tribal belt.

Godhra should not have happened. It happened under Modi’s watch. Why was police not present at the Godhra railway station when kar sevaks were coming in the morning? Under normal operating procedure police bandobast had to be there when such groups were coming. Local police should have come on their own. Why didn’t they? It happened under your (Modi) watch and you are directly responsible, not vicariously.

Everyone talks about post Godhra. Talk about Godhra. Once the Godhra happened it was Modi’s duty to see that violence did not spread and contained quickly. Though local administration could be blamed where Modi gets the blame is post Godhra. He as chief minister should have taken immediate steps given the potential of incident snow-balling. It ought to have been tackled in Godhra itself.

Q: So it turned into a tinderbox?

A: This is what PC Pandey told him. He used the word ‘tinder box’. If you get the dead bodies to Ahmedabad it will turn into a virtual tinder box. That is what he said in so many words.

Q: So Modi should have paid heed to what not to do?

A: Modi wanted to deflect anger somewhere else. That evening of 27th he had gone to Godhra and was beaten up. At the railway station.

Q: Who was beaten up?

A: NARENDRA DAMODARDAS MODI was beaten up by the kith and kin of the deceased and kar sevaks because they felt it had happened during his watch. He had experienced the anger first hand. He was a fledgling chief minister still trying to find his feet just being elected from Rajkot and he thought this is his end of his political career. Had he become the brunt of anger of that failure it would have been end of Modi because there were politicians in the BJP who were ready to cut him into size. Somewhere there was the question of his survival. But that deflection (of anger) took a form and shape which consumed so many lives. But he didn’t mind as it would give him an image as flag-bearer of Hindutva.

Q: Even after being a Hindutva protagonist he banks upon his secular image. How can we call him communal?

A: Who calls him secular? Again your question is wrongly premised. Who calls him secular? His definition of secularism is “India first” which is perverted. Secularism is secularism. As a young man you would know. State has no business with a person’s belief and faith. You connect with your god and I connect with my god and it is no business of
Now, my tentative conclusion:

An INCIDENT happened. The Godhra coach S6 DID get burnt. This was not a "holocaust" in that there was no INTENT to kill.

The whole thing hinges around mens rea, the intent.

Modi declared on 27 February by mid-day that this was a deliberate attack on India by ISI. Proof? ZERO.

He said it was pre-planned. Proof? ZERO.

He said people came from outside threw stuff inside. Forensic Lab rejected that idea.

Then he said people came inside from outside. But NO ONE SAW ANYONE. And it is impossible to carry petrol into the compartment with 7 large cans weighing 100 kilos in broad daylight without anyone seeing it. So his theory is FALSE, again.

SO WHAT ACTUALLY HAPPENED?

The precise manner in which the coach got burnt is still not known/ proven.

There seems to be no doubt that fire was thrown from outside into the train. That's a crime in itself, but it is at least partly mitigated (in a legal sense) by the severe aggravation by karsevaks who had harassed two Muslim women and misbehaved with many others.

In the heat of the moment, there was all kinds of violence from BOTH sides.

But the fire from outside likely led to the coach being burnt. I say likely since there is still NO CONCLUSIVE SCIENTIFIC PROOF about how it occurred. Like sometimes someone does something really stupid and that blows up into a big thing. But there was no EVIL intent, or at least no PLANNED evil intent. None that I am able to decipher from the facts of the case.

Modi, in his hatred for Muslims, LIED THROUGH HIS NOSE and EXCITED THE ENTIRE GUJARAT. He had NO PROOF of this being a planned killing. Till today I can’t see ANY mens rea, or intent to kill so many people.

This really bad INCIDENT should have been contained by Modi through tight management of an inquiry. Modi had NO BUSINESS to inflame passions, keep talking to VHP the whole day, organise an official VHP and BJP bandh. He also did not pre-emptively arrest people, and handed over dead bodies to VHP. That was absolutely incorrect.

My point is that if this was NOT an attack on India's sovereignty by Pakistan (which is what Modi made it out to be), then it was a tragic accident under the heat of the moment. Such bad things do happen, sometimes, and law should be allowed to take its course. This is no reason to kill another 1000.

Modi is a criminal because he AGGRAVATED an already bad situation and provoked the killing of hundreds others. The brutality which he personally supervised (by preventing ANY preventative police action) was CRIMINAL. No other word for such a holocaust exists. The post-Godhra incident WAS a holocaust since there was mens rea. INTENT TO KILL.

IIT Delhi experts have REJECTED OUTRIGHT Modi’s assertions about the Godhra train burning

Sanjiv Bhatt has sent me information re: his hypothesis which I’ll publish next [Sanjeev: published here, along with analysis]. First, my research has led to this paper which entirely supports Sanjiv's hypothesis and rejects Modi's judge's (Patel's) hypothesis.
10.5 Reinstating Sanjiv Bhatt’s (fuller) theory as equally or more plausible than the IIT Delhi experts’ theory

Sanjiv Bhatt had stated in his interview: "People in the compartment downed shutters locking the door from inside and by the time probably someone had threw a burning rag into one of the windows."

I thought his flash fire theory matched the IIT Delhi flash fire theory (which make a lot of sense) and since the burning rag theory seemed plausible, I first thought that is what must have happened.

But how could a burning rag get into a train with closed windows? That question led me to discount his theory (of the burning rag – not the flash fire bit) and seek an alternative explanation.

The "below seat luggage" burning hypothesis of IIT Delhi experts seemed more plausible, so I switched to it. And I still think the IIT Delhi experts' theory has significant merit, since it is quite possible for smouldering fire below the seats to lead to a flash fire in a train with closed windows. And if someone was smoking and could not throw out his butt due to the crowding and closed windows, then such a fire could be initiated.

But Sanjiv Bhatt doesn’t think the fire was initiated in the manner the IIT Delhi experts have suggested.

He thinks that: "I think you are jumping to hasty conclusions and passing judgments on insufficient information. You seem to have completely misconstrued the “burning rag” theory.” He has a more comprehensive theory. See his comments here and here. Let me post them together, below:

1) Dear Mr. Sabhlok,

I think you are jumping to hasty conclusions and passing judgments on insufficient information. You seem to have completely misconstrued the “burning rag” theory. What was sought to be conveyed to you was that, some people from the mob tried to force burning rags under the windows and doors of the coach in an attempt to “smoke out” the people who had locked themselves inside the compartment. The mob was under the mistaken belief that a young girl had been abducted and was being molested inside the closed coach.

Obviously, as the window shutters were downed the and doors were bolted from inside, the mobsters could not throw burning rags into the coach.
The mob tried to pry open the windows and tried to force burning rags from the gap between the shutters and the window sill.

In order to save themselves from the heavy stone-pelting and other vicious assault by the mob, the hapless victims who were trapped inside the coach had tried to take shelter under the lower seats or on the upper berths. The burning rags which were forcefully wedged in-between the window-sills and the window shutters caused slow, low-temperature, flame-less smoldering of the vinyl coating as well as the seats and stowed luggage articles near those windows.

This led to the gradual build-up of toxic smoke which lead to unconsciousness and eventual death due to asphyxia as well as the Flashover Fire that eventually consumed the entire coach.

My reconstruction of events is based on my contemporaneous interviews with survivors, eye-witnesses and people from the mob including certain accused persons. As all of us know from past experiences, truth is the first casualty in a highly contested and politicized inquisition. Same is the case here. For all we know, these are only hypothesis, the actual truth may lie somewhere in-between.

Please feel free to seek any clarification.

Regards,
Sanjiv Bhatt

2) In fact, the people trapped inside the coach were cowering with fear as they were completely cut-off and were not aware of what was going on outside. They had downed and bolted all the shutters to the extent possible.

Similarly, they had bolted all the four doors from inside and had tried to pileup heavy luggage against the doors. All they could hear was the sound of track ballast striking the metal of the compartment and the agitated voices of the warring mobs.

The coach was caught in-between the stone pelting from both the mobs. [Sanjeev: which 'both'? Not sure]

They tried to stay away from the doors and windows as well as the gradually increasing smoke which had drastically reduced the visibility within the coach to almost zero. One of the survivor managed to open one door only when the stone-pelting had subsided. And that is when the Flashover Fire erupted and charred the bodies of the people who had died of asphyxia during unconsciousness.

Please feel free to seek clarifications.

First let me address the charge of haste in my analysis. I agree that I don't have the kind of time I'd like to (ideally) have, given a full-time job and many other responsibilities. I necessarily read rapidly, research at super-fast speed – often on google, and draw key
conclusions on the basis of key facts on offer. But by methodically publishing my findings and seeking rebuttal I hope to be rapidly rid of my errors.

That is why I WELCOME OPPOSITION that is based on questions/facts. (I tend to ignore/reject comments of those whose can't think and so take the short cut of attacking my motives.)

Having clarified my methodological limitations, let me now review Sanjiv's fuller theory.

**ANALYSIS AND CONCLUSION**

Now that more information is available, Sanjiv's fuller theory becomes far more plausible. I would even rate it more plausible than the IIT Delhi theory. The reason it is more plausible is that it eliminates the need to look for an ignition source: the burning rags inserted through cracks in windows.

The rest of the theory is more or less what the IIT Delhi experts found.

A spark from a burning rag could have landed near seat 72 and gone below some piece of luggage (e.g. loose clothes) where it smouldered for a while till it lit nearby luggage and then a seat.

Once a SINGLE SEAT caught fire, the smoke would have been enough to cause unconsciousness, and also spread the fire more rapidly, till finally it was ready for an explosion once a door was finally opened. Flash fire.

So in a sense, Sanjiv's theory is now the MOST plausible, the IIT Delhi theory (very similar but without external burning source), is at No. 2.

Modi's pet theory (140 litres petrol) is totally out.

As usual, I remain open to further questions/analysis.

10.6 The MOST RELIABLE witness of the Godhra incident: ASM Rajendra Prasad Misrilal Mina

This is perhaps the most reliable witness of the incident: the Asst. Station Master of Cabin A, who was watching key events his cabin. The train had stopped very close to his cabin. He saw how the crowd assembled, then he came down to inquire into the matter.
Shri Rajendraprasad Misrilal Mina, the Assistant Station Master, who was an eye witness deposed as under:

On 27-2-2002 I was on duty as Assistant Station Master at ‘A’ cabin of Godhra railway station from 12 at night to morning upto 8.00 am.

Sabarmati Express train arrived at Godhra railway station at 7.43 am. Since the line was clear, departure signal was given at 7.45 am. The train started at 7.48 am. After some time the train stopped by blowing the whistle.

I could see from the cabin that the train had stopped. At that time no crowd was seen between ‘A’ cabin and the train.

When the train started again I looked at the clock in the cabin and the time was 7.55 am. When the train reached near the cabin I was standing near window of the cabin for showing ‘alright’ signal. When the train arrived at ‘A’ cabin, the engine was blowing the whistle indicating chain pulling. The period between the restarting of the train and its arrival at ‘A’ cabin would have been around 5 to 6 minutes. I did not see any crowd at that time. It was about 8 O’clock when the train had stopped.

When the train was moving with slow speed I had seen a crowd running towards and along with the train. When I got down from the cabin, at that time some people from the crowd had come near the cabin. Few persons from the mob were throwing stones on the train. The mob did not arrive together but ten to fifteen persons were coming and gathering.... There were women and children also in the mob.

I did not see personally as to who set the fire and how. [Source]
In India it is very easy to get crowds of a thousand people. In this case these were men, women AND CHILDREN (not monsters) who lived very close to the train track. They had been roused by the mosque which was apparently mobilising them in general, on the ground that a Muslim woman had been kidnapped by kar sevaks of Coach S-6. The crowd was desultory, not well organised (pre-planned). It grew in spurts over time. Final figures may have been significant, but initially it was quite small, and sporadic.

The ASM had NOT SEEN ANY BUNCH OF PEOPLE CARRYING SEVEN 20 litre PETROL CANS. Else he would have reported. He had absolutely no clue what happened to cause the fire. This further indicates that Modi’s theory is false.

No witness. Not even the most objective/reliable witness on the scene supports Modi’s FALSE CLAIMS.

ADDENDUM

The SIT then established that some seven persons boarded the coach with seven cans containing 20 litres petrol each, poured it in the coach and threw a burning rag to set it on fire. However, there are no witnesses who saw the seven entering the coach. Also, RPF assistant sub-inspector Nawabsingh Chaudhary and several other witnesses have said they saw no inflammable fluid on the floor. [Source]

10.7 Highly experienced firefighter who saved 20 lives in Godhra REJECTED the petrol/kerosene idea

I’m studying a bit further. Here’s a key witness statement.

===EXTRACT===

During his cross-examination on Friday, assistant sub-inspector of the Railway Protection Force, Nawab Singh Chaudhary told the commission that:

a) he had got into the burning S-6 around 8.30 am, and

b) had managed to save some 20 persons.

Chaudhary, who claimed to have 22-year experience as a fireman, said during the examination that "a fire caused by petrol or kerosene cannot be doused by water, but by foam, and since there was no foam there was no attempt to douse it by foam."

Earlier, he stated that he saw a lot of smoke billowing out of the coach and helped the firemen douse the fire. "When we sprayed water, the flames died down and the smoke too was reduced, but when we returned, the smoke had increased," he said.

Explaining the theory, he said, "Fire caused by petrol or kerosene or paint leaves oily residue on the water which help spread the fire."

"When we reached 'A' cabin we saw people standing everywhere on the Signal Falia side and they were shouting "Maaro-Kaapo".
"When I reached the burning coach, I saw that it had caught fire on both sides and the door on the opposite side of ‘A’ cabin towards Godhra was shut and when I tried opening it, it was hot", he told the commission.

He then screamed and told the people to open the door and get down. "I then went ahead hoping that the door would be open, but it was not, so I borrowed a blanket from one of the passengers and opened the door and rescued some three women and two children".

During the examination he said that he entered the coach with the help of the blanket and crawled in order to avoid the smoke which was mostly on the upper side. [Source]

ALSO

RPF assistant sub-inspector Nawabsingh Chaudhary and several other witnesses have said they saw no inflammable fluid on the floor. [Source]

10.8 Refuting my rebuttal of the Patel/Modi theory (re: Godhra burning): a debate #1

I’ve been in a discussion with someone whom I’ll presently keep anonymous.

The good thing is he is the first person (debating with me) who has actually gone through the Patel judgement, and is questioning me AFTER reading both my comments and the judgement. So this is going to be good, and very enlightening. Let me put the current point of disagreement first.

==MY COMMENT==

Remember in a criminal case the evidence has to be BEYOND REASONABLE DOUBT. They have merely waved their arms on key issues:

a) Conspiracy (without it the punishment can only be very much smaller)

b) Carrying 140 litres from the alleged rickshaw into coach S6 without being seen

c) Ability of someone to fight all the Karsevaks in their way from vestibule to seat 72 (where the fire started from all forensic analysis), throw these ENTIRE 140 litres, get out of same way through the vestibule, and disappear with the 7 carboys without trace.

===ANONYMOUS===

In descending order:

c) No one had to fight anyone - Seat 72 in sleeper coaches is the last side upper seat of the two seaters/sleepers. Indian railways shunt their coaches without any symmetricity. In this case, Seat 72 was next to the Vestibule corridor/door that was attacked (godhra side/east side) – a mere 4-5 feet away. No one had to traverse the length of any coach.

Moreover, these doors at the vestibule corridor ends are sliding doors, with no usable locks by passengers – it requires a TC to use a key to lock these doors. So, one can postulate that
when the door was attacked, there were a few people on S-6 holding on to the door or having jammed it with some steel or wood strip – when the door gave way, they ran away.

Then the assailants would just need to tip over their jerry cans in that area, next to the toilets and depart – leaving the jerry cans, in situ. They would have then melted in the resulting fire.

No witnesses to this attack and spill of petrol – there were over 250 passengers in the train, so only those closest to Seats 64-72 may have seen this attack. And, then ALL PERISHED in the resulting fire. Only passengers who were close to the Ah'bad side exit managed to flee – and they wouldn’t have seen anything given the crush in the compartment (250 pax in a compartment meant to hold 72)

Finally, I did some checking on the whole weight issue – the specific density of petrol is 0.71-0.77 kg/l (https://en.wikipedia.org/wiki/Gasoline)- so, a 20 LITRE can would weigh only 14.2 – 15.4 kgs - is that a LOT for an adult male to carry?? Let us look at dimensions – you can see them here:http://www.ebay.co.uk/bhp/20-litre-jerry-can

Oh, MY GOODNESS ME, they are HUUUUUGE !!! Any more hyperbole, Sanjeev?

b) Without the site map, a top down view, this is a working hypothesis- but I think a convincing one, and better than your chicken little view – the train was attacked from the East side – there were only 2 coaches beyond S-6 – these were S-7 and S-8 – both were subject to stone pelting, as well.

Therefore:

- Could the aluminium shutters of these coaches have been shut, preventing any eye witness account from these coaches? And, remember, you cross S-7 and you reach the famous vestibule.

- Second, given that 900+ people were collected at the site and spread all around the train, and the size of the cans (see above pics), that the cans were camouflaged by the crowd as the assailants carried them through? Blocking line of sight??

And, given the presence of petrol/petrol residue in the forensic reports, how do you account for that – or are you going to say it is not your place to account for them?

a) Conspiracy with intent to cause bodily harm/ to kill is proven – else how did a mob of 900+ people gather at 8:00 AM with various weapons and acid bulbs?

Given that I ploughed through the whole 392 pages of the Patel Court judgement at your request, you will now do me the honour of posting these remarks and some of the others where you go off on your rant about the magic “rickshaw” – wrong terminology by the way – it was a 3-wheel tempo or luggage carrier. I initially got confused by your nomenclature.

===

I'll address separately in post #2
Refuting my rebuttal of the Patel/Modi theory (re: Godhra burning): a debate #2

At the outset let me repeat what I've said repeatedly (and I mean it): I've been clear at each step: if proven otherwise, I'll happily change my opinion. I'm not wedded to any single perspective but to the truth.

If Modi turns out to have been a great hero, a great saviour of lives, then I will be the first to say I was wrong and start singing his praise. I expect nothing less than kind of openness of mind from those who question my findings.

So let me pick the points made by Anonymous, one by one.

THE ACTION INSIDE COACH S6

The issues are:

a) How could lots of people carrying large cans of petrol cut a vestibule without leaving any marks?

Anonymous has not explained the absence of any cut marks on burnt canvas. The Patel judgement has this to state:

| (2) This canvas vestibule came to be cut by sharp cutting instrument by accused persons concerned. |
| Having gone through the oral and documentary evidence on record, this Court is of the firm opinion that the prosecution could succeed in establishing both the above aspects, mainly on the basis of the following reliable relevant evidence. |
| - In the panchnama of place of occurrence dtd; 27-2-2002 (Exh.85), it has been noted that, “from eastern side, burnt corridor canvas pieces where found and seized”. |
| - As per Receipt (Exh.1170), said muddamal articles were received by the FSL on 2-3-2002. |
| - PW 18/Exh. 182 Arvindbhai Kantibhai Vaghela, panch witness in his deposition stated that eastern side corridor of Coach S-6 was in burnt condition. |
| - PW-132/Exh.764 Suleman Abdulmajid Shaikh, Section Engineer, in para-3 of his deposition has clearly deposed that southern side of vestibule of Coach S-7 was in burnt condition. |
| - PW-162/Exh.845 Gangaram Jawanram Rathod, Sr. Section Engineer, in his deposition para-8 and 18 has stated that vestibule of Coach S-7 (87206) was in burnt condition. |
| - PW-225 Mr. M.N. Joshi, Scientific Officer, in his deposition (Exh.1150) and report dtd; 20-7-2002 (Exh.1152) has clearly stated that vestibule of both the sides of Coach S-7 were of canvas and one side such canvas vestibule came to be changed after damage. |
- PW-28/Exh.222 Babubhai Lokumal Tolani, panch, in his deposition has stated that in presence of panch witnesses, inspection of Coach S-2 and S-7 came to be done by officials of the FSL at Railway Station, Ahmedabad and at that time, south end canvas vestibule of Coach No. S-7 was found to be changed.

“Burnt canvas vestibule pieces seized under panchnama (Exh.85) from the spot, are still with the Court as muddamal.

There is NO MENTION of any cut marks in ANY of the statements asserted by Patel. Yet, this gullible fool comes to the view that there "this canvas vestibule came to be cut by sharp cutting instrument". Remember this is a CRIMINAL trial. Burden of proof is BEYOND REASONABLE DOUBT. That's a very high standard. After all, using this judgement, over 30 people are in prison, and some are facing death. Taking away liberty and life without ADEQUATE proof is simply unconstitutional.

Even a class 2 child will say this DOESN'T PROVE that there was any cut in the canvas. Judge Patel is not just gullible. He is lying.

**Contradiction. Hence rejected. In science, ALL aspects of a theory must fit.**

b) How could people with cans enter all the way to seat 72 in a coach that was carrying nearly 3.5 times ordinary capacity of passengers (mostly young kar sevaks)?

Now, all people can't enter at the same time. If a vestibule canvas is being cut, someone out of the 250 people inside the coach will notice. There will be a fight at once to stop the person/s entering.

In any case, all 7 cans (with people) can't come in magically in one go. People have to climb through the gap in the vestibule canvas, one at a time. This is not something invisible.

The distance from the vestibule to seat 72 is NOT 4-5 feet, as my anonymous friend has suggested. It is 12.5 feet (6 feet from vestibule entrance to the middle of the passage near the door – I’m excluding the actual crossing between coaches – plus 3.5 feet from the middle of the passage to the entrance to the main corridor plus 3 feet to seat 72).
My anonymous friend has argued:

*No one had to fight anyone – Seat 72 in sleeper coaches is the last side upper seat of the two seaters/sleepers. Indian railways shunt their coaches without any symmetricity. In this case, Seat 72 was next to the Vestibule corridor/door that was attacked (godhra side/east side) – a mere 4-5 feet away. No one had to traverse the length of any coach.*

I have rebutted this measurement. I took a scale, estimated the length of a berth as 6 feet, and measured using that as basis.

So this shows that since the coach was FULL of people (jam packed) these people who lit the fire with petrol would have had to FIGHT THEIR WAY 13 feet towards seat 72. On average, they would have encountered at least 5-6 Kar Sevaks each. I don’t see how that could have happened, even assuming they MAGICALLY entered the vestibule carrying massive 20 litre cans each.

**Contradiction. Hence rejected. In science, ALL aspects of a theory must fit.**

This is what a 20 litre can looks like:
This is what a person carrying a 20 litre can looks like:

Both these images are linked to websites that confirm that these are 20 litre cans. Try carrying seven of these INVISIBLY into a coach that is teeming with people.

c) My anonymous friend argues that not only was there no fight but that the Kar Sevaks RAN AWAY!

Moreover, these doors at the vestibule corridor ends are sliding doors, with no usable locks by passengers – it requires a TC to use a key to lock these doors. So, one can postulate that when the door was attacked, there were a few people on S-6 holding on to the door or having jammed it with some steel or wood strip – when the door gave way, they ran away.

So in a coach that was FULL of people, with SIMPLY NO POSSIBILITY of being able to run, not only did the kar sevaks not resist when the first Muslim entered with a massive can on his head, after cutting a vestibule (without leaving cut marks), but they RAN AWAY into a crowd of 250 people!

My Anonymous friend might believe it. I don't.
Contradiction. Hence rejected. In science, ALL aspects of a theory must fit.

d) The petrol was tipped next to the toilets

After having SCARED OFF the Kar Sevaks (I didn't think these people would like being depicted as cowards), the petrol was presumably spilled near the toilet:

*Then the assailants would just need to tip over their jerry cans in that area, next to the toilets and depart – leaving the jerry cans, in situ. They would have then melted in the resulting fire.*

Now that simply and comprehensively contradicts ALL reports that the fire started from between cabins 8 and 9 – with seat 72 being the 'outer' limit of where the fire started.

Contradiction. Hence rejected. In science, ALL aspects of a theory must fit.

Second, they conveniently left their jerry cans there itself: seven large cans that then conveniently melted. But do note that even then they would leave a SPECIFIC type of residue that could be linked to the cans. No, there is no residue. Not the slightest evidence of cans.

Contradiction. Hence rejected. In science, ALL aspects of a theory must fit.

e) All witnesses inside the coach conveniently died:

My Anonymous friend says:

*No witnesses to this attack and spill of petrol – there were over 250 passengers in the train, so only those closest to Seats 64-72 may have seen this attack. And, then ALL PERISHED in the resulting fire. Only passengers who were close to the Ah'bad side exit managed to flee – and they wouldn't have seen anything given the crush in the compartment (250 pax in a compartment meant to hold 72)*

Very clever indeed. If one WANTS to believe in God (or ghosts: same thing) one can cook up stories/mythologies and "prove" that these things exist.

Note that this fire was SO VICIOUS that all Kar Sevaks involved died. But all the accused escaped. And are now found in jail.

The fire was very special. Very selective. It only killed HINDUS. It spared the Muslims. Surely this must be a sign that Allah is Real and Ram is False.

My anonymous friend might believe in such magic. I don’t. Fire that is SO FRIGHTENING THAT IT WILL KILL EVERYONE ELSE will also not spare the attacking Muslims, who should have all perished like suicide bombers do. They CAN’T now be in jail WITHOUT HAVING SUFFERED ANY INJURY WHATSOEVER.

Contradiction. Hence rejected. In science, ALL aspects of a theory must fit.

Finally, I did some checking on the whole weight issue – the specific density of petrol is 0.71-0.77 kg/l (https://en.wikipedia.org/wiki/Gasoline)- so, a 20 LITRE can would weigh only 14.2 – 15.4 kgs – is that a LOT for an adult male to carry?? Let us look at dimensions – you can see
them here: http://www.ebay.co.uk/bhp/20-litre-jerry-can
- See more at: http://sabhlokcity.com/#sthash.i5fOQlb2.dpuf

This is a non-issue. I've already noted this much earlier. No news. It doesn't change the SIZE
(VOLUME) of the container.

I'll address the other points in my Anonymous Friend's points next. It is now 30 minutes past
midnight and I have to go to work tomorrow.

Good night.

10.10 Refuting my rebuttal of the Modi/Patel theory (re: Godhra burning):
a debate #3

Now let me quickly address one more point before I leave for work.

THE MOBS AND SHUTTERED WINDOWS APPARENTLY PROVIDED THE CLOAK OF
INVISIBILITY FOR THIS PRE-PLANNED INVISIBLE ATTACK ON COACH S-6

My anonymous friends says:

b) Without the site map, a top down view, this is a working hypothesis- but I think a
convincing one, and better than your chicken little view – the train was attacked from the
East side – there were only 2 coaches beyond S-6 – these were S-7 and S-8 – both were
subject to stone pelting, as well.

Therefore:

Could the aluminium shutters of these coaches have been shut, preventing any eye witness
account from these coaches? And, remember, you cross S-7 and you reach the famous
vestibule.

Second, given that 900+ people were collected at the site and spread all around the train,
and the size of the cans (see above pics), that the cans were camouflaged by the crowd as
the assailants carried them through? Blocking line of sight??

Here's a response:

ONLY COACH S-6 was under attack. This is crucial to understand.

Why was coach S-6 selected by the Muslim mob? Because they thought that Sophia was
being held in that coach. The Muslim mob did not bother ONE BIT about other coaches, so
these had their shutters open.

Curiosity is an over-riding feature of human nature and if we are not under attack (but
others are) we'll WANT TO SEE. And given some kar sevaks from other coaches had gone
forward to join the pelting, there is a possibility that people in other coaches were cheering
"their side".
It is therefore very safe to assume that MOST non-Coach S6 window shutters of the train were open. This is a TRAIN with thousands of people, standing in broad daylight. This was not a night time incident.

Now, there is a considerable distance from the bridge where the rickshaw was parked (it could not fly) to the vestibule of coach S-6. The "petrol can-carriers" were the alleged MAIN attackers. (After all, if the incident had not led to fire, it would be just one more routine incident that would have not merited a footnote in the newspapers).

These people could not carry cans INVISIBLY unless they were wearing Patel's special cloak of invisibility. But even if people can become invisible through this cloak, how do cans become invisible?

The entire scene was being watched objectively by the Asst. Stn. Master – who had absolutely no interest in the details of the fight and was an objective observer.

NOT ONE PERSON EITHER IN THE TRAIN OR THE ASST. STN. MASTER SAW THESE SEVEN CANS BEING CARRIED PURPOSEFULLY TOWARDS COACH S6.

This is a CRIMINAL case. There must be proof beyond reasonable doubt. I have BEYOND REASONABLE doubts. Nothing stacks up. Everytime I look for evidence, there is none, but I'm asked to "BELIEVE".

You know that even if "God" were to come to me, I'd question/challenge and test scientifically till I agreed that something or someone is "God". My test of evidence/proof is EXTREMELY HIGH. You can't make me believe things by hand-waving and other such ploys of the stage magicians.

NO EVIDENCE exists in OPEN BROAD DAYLIGHT of seven cans being carried to the "crime" scene.

Either their witnesses seem to have all died (as anonymous speculated), or the thousand other potential witnesses were allblind.

If all you have on your side of the case is DEAD OR BLIND WITNESSES of a scene in which there should have been hundreds of witnesses, don't expect me to "believe".

This is a criminal case. Proof has to be beyond reasonable doubt. The proof has to be adduced by Modi/ Patel/ you. I am simply there to evaluate it and test on the basis of logic and common sense.

I reject the Modi/Patel theory – and the attempt by anonymous to "prove" the Patel theory through waving his arms around.

More later.
The evidence is now coming together: MULTIPLE flash fires and burning luggage stashed next to windows

The mystery of the Godhra fire is becoming truly complex. Whatever the cause, one thing is clear: it was NOT from anyone pouring 140 litres of petrol into Coach S-6.

1) WITNESS OF PERSON WHO SAT VERY CLOSE TO THE PLACE OF GREATEST FIRE

48. Shri Ramfersing, (W-40) working as a Line Inspector in the Telephone Department in Gujarat was returning with his family members from his native place in Uttar Pradesh. He had boarded the train at Lucknow. He had reservation for berths 62, 63 and 64 in coach no. S-6. He had found that berths reserved by him were occupied by the Karsevaks. Only after repeated requests made by him the Karsevaks had vacated only one lower berth for him and his family members.

104. Ramfersing (W-40), as stated earlier, was a Line Inspector in the Telephone Department and was returning from his native place in Uttar Pradesh,. He has stated that the coach was attacked and as a result thereof, large number of windows of their compartment had broken down. In order to save himself from the stones which were coming inside the coach, he had climbed on the upper berth. He has stated that the windows on the southern side were broken by the persons who were in the mob. Both the widows of the compartment where he was sitting had become open and burning rags etc. were coming inside through those windows He had remained on the upper berth for about 10 to 15 minutes. He had seen stones and burning rags falling inside the coach. The burning rags had caused lot of smoke inside the coach. Pouches containing some inflammable material were also thrown inside the coach. He had seen flames of the burning rags. As stated by him all that had caused lot of smoke in the coach. Burning rags had fallen between the seats of their compartment and they had caused smoke. He has categorically replied to the question put to him by stating that the fire in the coach was because of the things thrown inside the coach by the persons in the mob. He had not seen smoke coming from the floor of the compartment. He has further stated that on seeing flames he had climbed down from the upper berth and when the flames had come near him, he had jumped out of the coach. At about that time he had received a burn injury near his ear. His son was also injured by a stone.

2) BURN INJURIES OF SURVIVORS WERE TOWARDS THE UPPER BODY

This is explained most clearly here.

To me this indicates that petrol was NOT the cause of fire since it would have lit the floor area first, causing injury in the legs. The main fire occurred in the UPPER REACHES of the coach – not even the lower berth. Possibly middle and upper berths.

3) DEAD BODIES ON THE BERTHS

This is a most crucial piece of evidence:
134. District Collector Jayanti Ravi (W-50) has stated in her evidence that at about 8-26 a.m. she had received a telephone message from DSP Raju Bhargav that Sabarmati Express train was under attack with stones near Signal Falia by a Muslim mob and that there is also fire in the train. She was also told that it was necessary to make arrangements for shifting the passengers as there was a possibility of an undesirable event taking place. After giving necessary instructions to the concerned authorities, she had left for the place of the incident and reached there at about 8-50 a.m. She had found that the passengers were highly agitated. As the situation had become quiet by that time, she had gone there to find out position of the said two coaches. She had seen that there were many burnt dead bodies lying in the middle of the coach. Some dead bodies were on the berths also.

This is ABSOLUTELY CRUCIAL. It indicates that smoke was so intense and rapid that most passengers in upper berths DID NOT EXPERIENCE ANY FIRE, but were MADE UNCONSCIOUS BY TOXIC SMOKE. At that point, they merely lay there in their berth, till the fire finally caught up and roasted their dead body.

4) GLASS BOTTLES FILLED WITH LIQUID WERE THROWN IN

I found three witness statements in the Nanawati-Shah commission report which refer explicitly to petrol (or inflammable liquid) bottles being thrown inside, through broken windows:

111. Shilaben Virpal (W-47) has stated that when the train had stopped after running for about 4 minutes, there was heavy pelting of stones and that had broken the window near her seat. It had become open. So to save herself from being hit by stones, she had put her bag against that window and stood behind the bag to support it. While doing so she was hit by a stone and had started bleeding. Soon thereafter something thrown from outside had fallen inside the coach. From the sound which it had made, she had felt that it was like a glass bottle filled with something falling on the floor. Thereafter there was heavy scent of something followed by smoke inside the coach. After about a minute, there was fire in the coach.

116. Radheshyam Mishra (W-1013) a retired military hawaldar has stated that the train had stopped after covering distance of about 1/2 Km. At that time there was heavy pelting of stones from the platform side. As a result thereof shutters of the windows had broken down. As the passengers inside the coach had become frightened, they had climbed on upper berths. To avoid being hit by stones he along with his wife and grand son had sat below their seat and covered themselves with beddings. Before that he had seen persons in the mob throwing stones on the train. They were shouting “Mar Dalo, Kat Dalo”. He was hit by a stone on his eye and thereafter had taken shelter below one seat. Some other passengers had put their bags against the open windows to prevent stones from coming inside. He had seen persons in the mob throwing glass bottles inside the coach. Because of those things passengers inside the coach were getting injured. He has further said that the bottles contained some liquid and that liquid had started burning after falling in the coach.
Virpal Pal (W-1016) has also stated that stones hitting shutters of windows of their coach had broken those shutters and thereafter stones had started coming inside the coach. One stone had hit his wife and another stone had hit his daughter-in-law. Glass bottles were also thrown inside the coach. Within a short time, there was smoke in the coach. He has stated that burning of petrol had caused smoke inside their coach.

To me, the KEY pieces of evidence from this are:

a) While some windows were broken, many had luggage stashed against them. Such luggage can readily burn and not be noticed till it became significant.

b) There were MULTIPLE breakages in the windows through which pouches/glass bottles filled with something inflammable came in, in addition to burning rags. There were therefore MULTIPLE sources of fire in the coach.

ONE WHITE AND TWO BLACK CARBOYS OF 10 LITRE CAPACITY (total 30 LITRES) WERE FOUND ON 27 FEBRUARY AT THE SCENE

The first panchnama of objects lying outside the coach was made on 27.2.2002 between 13.00 hrs and 15 hrs. It was recorded that there were certain cement sleepers lying about fifty feet east of the electric post No. 468/36, which in turn, was in the north of the electric post No. 468/35. On these cement sleeper, there were one white and two black carboys of ten liter capacity. No liquid was found but smell of some fluid was coming out of the carboys. These carboys were sealed and sent for forensic examination. 15 parcels were collected of different objects for examination. [Source]

THESE CARBOYS CONTAINED KEROSENE

This, to me is conclusive:

"Shri Talati, forensic officer from FSL in his report dated 26th April 2002, had found the presence of kerosene in these three carboys which were sent to him for examination" [Source]

DEDUCTIONS SO FAR

As usual in any scientific project, these observations are TENTATIVE.

1. There is no evidence that seven carboys of 20 litres were carried by the mob.

2. There is no evidence of any petrol being thrown on the floor. If the fire had started when Ramfersing got down from his berth, it was clearly NOT caused by petrol on the floor of the compartment. Ramfersing was located practically next to the "main" fire and he COULD NOT HAVE MISSED observing 140 litres of the petrol on the floor.

3. LOCAL circumstances prevailing in each cabin explain the variation in survival and death. Cabins with entirely closed windows allowed toxic smoke to accumulate, leading to the passengers in their berths becoming unconscious/dying (and then later, burnt). Cabins with some open windows allowed some smoke to dissipate and allowed some of the passengers – EVEN THOSE CLOSE TO SEAT 72 – to escape.
4. It is much easier to smuggle 10 litre carboys and pouches/glass bottles in the midst of a mob than large 20 litre petrol cans. There is no evidence that these carboys were spilled DIRECTLY inside the coach. Instead, these were likely used to fill these bottles/pouches and burning rags. Rags were clearly lit on fire ON THE SPOT and thrown in through broken windows. They can't be carried from significant distance.

5. The quantity of inflammable liquid (almost certainly kerosene, plus some bottles cooking oil or petrol) thrown in – maximum of 30 litres – was MUCH MORE modest than the 140 litres alleged by Modi. And more plausible. I've not persuaded by FSL’s view that 60 litres of petrol was caused to create such fire. Conditions existed for MULTIPLE FLASH FIRES in cabins with closed windows. Therefore, with multiple sources of fire, one wouldn’t need 60 litres of petrol to cause so much damage.

6. This method could WELL cause the kind of fire observed, particularly because SOME of the places where these bottles/ rags fell may have passed unobserved initially. Some luggage stacked next to the windows on the lower berth would have caught fire unseen, and when the vinyl caught fire, it was too late, since it RAPIDLY BURNS and releases dense toxic smoke INSTANTLY. Further, maybe some of the glass bottle/pouches did not catch fire initially, but caught fire later – thereby explaining the massive burnout of floor, which happened in the LATER stages of the fire. But initially, it was mainly SMOKE FROM BURNING SEATS that caused the greatest damage. You don’t need petrol in this scenario to fuel the huge fire. THE SEATS and LUGGAGE WERE THE FUEL.

7. Almost certainly there were MULTIPLE FLASH FIRES in various confined spaces in different cabins. As the toxic and inflammable smoke spread rapidly inside the coach train, many people were knocked unconscious, and could not escape. Flash fires also start in the UPPER REACHES (where inflammable fumes accumulate). This explains the burnt hair of the survivors, who had NO INJURY IN THEIR LOWER BODY.

TENTATIVE CONCLUSIONS ABOUT CRIMINALITY

1) There was CLEAR intent to kill. This was not accidental. The actions of the mob were INTENDED to kill the passengers. They brought along material that was inflammable, and directly threw burning rags and inflammable liquids into the train.

2) It could be argued that the mob was excited by the mullahs in the mosque who had massively exaggerated the events of the station, and therefore the mob – in a frenzy – committed crimes that could arguably be said to have been committed in the heat of the moment. There is no doubt that the response of the mullahs in the mosques was GROSSLY DISPROPORTIONATE to any sense of violation of a Muslim woman’s modesty.

There is NO EVIDENCE OF ANY PRE-PLANNING, just a "normal" crazy communal riot situation which can occur in most parts of India without warning.

Clearly the perpetrators of this should be punished. I have absolutely no sympathy for the mullahs of the mosque or anyone who threw fire (or even pelted stones) into the train.
However, I'm also now extremely conscious that there has been a significant miscarriage of justice in this case with POTENTIALLY innocent people being put behind bars, fake witnesses being roped in to "prove" the 140 litre theory, and all kinds of "conspiracy" theories concocted.

I also note that ALL POSSIBLE ATTEMPTS seem to have been made by Modi to prevent proper investigation, e.g. the shoddy post mortem reports, many of which were DEFINITELY incorrect.

Modi has gotten caught in his own guilt. Had he merely enforced the rule of law, the post-Godhra events would have been almost entirely avoided, and by now we would have had a CLEAR picture of the actual fire and its causes.

10.12 The genius ISI and its "unbelievable" pre-planning of Godhra. Modi is such a liar. Such a liar.

My blog post of 27 April 2014:

- Modi went about telling the whole world that the Godhra incident was perpetrated by ISI. Modi was able to find this out within hours. His wild announcements of such terrorist attack unleashed on Gujarat Hindus led to the kind of violence that no society, leave alone India, should ever witness.

  But wait, how smart was the ISI. Let's look at that first.

  1) ISI ensured that the train was made late. If the train had come in the middle of the night, they couldn't have got the crowds that they needed to get, in order to "hide" their crime. So ISI made the train late, through intense pre-planning. They control the entire Indian Railways. Brilliant.

  2) ISI ensured that the "petrol" (of which no proof was ever found in the quantity allegedly needed to create the mayhem) was bought in advance but not brought near the train at night. The journey to bring the petrol began only AFTER the train had come to the station and an altercation broken out. But you know, the ISI is so good they can do this through intense pre-planning. Everything just in time. Like the Japanese.

  3) ISI ensured that bogie S6 was not to be burnt at the Godhra station itself, for mysterious reasons known only to itself. It pre-planned that the train would move, then stop not once but twice, and finally be stranded near Cabin A. Only then was ISI able to implement its pre-plan and burn up S6 in BROAD DAYLIGHT when NOT A SINGLE PERSON WAS SEEN BOARDING THE TRAIN WITH PETROL CANS. Not only that, they all apparently fled intact (while everyone else got burnt) and were "produced" before a judge. Only thing, these were all local innocent Muslims who had almost certainly nothing to do with the incident. The judge released most of them. Even corrupt judges can only do so much.

  Very, very clever pre-planning, indeed.
If this is true then THERE MAGIC, GHOSTS AND SPIRITS MUST EXIST. For this is as unbelievable as any of them. If ISI actually did this – and till today has managed to avoid the SLIGHTEST evidence of its involvement – it must be directly under the control of God.

**My point:** The probability of pre-planning in this case is precisely this: **ZERO.**

Modi is SUCH A LIAR.

If ISI **HAD** to burn up the coach, the BEST time was at night when people were asleep. Smuggle in the "cans", light them with a long fuse, and run. Why would you create this whole tamasha in BROAD DAYLIGHT, just to burn a coach?

Why would ISI be needed in India, anyway, when you have the Hindutva brigade to destroy India?

### 10.13 Pre-planning of Godhra

**Angry Patels Spill the Beans; Say Godhra Train Blaze Was BJP’s Pre-planned Political Stunt**
11. What did Modi do on 27 February 2002?

11.1 Madhu’s view

[Source: Modinama]

- CM reaches Godhra at about 4.30 p.m. and goes to inspect the rail bogies which had been set on fire and issues the following official statements:
  - The government has taken a serious note of this... This government will not allow anyone involved to go scot-free and is taking fool-proof steps... This is mass violence. This government is always trying to bring about communal harmony and is in favour of preventing any communal flare-up.‘... This inhuman terrorist crime of collective/mass violence is not an incident of communal violence.” (Translated from Gujarati, source: CM Press release).
  - The Government will not be lacking in discharging duty...No efforts will be spared in ensuring law and order.” (Source: CM Press release, Godhra). In the press meet on 27th itself, the Chief Minister said that though the Godhra incident is shocking and sad, people should not take law into their hands and government will ensure law and order by taking necessary steps.
  - Imposition of curfew in Godhra and other potential trouble spots from the day of Godhra massacre;
  - First alert message of 27.02.2002 from the Home Department covered the need to take precautionary measures including adequate police bandobast and preventive measures including instructions to impose prohibitory orders in disturbed areas.
  - All the Police Commissioners, District Magistrates and Superintendents of Police directed to remain in the headquarters and monitor the situation.
  - In order to cope with the emerging law and order situation during the Gujarat Bandh call given by BJP, VHP and others to protest the massacre at Godhra railway station, request was made to the Government of India to provide 10 companies of Central Para Military Forces in addition to 4 companies of Rapid Action Force.
  - Large scale preventive arrests of Hindus and Muslims starting February 27, the day of Godhra incident. On the day of Godhra massacre, 217 preventive arrests made, out of which 137 were Hindus and 80 were Muslims. This despite the fact that several BJP leaders, including some who were part of Modi’s own Cabinet, were actively fomenting trouble;
  - The entire police force of 6000 is deployed in sensitive areas of Gujarat on the very first day.
  - 62 Companies of State Reserve Police Force and Central Para Military Forces companies deployed on February; Out of 62, 58 were of SRPF and 4 were of CPMF.
  - After his return from Godhra, Chief Minister calls a late night meeting of senior officials at his residence at 11 p.m to review the law and order situation and assess the preparedness of the government in dealing with it. Modi asks his officials to explore the possibility of army deployment.
Enquiries made with the local army revealed that no force was available for deployment, as all the units were deployed on the Gujarat border with Pakistan where a war like situation existed following the Pak inspired terror attack on the Indian parliament in December 2001. At such a point, the Centre alone could take decision regarding Army deployment.

11.2 The Protest Petition

Direct incrimination of Modi as the master-mind of mass-killings. Extracts from the protest petition.

This is from the protest petition currently being reviewed by a judge. I’ve OCRd and converted to Word (Download here). Given repeated requests by courts to the Gujarat Government, it appears that phone records have finally emerged, and a much clearer picture of events is now emerging. I’m even more sure now of Modi’s DIRECT involvement in the mayhem that followed the events of the train burning (which I am now convinced were not pre-planned – but that’s a separate matter).

By the way, from his biodata/history (that I’m currently compiling) there is ABSOLUTELY no doubt that Modi is an extremely intelligent person and fully capable of such things. He has a track record – being the master strategist for Advani’s Rath Yatra which led to the killings of tens of people across India. And was deeply involved in Babri Masjid demolition, and so on. The man was never a saint. But we can’t use that past information to implicate him for the 2002 killings. The facts must speak.

Note that I STILL give him the benefit of doubt (although my doubts are now rapidly diminishing).

Narration 27.2.2002 7.55 ± 9 a.m.

32. The tragic train fire on the S-6 Coach of the Sabarmati Express took place at 7.55 a.m. and was over by 8.13 a.m. at Godhra on 27.2.2002. This information about the Godhra incident was conveyed by the district magistrate Godhra, Mrs. Jayanti Ravi to Mr. Ashok Narayan, ACS Home, at 9 am and at the same time chief minister Mr. Narendra Modi (A-1) and DGP Mr. K. Chakravarti (A-25) were also informed. Therefore, by about 9 a.m. of 27.2.2002 both Mr. Ashok Narayan (A-28) and Mr. K. Nityanandam (A-34), and Mr. Modi (A-1) had information about the said incident. In this information it has been conveyed that it was the provocative sloganeering and behavior of the karsevaks that had caused the mob to gather and start pelting stones at the train. Independently, through sources of the VHP other co-accused, Mr. Ashok Bhatt (A2), Mr. Gordhan Zadaphiya (A-5) and Mr. Jaideep Patel (A-21) were also informed of the incident.

33. The train arrived at Godhra 7.10 a.m. five hours late, stopped at the station, proceeded again at 7.20 a.m. after which it was stopped again a few minutes later about half a kilometer away from the station. Mr. Narendra Modi (A-1) was informed of the Godhra incident telephonically around 9 am (Malhotra’s report dated 12.5.2010 filed before the Hon’ble Supreme Court under Para Allegation IV, Page 12) from the Godhra district administration. This communication (that appears to be only partial (plain white paper torn apart and placed in the SIT records at Sr Nos 1 File XLI Annex III ) and it details the sequence of events resulting in the burning of bogey No S-6 and killing of 59 persons.

34. The communication states that the train, the Sabarmati Express arrived five hours late on that day reaching Godhra around 7.10 a.m. and also records that when the train left Godhra station at 7.20 hours on 27.2.2002 the karsevaks who were returning from
Ayodhya after karseva were shouting provocative slogans. This is contained in a note in the SIT investigation papers. (See Sr Nos 1 File XLI Annex III). This note also mentions that after hearing these provocative slogans, members of the Muslim community residing in the nearby areas gathered and started pelting stones on the bogey occupied by karsevaks. The train was stopped as per this communication, at a place nearly half a kilometer further on the rail track in the direction of Vadodara, Signal Falia area, and there the bogey caught/was set on fire.

35. The Mr P C Pande of ignition leading to the arson of S-6 bogey in Sabarmati Express, as per this first message received by the state admin at the state HQ from the Godhra district authorities, establishes that the shouting of slogans had provoked the Muslim community living around the area and in response they had started pelting stones. This was an instantaneous reaction by a crowd gathered after getting provoked by the slogans and other provocative behavior of the karsevaks. The DM & Collector Godhra, Mrs. Jayanti Ravi also states in her affidavit before the Nanavati Commission dated 7.6.2002 at Annexure III, File X, D-106, that immediately after she was informed by SP Godhra on 27.2.2002 regarding the incident on Sabarmati Express, she had informed the Addl. Chief Secretary (Home), Gujarat Government, Principal Secretary (Revenue) Gandhinagar and the Chief Minister’s office about the same.

36. This first information that is received from the district administration is fully corroborated by another document at Serial Nos 11, File XL 1 Annexure — III, Copy of fax message from Adl. DG (Int.) to Addl. Chief Secretary, Home vide No.D-2/2/Com/Godhra incident/70/2002 dated 27.02.2002 regarding attack on Sabarmati Express Train at Godhra Railway Station and actions taken by police. This message independently indicates and establishes that the karsevaks were shouting slogans after which the Muslims living nearby the area congregated and pelted stones on the train after which Coach no. S-6 caught/was set on fire. This second document is based on information received by ADGP-Intelligence at Gandhinagar from their branch office at Godhra and sent by DCP Intelligence, Mr. Sanjiv Bhatt. (The SIT Index describes this as a Copy of a Fax Message from ADGP-Int to ACS Home. (Accused Nos 28 Ashok Narayan sent vide nos D-2-2/COM/Godhra Incident/ 70/2002 dated 27.2.2002). This report confirms the first report received by the State headquarter from the Godhra District Administration.

37. The Home Department whose political head is and was in 2002, Accused No 1 Mr. Modi and whose administrative head, is Accused No 34, then Home Secretary Mr. K. Nityanandam, would automatically also receive information from the SPs and DMs of all districts, by fax and personal phone calls. As per the law and procedure as laid down, and as detailed by Accused No 28, Mr. Ashok Narayan in his deposition to the Nanavati Commission annexed at Annexure III, File XV, D-151 in the SIT papers, there is a separate control room in the Home Department where the DGP (Accused No 25 Mr. K. Chakravarti) would forward all critical and important information received by it.

Between 9-10.30 a.m. 27.2.2002.

38. At 10.30 a.m. a meeting had taken place at the residence of Accused No 1 at Gandhinagar. In the said meeting Gordhan Zadaphiya, (Accused No. 5), Ashok Narayan (Accused No. 28), K Chakravarti (Accused no 25) and PC Pande (Accused No. 29) and other Zadaphia of the chief minister’s secretariat were present.

39. Before this official meeting following the Godhra incident could take place, however, Accused No. 1 had in the first instance, already called Mr Jaideep Patel (Accused No. 21) from the mobile of his PA (09825037439). There was another call made by Accused No. 1 to Mr Jaideep Patel on his mobile at Mobile No. 09825023887. Mr Jaideep Patel, who was at that time at Naroda, left that place for Godhra and reached Godhra around 1 p.m.
The moment the Chief Minister’s Office (CMO) and the Gujarat Home Department also headed by Accused No.1 received information of the Godhra incident at Gandhinagar, and this was obviously conveyed to Accused No. 1, he makes a telephone call using the mobile phone of his PA, AP Patel (09825037439) to his collaborator and chief executor of the conspiracy Accused No. 21 Mr Jaideep Patel (09825023887) first at 9:39:38 (77 seconds), then again at 9:41:39 (20 seconds). That is, within minutes of Accused No. 1 receiving official intimation of the Godhra tragedy, he (chief minister) gets in touch with none less than the Secretary of the Gujarat unit of the VHP, Mr Jaideep Patel.

<table>
<thead>
<tr>
<th>Call Type</th>
<th>Cell-No (Name)</th>
<th>Duration Secs</th>
<th>Date-Time</th>
<th>Dialed / Received No – Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outgoing</td>
<td>9825037439 A P Patel (Accused No 1, Mr Modi)</td>
<td>77</td>
<td>27.2.2002 09:39:38</td>
<td>9825023887 Mr Jaideep Patel VHP General Secretary (Accused No 21)</td>
</tr>
<tr>
<td>Outgoing</td>
<td>9825037439 A P Patel (Accused No 1, Mr Modi)</td>
<td>20</td>
<td>27.2.2002 09:41:39</td>
<td>9825023887 Mr Jaideep Patel VHP General Secretary (Accused No 21)</td>
</tr>
</tbody>
</table>

40. These phone calls in quick succession soon after he receives knowledge of the Godhra tragedy is significant and evidence of A-1 speaking and conferring with the VHP’s front man, who in Naroda at the time of the call thereafter left for Godhra. There was, therefore, a direct contact between the Chief Minister’s Office (CMO) and VHP even before Accused No. 1 Mr Modi met with his officials after receiving news of the Godhra incident, or attended the Vidhan Sabha, or left for Godhra clearly establishing that plans for the conspiracy for the orchestration of the post-Godhra violent reprisals was being carefully hatched. (See Annexure IV, File V in the SIT papers).

41. Only after first speaking to his co-conspirators did the chief minister (Accused No. 1) call a meeting at his residence at about 1030 hrs at which meeting he discussed the matter with Mr. Gordhan Zadaphia (Accused No 5), the then Minister of State (MOS) for Home, Ashok Narayan, the then ACS, Home (Accused No 28), K. Chakravarti, the then DGP (Accused No 25), P.C. Pande, the then CP, Ahmedabad City (Accused No 29) and other Zadaphia of the CM’s secretariat. Mr. Ashok Narayan stated to the SIT that until then no news had been received about the exact number of casualties and the information was being received piecemeal.

42. On instructions of A-1, Ashok Bhatt (A-2) also leaves Ahmedabad and reaches Godhra around 1 p.m. (Statements to the media officially released by A-21 Mr Jaideep Patel and A-19 Kaushik Mehta also an office bearer of the VHP also provoke and distort facts. This is done with the full knowledge of A-1.) Curfew was declared at about 10 a.m. in the Godhra town.

43. A-21 Mr Jaideep Patel has shown his criminal intent being part of the conspiracy hatched by A-1 Mr Modi and himself. A fax message recorded by the State Intelligence Bureau (SIB) (Annexure III, File XVIII-D-160 at 188 dated 27.2.2002 states that A-21 Mr Jaideep Patel, A-19 Kaushik Mehta, also senior functionary of the VHP and Dilip Trivedi another general secretary of the VHP had, in a joint statement issued by them declared that “hundreds” of Ram sevaks had been attacked in a preplanned conspiratorial attack,
that compartments set on fire and women molested. This message coming from Vadodara are proof that such misinformation and provocative sloganeering had begun and had been allowed at Godhra. The remarks in this message says that though no such incident as alleged has happened (molestation of women) and also says that such propaganda has been ‘recklessly made’. The SIT could have scrutinized such records to ascertain the build up to the conspiracy. This message also suggests that a written statement may have been issued by the VHP. Why has SIT not bothered to look into such material at all?

44. There is absolutely no discussion in the SIT report about what transpired between 9 a.m. to 10.30 p.m. and Accused No. 1’s role therein. The crucial evidence related to the calls made by A-1 to fellow conspirators and co-accused during that time have been completely omitted/ignored.

10.30 hours 27.2.2002

45. On the decision taken by Accused No. 1, Mr Jaideep Patel and Ashok Bhatt had left for Godhra. It is important that Mr Jaideep Patel who was general secretary of Vishwa Hindu Parishad (VHP) Gujarat which is a sister organisation of the ruling Bhartiya Janata Party (BJP), whereas Minister for Health, Ashok Bhatt, was a senior member in the Gujarat cabinet at the time.

It is at this meeting that a collective decision was taken to distort the facts sent by the DM regarding the provocative sloganeering and behavior of the karsevaks. On the basis of this collective decision a Note was prepared by the Home Secretariat — A-28, Mr. Ashok Narayan, and A-34. Mr. Nityanandam, headed by A-5 Mr. Gordhan Zadaphiya and A-1 Mr. Narendra Modi.

46. In what appears to be a deliberate move, (SrNos 5, D-196, File XLI Annexure III) the message prepared by the Home Department headed by Accused No 1 (Mr. Modi) and Accused No. 34 (Mr. Nityanandam) and Accused No. 28, (Mr. Ashok Narayan) suppressed this critical aspect of the information relating to the provocation of the karsevaks by shouting humiliating anti-Muslim slogans and through this the mens rea behind the crime of pelting of stones by the mob on the S-6 bogey. It was on the basis of the note of the home department, not the first information originally sent by the Godhra district administration, that Accused No. 1 (Mr. Modi) and Accused No. 5 (Mr. Zadaphiya) made their statements before the State Assembly at 1300 hours.

47. This was done with a view to obfuscate the provocative and incendiary behaviour of the karsevaks/rambhaktas. (The Court should ask for examination of the Case Diary of the Godhra Train Fire Investigation from the Registration of FIR onwards to be able to examine what was stated in the FIR in the first instance and alterations made thereafter).

48. This meeting has not been dealt with by the SIT. The note sent by the DM and how it was diluted/manipulated by the Home Secretariat becomes important because it was on that basis that misleading information leaving aside the provocative behavior of the karsevaks was given to the Assembly. At this stage, there are statements collected by SIT that suggest that A-1 spoke to the media. But just like in the case of other speeches made by A-1, SIT has completely avoided looking into this.

49. It appears clear that from the go-ahead signal given by the chief mastermind (Accused No. 1) to chief executor, Mr Jaideep Patel (Accused No. 21) to unleash a communal backlash, that a plethora of phone calls are exchanged between the co-conspirators (see table below). Hence from the afternoon of 27.2.2002 itself, violent attacks on the minority are unleashed. Yet no emergency instructions, alerts or steps are taken by the seniors in the administration to contain or prevent violence. Incidentally, records from the State IB contained in Annexure III File XIX (D-161) at Pages 67-68 of the SIT papers,
independently show that ‘one person named Abdul Rashid Kalubhai Mashita Shaikh was assaulted by some karsevaks who came from Baroda train between platforms 2 and 3. Abdul Rashid died and another two persons were injured. The karsevaks were recorded to be shouting slogans. This message of the State IB was sent at 1500 hrs on 27.2.2002, i.e., even while senior cabinet ministers were at Godhra, the Chief Minister had not yet left by air for Vadodara (See Annexure IV, File IX, Serial Nos 250, the daily Itinerary of Accused No. 1 and the flight schedule in SIT Papers), **violent incidents in retaliation leading to the deaths had already begun.** Moreover, they were provoked by the unruly and aggressive karsevaks who had been aggressively attacking members of the minority community even before the Sabarmati Express train had reached Godhra, five hours late on 27.2.2002. **This violence continues and is allowed even as the train proceeds towards and reaches Ahmedabad Railway station in the sensitive Kalupur area on the afternoon of 27.2.2002 while the chief conspirator is on his way to Godhra.**

1300 hours 27.2.2002

50. The Assembly proceedings started at 1300 hours. A Motion relating to Godhra incident was moved by Mr. Punjabhaji Vansh which came up for discussion at 1300 hours. It was however Accused No. 16, Dr. Maya Kodnani, M.L.A. from Naroda and co-conspirator (now convicted to 28 years life imprisonment for executing the conspiracy at Naroda Patiya by a judgement of the Sessions Court dated 29.8.2012), who spoke on the issue and her speech raised unsubstantiated issues related to the ill-treatment of women by Muslims at Godhra (She states, ‘...Women treated very badly.’). On 27.2.2002, in a planned way such disinformation was spread to ensure and enable that the Godhra incident does not stay localized but is malevolently used to foment widespread violence, which is not spontaneous but fuelled by a rabid organization like the VHP with the full support of A-1 and his administration. A-21 Mr Jaideep Patel has through his organization the VHP also made the same untruthful claims to the media along with A-19 Mr Kaushik Mehta, also of the VHP and Mr Dilip Trivedi, secretary of the VHP in Mehsana the same day. (The same Dilip Trivedi is appointed by the Gujarat government under A-1 to be the special public prosecutor in the Sardarpura and Deepda Darwaza cases, making a mockery of the justice process and substantiating charges in this complaint about the A-1 using the tool of partisan public prosecutors as part of a conspiracy to subvert the deliverance of justice. The SIT has turned a blind eye to these obvious facts and refused to make the obvious connections and draw the necessary conclusions.

51. This statement needs to be seen in the context of the deliberate inflammatory rumours spread by VHP persons accosting DM Ravi when she reached the site of the tragedy in Godhra. Later the Sandesh newspaper also published fabricated reports that effectively provoked mob reactions and despite strong recommendations from three separate sources in the Gujarat police, **Accused No. 1 as home minister instead of prosecuting such coverage actually congratulated the newspapers.** (see Statement and Deposition) where Mrs Ravi states that these were false reports. (Annexure III, File II, D-6 and Annexure II, File IV, D-50, Vidhan Sabha Proceedings dated 27.2.2002 & 28.2.2002, 14.3.2002, produced by Suresh Mehta former Minister in the Modi cabinet and Gordhan Zadaphiya, then MOS Home (Accused No. 5 in the complaint).

52. Zadaphia read out the statement prepared by Home Department, based on the available information, which as explained above, had **omitted crucial bits of information relating to the provocations caused by karsevaks. Suresh Mehta, Minister of Industries, was present in Vidhan Sabha sitting next to Modi when Zadaphiya was reading the Note. ‘I was sitting by the side of Mr. Narendra Modi, CM who remarked that “Hindus should wake up now”.** (Statement made by Suresh Mehta on 15.8.2009 to the SIT at Annexure I Volume I, Pages 83-84). The Chief Minister Accused No. 1) went to Godhra by
helicopter on the same afternoon. Mr. Gordhan Zadaphiya, MoS (Home) also left for Godhra by road. The CM returned to Ahmedabad in the night. Subsequently, Suresh Mehta states that he learnt that a review meeting of the situation post-Godhra incident was held by the CM on 27.2.2002 night with the senior officers and this fact related to the review meeting held by the CM with top officers had also been admitted by Zadaphiya in the assembly on 14-3-2002 according to the minutes.

53. The Note prepared by the Home department and the facts relayed by Zadaphiya to the State Assembly make no mention of the motive behind the stone pelting by a crowd that suddenly gathered which was the provocative and incendiary behavior of the karsevaks. Accused No. 1 in his response to the discussion on 27.2.2002 (see Assembly proceedings at Annexure III, File II, D-6 and Annexure II, File IV, D-50, Vidhan Sabha Proceedings dated 27.2.2002 & 28.2.2002, 14.3.2002) already hints at a sinister design, ‘the train came, it stopped, then it left and the time-gap between the same is merely 3 to 5 minutes and suddenly attack of this kind was launched. In such a situation, the issue becomes grave...’

Both A-1 and A-5 clearly state that the incident at Godhra was the result of a long term conspiracy.

54. These statements that go beyond the scope of the knowledge available at the given time would also amount to a breach of privilege of the state assembly (misinforming members) since the district administration had clearly stated that the stone attack and subsequent arson was a result of the outcome of provocative slogan shouted by karsevaks.

55. The SIT only deals with the brief statement made by Mr Gordhan Zadaphiya and does not point out that Maya Kodnani (A-16) also made a speech. The SIT does not even attempt to link the reaction as alleged in the statement of Mr. Suresh Mehta with subsequent conduct of A-1 including ordering hasty and illegal post mortems in the open railway yard, in violation of curfew orders while a violent and aggressive crowd of VHP, RSS and BD members are present. The same statement by A-1, as alleged by Suresh Mehta, in the Assembly was repeated in the infamous alleged instructions given by A-1 at night.

56. As stated by the Concerned Citizens Tribunal headed by Justice Krishna Iyer (retired Supreme Court of India), Justice PB Sawant (retired, Supreme Court of India), Justice Hosbet Suresh (retired, Bombay High Court) Patterns of Violence at Para 5.7: ‘The state bandh on February 28, and the Bharat bandh on March 1 — both called by the VHP/BD and supported by the state BJP and the chief minister himself — helped in the killing, loot and destruction. The fear created by aggressive sloganeering and posturing, the deathly silence and empty streets helped the trained militia to carry out their jobs with ease, unhindered by the state police.’ (Para 5.7, Pages 23-37, Concerned Citizens Tribunal, relevant paras at Page 30, Annexure III, File I of the SIT papers).’Given the widespread reports and allegations of groups of well-organised persons, armed with mobile telephones and addresses, singling out certain homes and properties for death and destruction in certain districts – the further question arises as to what the factors were, and who the players were in the situations that went out of control’. (NHRC Report, 2002).

57. The call for Gujarat Bandh by the VHP was seen to be endorsed by the ruling party and neither A-1 Mr Narendra Modi nor A-5 Mr. Gordhan Zadaphiya responsible for the maintenance of law and order made any appeal for peace and calm. In fact, several messages of the state intelligence bureau from various districts began warning headquarters at Gandhinagar about the implications of the Bandh call and the
58. The utter and deliberate non-seriousness with which the SIT has investigated an allegation of the knowledge of the Bandh call given by the VHP and open collaboration declared by the ruling party, by none less than the Chief Minister himself, is shocking given the fact that apart from a close reading of the Vidhan Sabha proceedings on 27.2.2002, a message of the State Intelligence Bureau contained in Annexure III File XXI(D-163), which is a message titled ‘Vidhan Sabha/VHP/544/02 dated 27.2.2002’ already records that today, i.e., on 27.2.2002 during zero hour, the Vidhan Sabha had discussions related to the incident at Godhra and the **Chief Minister had informed that a high level enquiry would be conducted regarding the incident**. It also states that VHP had declared a Gujarat Bandh and today called a meeting at 1600 hours at the VHP office to discuss further steps to be taken regarding the incident.

59. Not only has the VHP by now declared the Bandh but official and government support to it has been also been given. The consequences of this collusion would unfold in a sinister and macabre display of state sponsored violence in the days to follow. **The role of A-1 as chief minister to, instead of appealing for calm and restraint on 27.2.2002, declare open support to the Bandh, that too declared by the VHP, is a clear declaration of his intent in unfolding the conspiracy.** The SIT does not deal with this overt or covert support for the Bandh by the government satisfactorily.

60. There are a series of messages of the State Intelligence Bureau (SIB—See Tables in Annexure) which warn of the repercussions of the bandh. One has been sent out as early as 3.10 p.m. on 27.2.2002 (before A-1 leaves for Godhra). It is a message D/272 com/takedari/71/2002 and can be read at Annexure IV, File XX, 8394). This message already says that funeral processions are likely wherever the bodies are sent.

1330 ± 1530 hours 27.2.2002 Post mortems

61. After the assembly proceedings, A-5 Zadaphiya leaves for Godhra. Accused No. 1 gets four calls from A-2 Ashok Bhatt on the mobile number of his PA, OP Singh, informing A-1 about the situation in Godhra. A-2 Mr. Ashok Bhatt (now deceased) had admitted that it was he who had instructed local doctors through the Civil Surgeon at Godhra for the post-mortem. A-2 Mr Ashok Bhatt who was in regular touch with A-1 Mr. Modi left for Godhra at 9.30 a.m. according to his statement to SIT and reached around 12-12.30 p.m. As the inquest was over, **a decision is taken by A-2 taking instructions from A-1 to conduct post-mortems in the railway yard itself where the dead bodies are lying.**

Decision was taken to start hasty post-mortems (Phone call records). **SP Raju Bhargava (A-46) is directly responsible along with DM Jayanti Ravi for allowing these post-mortems in public in violation of law.** Under the criminal law, it is the inquesting authority who has to decide whether to send the dead bodies for post-mortem or not.

But in the present case PM of almost all bodies were over by 18.45 hours, the time when inquest report was signed in the presence of A-1, A-2 and A-5 obviously following their directions. The question is, which the SIT has simply not bothered to ask is, **under whose orders, the Post-mortem was being conducted in the Railway Yard itself without any facility and equipments and also by doctors who were not trained to do Post Mortem?**

The motive behind this was clear: Bodies could be dispatched through a VHP strongman and co-A-21 Mr Jaideep Patel to reach Ahmedabad by next morning for the proposed funeral processions and parading Public post-mortem and free use and distribution of photographs of the gory bodies was encouraged by A-1, A-2 an A-5 to inflame the anger of the funeralists, which could be converted into a violent communal reprisal against innocent sections of the minority.
The calls made by Ashok Bhatt on the Mobile of Mr Om Prakash Singh has again not been discussed by the SIT. The call details show that A-1 (chief minister) was in touch with A-21 Mr Jaideep Patel as well as with A-2 Ashok Bhatt. The making of calls by A-2 Ashok Bhatt to Accused No. 1 shows that the Inquest of dead bodies was done after taking instructions from A-1, the chief minister.

<table>
<thead>
<tr>
<th>Call Type</th>
<th>Cell-No (Name)</th>
<th>Duration Secs</th>
<th>Date-Time</th>
<th>Dialed / Received No – Name</th>
</tr>
</thead>
<tbody>
<tr>
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<td>35</td>
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<td>9825000836 Omprakash Singh, CMO, (PA to CM, Accused No 1)</td>
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<tr>
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<td>27-feb-2002 15:05:09</td>
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<td>43</td>
<td>27-feb-2002 15:38:10</td>
<td>9825000836 Omprakash Singh, CMO, (PA to CM, Accused No 1)</td>
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</tbody>
</table>

Who Called the Doctors to Godhra?

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<tr>
<th>Call Type</th>
<th>Cell-No (Name)</th>
<th>Duration Secs</th>
<th>Date-Time</th>
<th>Dialed / Received No – Name</th>
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<td>27-feb-2002 13:39:24</td>
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</tr>
<tr>
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<td>27-feb-2002 17:19:09</td>
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<tr>
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<td>27-feb-2002 18:37:49</td>
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<td>121</td>
<td>27-feb-2002 18:40:10</td>
<td>24095557 Commissioner of Health</td>
</tr>
<tr>
<td>Out</td>
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<td>251</td>
<td>27-feb-2002 20:41:48</td>
<td>24095557 Commissioner of Health</td>
</tr>
</tbody>
</table>
63. The A-1 had used the mobile of Om Prakash Singh. In the statement given to the SIT by Singh (Annexure 1 Volume 1, Serial Nos 41 given on 9.11.2009), he accepted that A-1 spoke on his mobile when there was an extreme emergency. He only says that he did not see A-1 talking to anyone on his mobile phone. The SIT’s conclusions that CM was not in touch with ‘controversial persons Maya Kodnani and Mr Jaideep Patel during riots’ is contrary to the documents on record. A-1 was therefore in touch with both Maya Kodnani (A-16) and Mr Jaideep Patel (A-21).

1530-1645 hours 27.2.2002 Departure

64. The mobile phone call records of Mr. Anil Mukim show that between 15:37:57 hours and 21:58:36 hours his location is not traceable which is in all likelihood during the time he was accompanying Accused No1 to Godhra. However, just before that, at 15:33:40 hrs his location (and then again at 22:01:18 hrs) is shown to be in and around Meghaninagar where the Gulberg Society is located and a major massacre was perpetrated the next day. Does this mean that Accused No. 1 went to the airport via Meghaninagar and if so, why? The SIT has not investigated this despite it being pointed out. Interestingly, the other person from the CMO who accompanied A-1 to Godhra, Mr. J.M. Thakkar PRO to the CM, also shows his location before going to Godhra in the same location, in and around Meghaninagar at 15:34:48 hrs. Mr. Zadaphiya A-5 has reached Godhra by around 1600 hours.

16.45 ± 19.45 hours 27.2.2002

65. It is undisputed by the investigating agency that A-1 Modi arrived at Godhra by helicopter between 1600 to 1700 hours. Fax message at Page no.87 Mes/B/D-4/2/15/Com/284/2002 dated 27.2.2002 at 1912 hrs sent by ACP, State IB, Vadodara written to IG, Gujarat State, Gandhinagar states that the Chief Minister visited the place of incident at 1715 hours. (The Air Traffic Controller, Gujarat, of the state Government also suggests that Accused No.1 Modi, using Reliance plane, was at Godhra by 1610 hrs on 27 February 2002). His flight schedule corroborates that he departed from Ahmedabad between 1530-1600 hours on 27.2.2002 and reached the Godhra helipad at 1645 hours. He was accompanied by two persons from the CMO, Anil Mukim and J. Thakkar (Serial Nos 249 at Annexure IV, File IX, SIT papers).

66. After arrival at Godhra helipad, A-1 directly goes to the site, which is the railway yard where the dead bodies after inquest were lying. He enters into the burnt coach and while coming out talks to the media. (See transcripts of speech that are contained in Annexure on Hate Speech) It is during this time that the postmortems on the dead bodies start. A-1 was therefore party to the decision to conduct postmortems (illegally in the open railway yard). When he talks to the press there are several VHP workers present. Mr Jaideep Patel (A-21), Ashok Bhatt (A-2) and Zadaphiya (A-5) were present when A-1 visited the railway yard which is where the mutilated and burnt corpses have been allowed to have been kept in the open.

67. It is at that point of time that a decision was taken to hand over the dead bodies to Mr Jaideep Patel (A-21) of the VHP for being taken by road to Ahmedabad. When A-1 arrives at Godhra, he was received by Mrs. Jayanti Ravi and Mr. Ashok Bhatt and he straightaway drove to the Godhra Railway Station, inspected the spot and thereafter proceeded to the Collectorate and meet people and the press. Two ministers from his cabinet, Co-accused No 5, Mr Gordhan Zadaphiya, then MOS Home and Accused No 4, Prabhasinh Chauhan, the then Minister of Civil Aviation & Pilgrimage, were also present. It was the Collector who revealed to the investigating agency (SIT) that Mr Jaideep Patel and VHP Gujarat secretary (A-21) also met chief conspirator and Accused No. 1, at Godhra.
Thereafter, A-1 visited the civil hospital accompanied by A-2 Mr. Ashok Bhatt and A-5 Mr. Gordhan Zadaphia. Thereafter there was a meeting at the Circuit House where the DM was also present. DM had stated before the Concerned Citizens Tribunal that, in the first instance the government desired to transport the dead bodies of the Godhra victims by the same train on to Ahmedabad. But, she had advised against it. Before the SIT, Mrs. Ravi has denied this completely. The train had left Godhra station by detaching the burnt bogeys by 1300 hours. Accused No 2 Ashok Bhatt and A-21 Mr Jaideep Patel were already in Godhra by then and therefore they must have communicated the CM’s decision on this matter to the DM.

SIT admits at Page 60 in its final report dated 8.2.2012 that Mrs Jayanti Ravi has stated that in the meeting held at the Collectorate, A-21 Mr Jaideep Patel, a VHP leader was also present. However, under Allegation No. IV, the SIT still goes on to assert that A-1 Mr. Modi had never met A-21, Mr. Jaideep Patel (SIT Report, 8.2.2012). The SIT has not dealt with this aspect that the postmortems of the dead bodies was taking place in the presence of A1 and was not stopped by him though it was an illegal act. The SIT also does not deal with the presence of a large crowd of VHP workers and the presence of Mr Jaideep Patel general secretary of VHP Gujarat besides the presence of A-2 Mr Ashok Bhatt and A-5 Mr Zadaphiya. Worst of all, the SIT has not bothered to even look at the required legal procedures necessary to be observed in the wake of the Godhra tragedy. There are strict laws against allowing such hasty post-mortems to happen without proper procedures of identification and without family members being present; there is a strict prohibition against allowing photographs of corpses in a gory or mutilated condition from being taken, shot or telecast. (See details of Rules from the Gujarat Police Manual mentioned below). By not even dealing with this grave offence, the SIT has shown its unprofessionalism and distinct bias.

SIT has deliberately left un-investigated the whole question of the illegal and hasty post-mortems conducted in the open in the rail yard, with large and aggressive crows of the VHP, RSS and BD present, despite the fact that these facts are made known to them in the statements of then DM Jayanti Ravi and others. SIT has not investigated how gory photographs were allowed to be taken, telecast and broadcast not just by newspapers like the Sandesh but also publications brought out by the VHP. SIT obviously did not consider investigating such serious facts as emerged in the Investigation that too in such a sensitive case.

Decision to Hand Over Dead Bodies to Mr Jaideep Patel A-21 & Transport Dead Bodies to Ahmedabad

On the evening of 27.2.2002, at the notorious meeting called by him at his residence, chief conspirator Accused No. 1 Modi had told Chakravarti, ‘It was a government decision to transport the bodies of the victims from Godhra to Ahmedabad by Road’. (Statement of Mr K Chakravarti dated 16-17.12.2009 before the SIT at Annexure I, Volume I, Serial 65, Pages 252-267). Logically the decision to hand over the bodies to the member of a rabid organisation like the VHP, Mr Jaideep Patel was also taken at the highest level, in which DM Ravi and SP Bhargava acquiesced allowing the funeral and processions and parading to become a means of widespread mobilization of induced anger to whip up anger against innocent Muslims. Dead bodies of 54 persons (Hindus) killed in train fire incident were entrusted to private persons namely Jaideep Patel and Hasmukh Patel – both VHP leaders – in violation of existing regulations particularly, Rule 223 (10-b) of Gujarat Police Manual volume-III by Godhra district authorities under pressure from A-1.

1945 ± 2230 hours 27.2.2002
11.3 Haren Pandya’s recorded statement implicating Modi

This is as clear as it gets.

2002 Gujarat riots: Former judge says there's audio tape with evidence against Modi

AHMEDABAD: A retired judge who investigated the Gujarat riots says there’s evidence that must be considered against Narendra Modi. Justice H Suresh was a part of a people’s fact-finding committee that travelled to Gujarat in May 2002, just months after communal violence devastated the state. 1200 people were killed, most of them Muslims.

Justice Suresh says that during his trip to Gujarat, he met Haren Pandya, who was then a minister in Mr Modi’s government. Mr Pandya allegedly said that the chief minister had called a meeting in February, hours after a train was set on fire at the Godhra station. Nearly 60 karseveaks who were on their way back from Ayodhya died. Mr Pandya allegedly told the judge that at his meeting, Mr Modi instructed senior police officers to let Hindus exact their revenge.

Justice Suresh says that Mr Pandya’s conversation with him and retired Supreme Court judge PB Sawant was recorded on an audio tape. But Mr Pandya pleaded with both judges to not attribute this information to him.

"He said he will come and meet us provided its kept confidential and his name should not be disclosed ...we agreed on that...only some of us Justice Sawant, myself and one or two others were there ..and then we heard him, recorded his statement but we kept it very confidential," Justice Suresh told NDTV.

Mr Pandya was shot dead in 2003 while on his morning walk. He had fallen out with Mr Modi by then and was no longer a minister.

Justice Suresh says that he shared what Mr Pandya told him in 2009 with a Special Investigating Team (SIT) that was appointed by the Supreme Court to study allegations of Mr Modi’s complicity in the riots. Last week, the SIT submitted its findings to a court in Gujarat. It has reportedly concluded that there is no prosecutable evidence against the Chief Minister.

The alleged testimony of Mr Pandya to the fact-finding committee matches what suspended police officer Sanjiv Bhatt has told the Supreme Court. Mr Bhatt claims that he attended the meeting where Mr Modi asked policemen to let rioters strike at will. Mr Bhatt was suspended last year for not reporting to duty and using an official car during his absence from work. He claims he is being punished for taking on Mr Modi. The SIT has reportedly said that Mr Bhatt’s version of events is not reliable, because other policemen who were at the meeting say he was not present.

11.4 Sanjiv Bhatt: the post-Godhra riots were preventable

Q: For bringing some clarity for posterity I would like to ask you could the post-Godhra riots been avoided had not Modi spoken about ACTION and REACTION?
A: Modi speaking about action and reaction was more of a justification of what had already happened in Godhra. But yes, the post-Godhra riots could have been contained had the police acted in good faith. It is the basic principle of policing that if anything goes wrong first approach is containment. So the situation throughout Godhra should have been contained by the police without allowing shockwaves travelling out of Godhra. It was a big tragedy which had a disastrous effect across the state. What the political party and the government did was preparing ground for retaliation to reap benefit. The BJP gave a Bandh call on the 28th (February 2002) and people felt it was announced by the government. So a person on street perceived it as a government sponsored Bandh. And for the lumpen elements of the BJP or the VHP or the Bajrang Dal it would be their bandh as if their government had given the call and they would feel free to do as they wish. That’s what exactly happened.

The Godhra riots could have been prevented. But maybe there was no intent to prevent it. The intent was to let Hindus vent their anger. [Source]

In my view, there is SIMPLY NO REASON WHY THESE RIOTS COULD NOT HAVE BEEN PREVENTED.

Had Modi cautioned everyone not to rush to judgement – and await findings of how the train burnt down – everyone would have toned down things.

Instead, he SHARPLY ESCALATED THINGS by confirming that this was some kind of Muslim attack on Hindus. Till date I’ve not found ONE piece of evidence to confirm this.

Modi is 100 per cent responsible for the death of hundreds of innocents and the destruction of property worth hundreds of crores of rupees.

11.5 Sanjiv Bhatt’s testimony regarding a meeting on 27 February 2002

Q: SIT says you were not present during the high-level meeting held on February 27, 2002. Obviously as Additional Deputy Commissioner in the State Intelligence Bureau and posted in Gandhinagar your presence at the meeting should not have been controversial.

A: I was the Deputy Commissioner in charge of internal security. It was not just that meeting; I used to be present in a whole lot of meetings with the CM. They are not contesting my presence in the meeting on 28th (February 2002) but they are only concerned about the meeting on 27th because that would attach or attract culpability for the CM. The job of the SIT should have been to bring out the role of the people and their failures during the riots or their role in fanning riots or their role in controlling the riots. Whatever it is it should come out. But instead the entire effort of the SIT was to save Modi. [Source]

I’ve carefully checked Sanjiv Bhatt’s credibility through my analyses posted on public blog posts (see elsewhere in this booklet). I have NO DOUBT that it is common practice for senior IAS/IPS officers to meet the CM. I used to meet the CM of Assam INNUMERABLE times even when I was less senior to what Sanjiv Bhatt was in 2002 (and I was not a “favourite” officer since I was pretty prickly about issues of integrity). It is COMMON practice for all relevant senior officers to meet the CM on such occasions. State IB is a CRUCIAL part of such discussions and it was represented by Sanjiv Bhatt that day. I think this is an entirely believable account, given also the incidents that occurred later, and the verbal reports from Modi’s MLAs, and so many people who said the police had given them three days to do whatever they wanted.
Supreme Court Amicus Curiae found absolutely no reason to disbelieve Sanjiv Bhatt’s testimony

But Ramachandran, in his report, has disagreed with the SIT’s conclusions. He has said that Bhatt’s presence in the meeting gets probablised by various crucial facts, mainly:

a. On 27 February, State Intelligence Bureau chief GC Raigar was on leave. It was only natural that after Raigar, the senior-most officer from the IB, which happened to be Bhatt, would be expected to attend the meeting and brief the chief minister about the intelligence collected pertaining to the Godhra incident and the ensuing communal situation.

b. According to Ramachandran, Bhatt could have been labelled an unreliable witness only if the SIT had found that instead of being present at Modi’s residence, he was actually somewhere else. However, there is no such evidence with the SIT to show that he was not present in the meeting or that he was somewhere else. In the absence of evidence to the contrary, it beggars belief why the SIT is so obdurately resisting Bhatt’s testimony.

2. Evidence is weighed and not counted. Bhatt is a crucial witness and his statement is a direct piece of evidence and carries a lot of weight in the eyes of law, said Ramachandran. The fact that other bureaucrats present in the meeting have not acknowledged his presence doesn’t reduce the legal value of Bhatt’s testimony. The veracity of Bhatt’s
revelations could only be ascertained by conducting a criminal trial. To take any other stance at the pretrial stage would amount to pre-judging the case.

3. According to the SIT, apart from Modi, there were seven other confirmed participants in the meeting. If Bhatt is also presumed to be present, the total number of attendees would be nine. The SIT also conceded in its report that none of the seven participants were willing to tell the truth because of one vested interest or the other and thus unreliable. In a highly conflicting report, the SIT has used the same unreliable witnesses to disbelieve Bhatt’s testimony. The primary reason why the SIT has not believed Bhatt is because his presence was not confirmed by other participants (whom the SIT has otherwise called interested parties and hence unreliable). According to Ramachandran, this was a highly conflicting and illogical stand.

4. The amicus has noted in his report that he was aware that Bhatt had revealed these facts after almost seven years of the incident and that is creating anxiety to the SIT. He also noted that he was conscious of the probable limitations of Bhatt’s statement in view of this delay. But Bhatt’s explanation that he had never before been asked by any statutory body or an investigating agency about the incident and was thus under no legal obligation to reveal the truth is legally and logically tenable. Bhatt’s explanation gets further strengthened by the fact that in the first statement recorded as part of the preliminary inquiry by the SIT, he had not disclosed the full details of the meeting on the ground that since it was merely an inquiry and not an investigation under the Criminal Procedure Code, he as a former intelligence officer would not be able to reveal the details of the meeting. [Source]

11.7 No regrets. Only a regret that he could not manage the media

In 2002 Celia Dugger of the New York Times had interviewed Modi a couple of months after the riots. “I asked [Modi] if he had any regrets about what had happened in his state in that period: Women openly raped, hundreds of people killed. He told me his greatest regret was that he didn’t manage the media very well.” [Source]

The interview:

“In an interview in June, the state's chief minister, Narendra Modi, offered no consolation to the state's Muslims and expressed satisfaction with his government's performance. His only regret, he said, was that he did not handle the news media better.” [Source]
12. Habit of killing innocents and anyone who could implicate him

12.1 Sreekumar’s testimony

In this video Sreekumar talks about the culture of fake encounters in Modi’s Gujarat

http://www.youtube.com/watch?v=Ybk2C7R7Yyg

(watch from about 1:40 minutes to about 5 minutes)

Sreekumar’s testimony to Justice Bedi

From his letter of 30 August 2012 to Justice Bedi (sent to me in his email of 26 January 2013)

EXTRACTS:

8/ According to Gujarat Police Manual Vol. III Rule 61 Sub- Rule 4 A and B, a specific duty is assigned to SIB and its Chief- ADGP (Int). Earlier this post was held by Officers in the rank of the Deputy Inspector of General Police. So, the above Rule 61 refers to this rank. Rule 61 reads thus –

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

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

9/ Though none of the cases of the alleged fake encounters listed in STF’s Public Notification dated 16/07/2012, had taken place during my tenure as ADGP (Int) from 09/04/2002 to 18/09/2002, I have relevant information to indicate that series of alleged fake encounters were planned and perpetrated in pursuance of a covert agenda of the Gujarat State Government, implemented through a set of Police Officers, who reportedly had enjoyed extra-hierarchical accessibility and proximity to the political leaders heading the State Government.

10/ While I was ADGP (Int) there were many meetings and briefing sessions convened by higher officers from DGP to the Honourable Chief Minister Shree Narendra Modi. The proceeding of these meetings were never recorded and documented. In these meetings, often, many illegal, improper and unethical verbal orders were given to me by seniors including the Chief Minister. As an aide to memory and for self-defense in any future
probe by authorised judicial or administrative functionaries, I had maintained a Register captioned “Register for recording verbal instructions from higher officers viz DGP and above”, from 16/04/2002 to 19/09/2002. This Register was affixed with the Seal of ADGP, Intelligence Office, and a certificate about number of pages was given by the officer Incharge of SIB Office, the Inspector General of Police, (IGP) Shree O.P.Mathur (I.P.S, Officer of 1975 Batch, Gujarat Cadre) in his own handwriting.

A. Entry on 01/05/2002 reads thus, 4 “DGP in a person to person discussion told me that the Chief Secretary Shree Subba Rao was persuaded by the Cabinet Secretary Shree Prasad (IAS) belonging to Andhra Pradesh Cadre to eliminate those Muslim extremists, who are disturbing communal peace in Ahmedabad.

I responded to DGP that we (Police) should not do anything illegal because it will be a cold-blooded premeditated murder, if we kill anybody without justification in the form of exercise of right of private defence or as part of police action to control riots.

The DGP Shree Chakravarthy has fully agreed to my advice in this matter.

B. The entry on 28/06/2002 reads thus “After the formal meeting the CS talked to me personally and suggested that if someone is trying to disturb Rath Yatra or planning to spoil the same that PERSON BE ELIMINATED. He added that this is the policy and well considered decision of the Chief Minister Narendra Modi.

I responded that such a totally illegal action cannot be taken on legal ethical grounds.

I added that if somebody is found indulging in arson or killing of others only such an action of elimination can be resorted to by the Police. Thereafter, the CS observed that such action can be taken on the basis of SITUATIONAL LOGIC. I replied that Police is a creature of Law and it cannot take any action, which is not legally justified. At the end, he asked me to renew our efforts to get specific intelligence about plans of anti social elements to disturb peace.

I promised that all possible efforts are made to collect Advance, Actionable, Preventive, Real Time Intelligence.” The copy of the Register, which was earlier submitted to the Justice Nanavati Commission, probing into 2002 Gujarat riots in my Third Affidavit, dated 09/04/2005 as Annexure ‘F’, is enclosed as Appendix ‘A’ of this report.

11/ The factors like (i) The instructions by the Chief Secretary Shree G Subba Rao to DGP and me for elimination of people disturbing communal peace and Rath Yatra in Ahmedabad city; (ii) My refusal to carry out these illegal instructions, and (iii) The commencement of elimination of people in the alleged fake encounters, after my transfer from the post of ADGP Intelligence, may kindly be assessed by STF in the perspective and ambit of section 8 of the Indian Evidence Act.

12/ I submit that in case, somebody was killed, in an fake encounter from 09/04/2002 to 18/09/2002, I would have reported the matter after conducting proper enquiries to appropriate Authorities, proposing action against the wrongdoers, in my capacity of ADGP Intelligence, in compliance with the letter, spirit and ethos of Gujarat Police Manual Vol. III. Rule 61.

13/ Significantly, the practice of elimination of people in alleged fake encounters was started just after a month of my transfer from the post of ADGP Intelligence, on 18/09/2002. The alleged fake encounters, under probe by STF, were from 22/10/2002 to 17/01/2006. It may be noted that serious investigation on the complaints of relatives of victims of fake encounters, under the supervision of higher judiciary was started by the end of 2005. This might be one of the major reasons for stoppage of the alleged fake encounters from January 2006. Moreover, Senior Police officers like DIG Shree Dhananjay
G. Vanzara, Superintendent of Police Dr. Rajkumar Pandian, Superintendent of Police Shree Dinesh etc., were arrested for extra judicial killings by April 2007.

14/ Reportedly, ADGP Intelligence, since October 2002, did not conduct any assessment about the alleged fake encounters as envisaged under Rule 61 of Gujarat Police Manual Vol III. In case, SIB had sent reports about these encounters, the professional merit of these reports may kindly be examined by the STF.

15/ Moreover, Gujarat Police Manual Vol III Rule 217 has delineated action to be initiated by various Authorities in the event of "Death in Police Custody." SIF may kindly inquire as to whether the procedure postulated under the above Rule-217 was followed by the relevant Authorities in the cases under investigation by the STF. If not, such intentional acts of omissions by the Government functionaries would amount to criminal negligence punishable under Sections 166, 217 and 218 of Indian Penal Code of 1860.

16/ In the Public Notification by STF, Ahmedabad City Crime Branch is found allegedly responsible for fake encounter killings, figuring in serial numbers 1, 2, and 17 in the chart of 17 offences, listed in the Public Notification. In this connection, I feel that it is relevant to submit that I had received a few secret reports from SIB staff informing that Ahmedabad City Police including Crime Branch Officials were nurturing a bias against the riot victims belonging to Muslim Community and that the Criminal Justice System (CJS) was subverted to deny or delay justice delivery to them. I had brought this unholy trend against the basic ideals of the Indian Constitution and the concept of the Rule of law displayed by Government Officials, to the notice of the State Government and the DGP, through an elaborate report captioned "Current Communal Scenario in Ahmedabad City" on 24/04/2002. Copy of this report is enclosed as Appendix 'B' for your kind study.

17/ Further, I had conveyed one specific information about an alleged misdeed of Ahmedabad City Crime Branch Officers to the Commissioner of Police, Ahmedabad city, Shree K.R.Kaushik through a secret D.O. Letter & G01/AEA/584/2002, dated 05/09/2002. This report indicated the possibility of indigenous firearms and bombs recovered from Muslims in Ahmedabad city on the eve of Rath Yatra in July 2002, being covertly manufactured in a Factory located in Vadgam area of Sabarkantha District. This Factory was reportedly owned by supporters of Vishwa Hindu Parishad. I had requested in this letter to the Commissioner of Police, Ahmedabad, to conduct the necessary Inquiry and initiate further action.

18/ Strangely, the contents of my secret letter had appeared in the New Delhi edition of the English daily, The Hindustan Times on 8/09/2002. On 09/09/2002, Shree D.G.Vanzara, the then Deputy Commissioner of Police, Ahmedabad City Crime Branch, under whose supervision, the illicit firearms were recovered from the Muslims, had made a written representation to the CP Ahmedabad city, questioning the motive and validity of my secret DO letter about recovery of firearms. The CP Ahmedabad city, had forwarded Shree Vanzara’s representation to the Government for further action. Thereupon, the State Government had initiated an inquiry against me through Shree K.Chakravarti, the then DGP in this connection, viz, for performing my assigned duty of conveying an important intelligence input to CP Ahmedabad city. The Director General Police & Inspector General of Police, Gujarat State, Shree Chakravarti, after thorough probe had reported on October 3, 2002 to the Government that 4 “The action by the ADGP, Intelligence is done in good faith, and as per the normal procedural practice and I do not think that anything improper is done in this connection.” F However, the Chief Secretary Shree Subba Rao, had restarted an Inquiry against me in the same matter, ignoring DGP’s report by asking my itemised exhaustive explanation for sending the above noted DO letter to CP Ahmedabad city, vide his DO Letter & SB/ /COM/102002/CM-72, dated 27/01/2003. In response, I have asked many relevant papers for drafting my reply.
However, the Inquiry was discontinued on 01/05/2006, when the Central Administrative Tribunal (CAT) Ahmedabad had issued a stay order on further action by the State Government on the 9-points chargesheet issued to me, on 06/09/2005, in the matter of giving evidence against the Government officials to the Justice Nanavati Commission.

19/ I feel that in case the State Government had acted upon my report about fake recovery of firearms in the month of September 2002, the officials like Shree D.G.Vanzara would not have ventured into commission of alleged fake encounters, which are being probed into by STF and CBI. Perhaps, my report about fake recovery of firearms in the month of September 2002 was the only document about misadventures of Ahmedabad Crime Branch Officers, particularly against Shree D.G.Vanzara in Gujarat Police records till his arrest in the month of April 2007.

20/ If required by STF, I can produce all relevent documents regarding my letter to CP Ahmedabad city, in the month of September 2002.

21/ Regarding STF probe into 17 alleged fake encounter cases, I propose further action by STF on the following points.

A. The State Government and Police used to announce after practically every alleged fake encounter that the police action was initiated on actionable advance preventive intelligence received from the Central or State Agencies. The decisive question to be explored is as to why such sensitive actionable intelligence was received by Gujarat Police only from October 2002 to January 2006, when serious investigation on allegations about fake encounters were started on judicial intervention.

B. In relation to certain cases of the alleged fake encounters, when the Muslims were killed, an impression was created by the responsible officers that they had neutralised the plans of Jehadi groups like Lashkar_E_Toiba, ‘Indian Mujahidin’, Jaish E Mohammad, etc, to kill senior Bharatiya Janata Party leaders, through effective police action. Why these jihadi militant groups had stopped sending potential assassins for murdering the Sangh Parivar leaders after the arrest of Police Officers like Shree D.G.Vanzara, in the month of April 2007? Does this strange phenomenon point a finger of suspicion on the claims of Gujarat Police about elimination of Muslim militants in the encounters?

C. Why the Agencies who supplied information about persons killed in encounters did fail to provide inputs about the full background, character and antecedents of the persons, the stages of their evolution as extremists, militants, terrorists or criminals, their financial sources and associates, organisation supporting and sustaining them, communicating network, their material resources, weapons, equipments, shelters and sanctuaries, local contacts / friends, impact of their elimination in their organisations and supporters etc.

D. Strangely, in the post encounter killing investigation by Gujarat Police also no critical information as narrated in the Para marked ‘C’ were reportedly unearthed and the subsequent imperative police actions in the form of arrests, searches, recovery of weapons and evidence, deeper investigations, and so on, were done. Normally, even after the arrest of a criminal booked for commission of even property offences like dacoity, housebreaking, theft, misappropriation, etc also the professionally competent police officers will invariably bring out a comprehensive picture about the criminal, his antecedents, associates, resources, the communication channels etc. Why such an essential professional response is strikingly absent in the cases of alleged fake encounters, now investigated by STF? Why the Officers supervising those responsible for encounters had failed to discharge their entrusted duties of closely monitoring the post-encounter investigations?
E. All encounter cases are grave crime cases, whose investigation had to be supervised as per the Standard Supervision Procedure (SSP) narrated in Gujarat Police Manual, Vol III, Rules -24, 134, 135, 240, 242, 246 and 248. Why these structurally prescribed procedures were not implemented by Senior Officers? These grave omissions are also punishable under Sections 166, 217, and 218 of Indian Penal Code of 1860.

F. Why the supervising officers, in the ranks of DySP to DGP, had failed to take cognisance of numerous acts of omissions and commissions by persons responsible for alleged fake encounters, particularly in relation to post-encounter investigations, during the compulsory periodical scrutiny of case papers, crime conferences, briefing Sessions etc.?

G. Why the Executive Magistracy consisting of the District Magistrate, and the State Home Department (Supervising the DM) had failed to detect frequent alleged deviant acts committed by police officers in the alleged fake encounters, during the review meetings periodically held by these Authorities? With regard to the above noted points in Para ^ - F and G, the STF may kindly scrutinise the minutes and Records of crime conferences and review meetings chaired by Senior Police and Home Department Officials.

H. Why the supervising officers did ignore numerous representations by relatives of victims of alleged fake encounters, human rights activists, NGOs, and Media reports about the alleged wayward acts of police officers responsible for encounters?

22/ On account of plethora of adverse comments against the Gujarat State administration and Police regarding their unholy role in the 2002 protracted anti minority riots and the alleged subversion of the CJS, the image and the credibility of the Gujarat police officers is deplorably low. In one judgement, the honourable Supreme Court had referred to Gujarat Police as “the Modern Day Neros’- Criminal Appeal ^ -446/449-2004, in the case of Zahira Shaikh versus The State of Gujarat, delivered on 12/04/2004.

23/ There were a few Officers, who did their best to uphold the Rule of law, during the 2002 riots and subsequent days. It is pertinent to note that in 11 Districts of Gujarat, there were no killings during the riots and even in Surat City, the second most populous city in the State, violence was effectively contained in 2002 riots. These Officers, who were intrinsically loyal to the letter, spirit and ethos of the Constitution of India and all friends of Gujarat Police, are eagerly looking forward to the outcome of the Investigation by STF.

12.1.2 Wave of fake encounters

As the CBI gears up to file its chargesheet in Ishrat case on July 4, Mirror gives a lowdown on ministers, IPS officers, lawyers and bureaucrats connected to Ishrat and Sadiq cases

AMIT SHAH

EX-STATE HOME MINISTER, BJP’S UP INCHARGE, 2014 POLLS

Already charged in the Sohrabuddin, Kausar Bi and Tulsi Prajapati encounters, the name of former minister of state for home and BJP general secretary Amit Shah’s has cropped up in the Ishrat Jahan fake encounter too.

Reports claim that one of the testimonies with the CBI in the Ishrat Jahan case names Shah, the then home minister, as the one who ordered “the
cold-blooded” killings of Ishrat and three others. He is now BJP’s UP incharge for 2014 election.

**PRAFUL PATEL**

**FORMER GUJARAT HOME MINISTER**

Praful reportedly convened a meeting of additional principal secretary GC Murmu, key accused in the Ishrat case G L Singhal, advocate general Kamal Trivedi, additional advocate general Tushar Mehta and others to discuss means to prevent CBI from getting to the officers accused in the case.

Patel is close to revenue minister Anandi Patel. The conversation between the above has been reportedly recorded by Singhal. The CBI will submit the audio recording, which has already been sent for forensic examination, to the judge on July 4.

**GC MURMU**

**ADDL PRINCIPAL SECRETARY, GUJARAT GOVERNMENT**

This low profile bureaucrat is a key aide of the CM. Murmu was reportedly part of the meeting held by former minister of state for home Praful Patel on November 20, 2011, to discuss how the CBI can be prevented from getting to the accused in the Ishrat case.

Murmu was earlier incharge of the law and order. Murmu had been earlier named by former director general of police R B Sreekumar for threatening him to prevent him from deposing before the SIT in the Godhra train carnage and post-Godhra riots.

**G L SINGHAL**

**IPS OFFICER, AMIT SHAH CONFIDANT-TURNED-CRUSADER**

He was ACP Crime Branch, Ahmedabad. Singhal was part of one of the teams formed to track Ishrat and three others. When SIT was formed to investigate the case, he feared that his name will crop up in the case.

In 2011, a meeting was held by Praful Patel, the then home minister and Singhal video recorded the entire proceedings. When CBI arrested him in February 2013, he gave the entire recording to CBI investigators. Noticeably, Singhal recently got default bail after CBI did not submit the charge sheet in 90 days.
ANUPAM SINH GEHLOT
IPS, DIG COASTAL INTELLIGENCE

Gehlot, the then DSP Bhavnagar, is now DIG Coastal Intelligence, Gandhinagar. Gehlot has been able to come out clean in the entire case as he did not follow the expected line of investigation.

While he was approached by the then State IB chief J Mahapatra and even IB Special Director Rajinder Kumar, he provided genuine information about Sadiq Jamal. Sources say though Gehlot could have been in a better position, Gehlot himself had asked for less hectic profile like Coastal Intelligence citing health reasons.

K CHAKRAVARTY
FORMER DG POLICE, NOW RETIRED

Earlier, IPS officer Sanjiv Bhatt had alleged that Chakravarty was present in a meeting called by Modi in which the police were allegedly asked not to act against mobsters.

For Sadiq Jamal encounter case, he had received a communication from Special Director IB Rajinder Kumar. Kumar followed it up with a second missive to Chakravarty, giving out the various locations in Bhavnagar where Jamal could be found.

TUSHAR MEHTA
ADDITIONAL ADVOCATE GENERAL

Mehta officially represented the case in HC on June 14, 2013. Mehta zapped the bench on the first day when he rose from his chair shouting: “The CBI has become so insolvent that it cannot work without an officer?” But he was told by the HC bench not to become “psychologically disturbed” by these things.

Mehta then submitted two CDs and insisted the court see them, which according to him, would prove the course of CBI probe was wrong. However the bench refuse to take the CDs on record and directed him to submit it to the probe agency.
KAMAL TRIVEDI

ADVOCATE GENERAL

Trivedi has been representing the state in Ishrat case in HC since day one. He was pulled up by HC in 2012 when the state initiated an inquiry against an SIT member Satish Verma. The bench had asked Trivedi, “How could the state initiate an inquiry against an SIT member without informing the court.” Trivedi explained that the FSL director had written to the DGP about CD seizure incident and Rakesh Asthana had been simply asked to look into it. Since bench was not convinced, Trivedi assured the court that no action will be taken against Verma.

J MAHAPATRA

IPS, NOW RETIRED

Former Director-General of Police, CID (Intelligence), J Mahapatra retired as Commissioner of Police, Ahmedabad. Mahapatra as chief of state intelligence according to sources had ensured that intelligence inputs are always verified. When he received inputs from Rajinder Kumar on Sadiq Jamal, he had asked the then DySP, Bhavnagar, Anupamsinh Gehlot to first verify the inputs passed on.

12.2 Vanzara’s letter CLEARLY implicates Modi as the HEAD CRIMINAL OF GUJARAT

In my previous analysis of Vanzara’s letter I wasn’t sure he was a killer. Now I am (see my post on Kauserbi).

My commentary in blue highlight, below. I’ve extracted key bits and removed totally unnecessary portions.

While I was serving as a Deputy Inspector General of Police, Border Range, Kutch-Bhuj, I was arrested in ATS Police Station I CR No.- 5/05 (Shohrabuddin encounter case) by the CID Crime of Gujarat on 24-4-2007. Since then I am continuously placed under suspension till date. I was also arrested in Ambaji Police Station I CR No.- 115/2006 (Tulasiram encounter case) by CID Crime of Gujarat on 7-7-2010 for which I had been undergoing the concurrent along with that of Shohrabuddin encounter case in the same jail. I have been continuously kept in the jails of Ahmedabad and Taloja since last more than six years.

After my shifting from Sabarmati Central Prison to Taloja Central Prison, CBI opened two more encounter cases at Ahmedabad i.e. (i) DCB Police station I CR No. – 3/2003 (Sadique Jamal encounter case) and (ii) DCB Police Station I CR No. 8/2004 (Ishrat Jahan encounter case).
Thus, as on today, apart from 9 Gujarat-Rajasthan police officers kept in Taloja Central Prison, there are 22 other officers/men who are kept in the different jails of Ahmedabad, Nadiad, Vadodara and Palanpur in the State of Gujarat amounting to total 32 police officers/men which includes 6 IPS officers. Names of 6 more IPS officers are figuring in the chargesheets of Tulsiiram and Ishrat Jahan encounter case. [Sanjeev: This is SHOCKING, to say the least. That TWELVE IPS officers of Gujarat cadre are currently implicated in SERIOUS CRIMINAL ACTIVITY]

They are made to suffer in the jails, inspite of the fact that they had been and are loyal soldiers of this government [Sanjeev: here's the key: that these people thought they were AUTHORISED BY MODI] who fought incessant war against Pakistan inspired terrorism [Sanjeev: SORRY Vanzara, YOU HAVE BEEN KILLING INNOCENT PEOPLE] with complete honesty, integrity and sincerity without falling prey to any of the mundane temptations. [Sanjeev: You were supposed to serve the Constitution of India with integrity].

I most respectfully would like to submit and state that I, along with my officers, stood beside this government like a bulwark whenever it faced existential crisis in the past. [Sanjeev: It is FURTHER CLEAR who Vanzara is referring to. "This government is MODI'S GOVERNMENT"] When I, along with my officers have been facing a similar crisis in my/our life/lives, it was expected of this government to reciprocate. [Sanjeev: So Vanzara WAS SURELY EXPECTING THAT MODI WOULD SUPPORT HIM. And indeed, he HAS been supporting many criminals and crooks in government. It is only when the officers are "stupid enough" to get caught with foolproof evidence that he can’t help them] and firmly stand beside me and my officers with a similar vigour and determination, which to my utter shock and surprise, could not happen.

Verbal consolations given by this government, time and again, [Sanjeev: It is FURTHER CLEAR THAT MODI HAS BEEN CONSOLING THEM VERBALLY - and wherever possible he has subverted justice, e.g. in the SIT, or by paying off Nananwati] had been proved to be invariably hollow and deliberately misleading. [Sanjeev: Don’t worry Vanzara, if Modi could he would help you. Once he becomes PM he will totally destroy CBI and you’ll go scot free.]

With the passage of time, I realized that this government was not only not interested in protecting us but it also has been clandestinely making all efforts to keep me and my officers in the jail so as to (1) save its own skin from CBI [Sanjeev: yes, Modi’s in deep trouble and he just can’t avoid it now] on one hand and (2) gain political benefits on the other [Sanjeev: Yes, Modi has managed to confuse an astute analyst like Madhu Kishwar]. It is everybody’s knowledge that this government has been reaping very rich political dividends, since last 12 years, by keeping the glow of encounter cases alive in the sky of Gujarat [Sanjeev: Hear, Hear! The truth is spoken] while otherwise, remaining in the low profile and indifferent to the fate of jailed police officers.

This government suddenly became vibrant and displayed a spur of sincere activities only when Shri Amitbhai Shah, former MOS, Home, was arrested by CBI. It so happened that Shri Ram Jethmalani, the most learned, senior most and highest paid advocate of India
was engaged for Shri Amitbhai Shah who appeared on behalf of him at all levels of courts, right from the lowest CBI court, to Special Court, to High Court, to the Apex court of India and got him released on regular bail within record time of 3 months of his imprisonment. [Sanjeev: Ram Jethmalani, now it is becoming clear what you stand for. You are no Gandhi, but a supporter of criminals]

In contrast, when I, along with Rajkumar Pandian and Dinesh M.N, was arrested by the CID Crime, forget about providing the legal services, nobody from the government bothered even to provide a lip service to us or to our family members. On the contrary, apprehending the arrest of political leaders of Gujarat by CBI, all efforts, legal and political, were made by this government to ensure that none of us was released on bail so as to prevent the investigation going from the hands of Gujarat CID to Union CBI. [Sanjeev: Hear, Hear! The truth is spoken] The most heartless and shameful act of betrayal on the part of this government was that when Dinesh M.N., and Narendra Amin got released by their own individual efforts, it got their bails cancelled at the earliest opportunity and pushed them back behind the bars of Sabarmati Central Prison. Since then, my officers are made to compulsorily languish in the different jails for none of their faults [Sanjeev: Cool, Vanzara. I didn’t know that killing innocent women is “no fault”]. The only fault, if that is to be construed as a fault, which they committed was that they performed their duties diligently and served their country well under the direct instructions from this government. [Sanjeev: Hear, Hear! The truth is spoken]

Inspite of all such acts of betrayal and treachery, I was gradually reconciling myself with this government, when a skylab in the form of Supreme Court order of transfer of Shohrabuddin trial to Mumbai, fell on us from New Delhi, which was beyond wildest of my imaginations. With all regards for Hon’ble Supreme Court of India, I sincerely believe and state that but for the legal and political intrigues, machinations and maneuverings of Shri Amitbhai Shah, the trial of Shohrabuddin encounter case, followed by that of Tulasiram encounter case, would not have gone out of the state of Gujarat. [Sanjeev: Vanzara KNOWS that justice can be easily subverted in Modi’s Gujarat]. It goes without saying that the cruel act of transferring the case out of the state [Sanjeev: here we go. This KILLER is afraid he’ll be finally hanged. As he should] has increased the agony of the jailed police officers on one hand and multiplied the hardships of their family members on the other.

And the crux of whole matter is that it was just to facilitate his trivial personal interest of fighting Assembly Election of 2012 that Shri Amitbhai Shah got the trial transferred and betrayed our trust reposed in him whereby he forced us to suffer more and more in Taloja Central Prison on one hand and face the costliest trial in Mumbai Court, on the other, which none of us is in the position to afford. As if this was not sufficient, Shri Amitbhai Shah, through the order of Hon’ble Supreme Court of India, also managed the merger of Tulasiram encounter case into that of Shohrabuddin encounter case so as to prevent his own arrest into the second case whereby he almost closed the doors of regular bails to the rest of the police officers. Not only that, by converting two cases into one case,
he has also aggravated the seriousness of the combined cases elevating the same into a rare category. [Sanjeev: Now, here’s raw politics - one thief blaming the other thief]

Under the circumstances, I and my officers feel ditched and disowned by this government and hence there remains no valid reason for us to continue to trust this government and its ace strategist Shri Amitbhai Shah [Sanjeev: DON’T FORGET TO NOTE THE WORDS ‘THIS GOVERNMENT’] who convincingly proved himself to be completely self-centric in handling the serious encounter cases with total disregard to the legitimate interests of jailed police officers whereby he has reduced himself to be a mere custodian of political interests of Gujarat government which he is jealously guarding at the cost of those of jailed police officers. And by doing so, he has been playing with our lives without an iota of qualms of conscience. [Sanjeev. Ha Ha, Vanzara. Surely you jest. Conscience among KILLERS?!]

I have been observing right from the year 2002 that Shri Amitbhai Shah as a MOS, Home, had been completely mismanaging a sensitive Department like Police which would have been handled more carefully in the context of Godhra train burning, post-Godhra riots and resultant [Sanjeev: it is true that killing hundreds of innocent Muslims MIGHT have caused this Jehadi terrorism] rise of Jehadi Terrorism in Gujarat. I am sorry to state that instead of providing an innovative and benevolent leadership for keeping the police force of the state intact, efficient and fighting machine [Sanjeev: Killing innocents efficiently, Mr Vanzara - and burning them in your own village?], Shri Amitbhai Shah introduced a much despised British policy of divide and rule coupled with equally dirty policy of use the officers and throw them by deliberately spreading disinformations about them, whereby he succeeded in creating the "crisis of confidence" among senior officers on one hand and the government on the other. That, in turn, destroyed the command and control mechanism of Gujarat Police which is considered to be a "soul" of any uniformed organization anywhere in the world. [Sanjeev: There is NO mention of "command and control" in India’s Constitution. The CONSTITUTION is the soul of the IPS, you dirty skunk who has brought shame to this once great service. We have a principle in India called Satyameva Jayate. Not killing innocents.]

A situation so drifted that none in the department trusted the other, every one perceived the other to be a potential spy or rival who, as if were daggers drawn at each other and were out to harm or finish each other. Under the circumstances of such a suspicion lurking from all the directions, MOS, Home, lost all credibility and confidence vis-a-vis police officers and vice versa, which ignited the "yadavasthali of fratricidal police war" in Gujarat [Sanjeev: This man is now exposing the DIRTY SIDE OF MODI'S DYFUNCTIONAL AND DEFUNCT POLICE DEPARTMENT. And Modi wants to be PM of India! He will DESTROY even the Army.] which was later on exploited by CBI opening the floodgates of politico-legal problems for this government on one hand and involving "patriotic police officers" [Sanjeev: Patriotism means KILLING INNOCENTS, Vanzara!!] in number of encounter cases on the other. The result was and is for everybody to see. A very big number of police officers are languishing in the different jails today. So much so that MOS, Home, himself fell into the grave which he used to dig for others. [Sanjeev: The GODFATHER IN THIS STORY IS MODI, HE WATCHES OVER ALL GRAVES]
I have been maintaining very exemplary patience and perseverance since last six years in the hope that better counsels would prevail someday and the soul of this government would get awakened in our favour. But this government has belied my hope. I realized the truth in the statement of Mahatma Gandhi who very rightly observed, "States are soulless machines.... And the governments have no conscience...." [Sanjeev: This takes the cake. This MURDERER who worked for Modi the God Father, citing Gandhi!] Accordingly, this government instead of construing my "dignified silence" to be a "virtue" worth rewarding has mistaken the same to be my "weakness" worth ignoring. It is most painful to state here that this government took me and my officers for granted all these years in the most arrogant manner.

During the course of my last six years' silence, I exhausted all the means and methods to secure justice for me and my officers [Sanjeev: Justice means setting you free in society, after you've KILLED INNOCENTS?] from this government which hurled on us nothing but heaps of disappointments and frustrations. Hence the only way open for me and my officers is to adopt the path of Dharma as defined by Shri Guru Govind Singh, the tenth Divine Lord of Sikhs, who ordained to his disciples, "when all the ways and doors for getting justice are exhausted and closed, it is just (Dharma) to draw the sword". Accordingly, I have a moral justification to expose real culprits behind encounter cases by calling them Spade a Spade. [Sanjeev: You don't need to draw the sword. Everyone knows the MAIN PROMOTER OF THESE KILLINGS IS MODI]

I, therefore, would like to categorically state in the most unequivocal words that the officers and men of Crime Branch, ATS and Border Range, during the period of years between 2002 to 2007, simply acted and performed their duties in compliance of the conscious policy of this government [Sanjeev: namely MODI] in the context of following circumstances:

A monstrous episode of Godhra train burning and equally horrible post-Godhra riots in Gujarat provided a pretext to Pakistan based terrorist outfits like Let, JeM and D gang under the direct supervision of ISI, to "convert Gujarat into another Kashmir" by exploiting the sentiments of the muslims all over the world. It was in this context that series of acts of terrorism like foiled attack on Rathyatra; bomb blasts at Godhra, Derol, Mehlol and Lunawada; bomb blasts in six AMTS buses of Ahmedabad City; Memco scooter blast; Nehrunagar cycle blasts; firing on Shri Niraj Jain at Vadodara and on Shri Laliwala at Surat; firing on Shri Jaideep Patel at Ahmedabad; firing on Shri Jagdish Tiwari and killing of Shri Haren Pandya; fidayeen attack on Akshardham Temple at Gandhinagar etc., took place in quick succession which seized common people of Gujarat with fear and apprehensions. [Sanjeev: What about the incitement by Modi and VHP to kill muslims, supported fully by many IPS officers who brought great shame to the service?]

Jehadi Terrorism, thus, began to spread like a forest fire in all directions of the state with all its dreaded ramifications. Everywhere the police was clueless and that phase was almost a beginning of the anarchy in the state. Gujarat, having very long coastal and land border with Pakistan, was virtually on the path of becoming another Kashmir. [Sanjeev: What utter nonsense. There is NOT THE SLighest INTEREST AMONG PAKISTANIS IN
It was in this context that the pro-active policy of zero tolerance for terrorism was adopted by the government of Gujarat at the highest level of its hierarchy. The said policy of government was most efficiently implemented by the Gujarat Police in general and by Crime Branch and ATS. It was in this context that the pro-active policy of zero tolerance for terrorism was adopted by the government of Gujarat at the highest level of its hierarchy. The Kashmir issue is entirely different. It was in this context that “the pro-active policy of zero tolerance for terrorism” was adopted by the government of Gujarat at the highest level of its hierarchy. [Sanjeev: There we go. MODI TELLING EVERYONE TO KILL INNOCENTS. SO LONG AS THEY ARE MUSLIMS. THAT’LL BE FINE]. The said policy of government was most efficiently implemented by the Gujarat Police in general and by Crime Branch and ATS. [Sanjeev: Indeed. Kill innocents. Burn their body, throw the remains in the Narmada. Cool. Very efficient. Have you published a paper on this efficiency?] in particular as a part of their duty whereby all terror related crimes were detected, several national and international terror networks were bursted which included the number of encounter cases also. [Sanjeev: Vanzara, kindly show me where in the Indian Constitution are you allowed extra-judicial killing powers?] It was the Epic struggle launched by the officers/men of Crime Branch and ATS who tirelessly continued to wage war against those who had been waging war against India by working day in and day out, for years together at the cost of their health, security and family well being only and only in the greater interest of state, society and country.

I can say with pride that my officers and men could not only successfully prevent Gujarat from becoming another Kashmir, but they were also instrumental in providing a solid atmosphere of durable peace and security in the state which, in turn as a natural corollary, elevated the image of this government on one hand and cleared the path of development on the other. I state with all my humility that, but for the sacrifices made by me and my officers in thwarting the onslaught of initial disorder in the state, the “Gujarat Model of Development” which this government is so assiduously showcasing at the national level would not have become possible. [Sanjeev: That this “model” is one more fraud is a different matter]

When Gujarat was burning under the inferno of Jehadi Terrorism, I used to get daily dozens of phone calls from the Biggies of Gandhinagar who probably saw a savior in me/my officers, but by the time I/my officers outlived my/their utility and were arrested by the CID/CBI under the very nose of this government, nobody bothered even to formally ask us as to how we were! It is unbecoming of this government that it, in this regard, has been proved good for nothing and has miserably failed in protecting its “loyal soldiers”[Sanjeev: not loyal to the Constitution] who fought against the cross-border terrorism at its behest, while remaining in the vanguard of war. This immoral government, therefore, by all means, has forfeited its right to have a place in Gandhinagar, the city whose proud name is associated with Mahatma Gandhi, the tallest moral leader of world. [Sanjeev: I don’t know whether to laugh or to cry. This murderer keeps citing Gandhi!]

Gujarat CID/Union CBI had arrested me and my officers in different encounter cases holding us to be responsible for carrying out alleged fake encounters, if that is true, then the CBI Investigating officers of all the four encounter cases of Shohrabuddin, Tulasiram, Sadique Jamal and Isharat Jahan have to arrest the policy formulators also [Sanjeev: That’s right. MODI MUST BE ARRESTED AT ONCE] as we, being field officers, have simply implemented the conscious policy of this government which was inspiring, guiding and monitoring our actions from the very close quarters. [Sanjeev: need more be said
regarding Modi’s complicity?) By this reasoning, I am of the firm opinion that the place of this government, instead of being in Gandhinagar, should either be in Taloja Central Prison at Navi Mumbai or in Sabarmati Central Prison at Ahmedabad. [Sanjeev: Hear, Hear! The truth is spoken. Even, sometimes, by MURDERERS.]

It is very rightly stated, “Dharmo Rakshati Rakshitaha” means, he who protects Dharma is protected by it, similarly, it can be stated in the context of encounter cases, ”Prahari Rakshati Rakshitaha” means, he who protects police is protected by it. Mutual protection and reciprocal assistance is the unwritten law between police and government in such cases. [Sanjeev: “Such cases” meaning EXTRA JUDICIAL KILLINGS - and rape of innocents]

As the government has miserably failed in protecting its encounter police, there remains no one-sided obligation on part of me to protect the traitors sitting in this government who almost have pushed patriotic and nationalist police officers into the Jaws of Death.

The logic is very simple, i.e, government and police officers are sailing in the same boat and have to swim or sink together. None should try to outsmart the other and try to swim at the cost of other, neither government nor the police officers. I would like to state in the most unambiguous words that this government, [Sanjeev: “THIS GOVERNMENT MEANS MODI. LET’S NEVER FORGET THAT] through [Sanjeev: Shah was the INSTRUMENT of Modi] the dirty tactics of Shri Amitbhai Shah, is unfortunately managing only for its own self so as to swim and continue to prosper in all directions, while ditching the police officers so as to sink and allow them to die unnatural death by drowning. By adopting such a suicidal path, this government, I am sure, is doing nothing else but is hastening and facilitating its own death by drowning. [Sanjeev: Don’t worry, Vanzara, you’ll soon meet Modi in the jail cell next to yours]

Gujarat police, by my own experience as a police officer, used to be one of the finest and well managed forces in the country till the coronation of this government in Gandhinagar. Today the same proud police of Gujarat stands totally shattered [Sanjeev: And who destroyed it? MODI. ONLY MODI] and demoralized in the context of what happened to it in the light of continuous betrayal of jailed police officers since last six years.

NOW FOR THE DIRECT ATTACK ON MODI

Hon’ble Chief Minister of Gujarat has very rightly been talking of repaying his debt which he owes to Mother India. It, indeed, is the sacred duty of every citizen to do it. But, it would not be out of context to remind him that he, in the hurry of marching towards Delhi, may kindly not forget to repay the debt which he owes to jailed police officers who endowed him with the halo of Brave Chief Minister among the galaxy of other Chief Ministers who do not bear the same adjective before their names. This, as per my humble opinion, is also a part of the repayment of debt to Mother India. [Sanjeev: Note these jailed police officers, by killing INNOCENTS and punishing innocents through false witness, created this halo in the minds of the mindless Hindutva fanatics. This halo doesn’t exist in the minds of those who are not Hindutva fanatics.]
Let me also further put on record and clarify my stand that I have been maintaining my graceful silence for such a long period only and only because of my supreme faith in and highest respect for Shri Narendrabhai Modi, Hon'ble Chief Minister of Gujarat, whom I used to adore like a God. [Sanjeev: Clearly, this man was killing innocent people - or extra-judicially - in the full awareness that Modi was behind him] But, I am sorry to state that my God could not rise to the occasion under the evil influence of Shri Amitbhai Shah who usurped his eyes and ears and has been successfully misleading him by converting goats into dogs and dogs into goats since last 12 years. His unholy grip over the state administration is so complete that he is almost running the government of Gujarat by proxy. The resultant criminal negligence negligence of this government on one hand and wilful acts of omissions and commissions by Shri Amitbhai Shah towards the fate of 32 jailed officers on the other are so nauseating that it may take this government to the crematorial ground sooner or later. [Sanjeev: There's no love lost between him and Modi now. After all, Modi has failed to act as the true God Father. To run a mafia successfully is an art.]

Under the circumstances narrated above, this government, much against my will, has compelled me to adopt my own course of action to exclusively serve the interest of my officers independently of those of political leaders of Gujarat state. In pursuance of this course, I have to state in nutshell that this spineless government of Gujarat which is valiant only in words otherwise coward in deeds and impotent in actions [Sanjeev: This is the TRUE MODI]. So much for his power to save India has ceased to command my allegiance, trust and loyalty. And that is why this government has no reason to keep me continued in its service nor I have a reason to continue to be in the service of this government even for a single day. [Sanjeev: But Vanzara, didn't you sign up to serve INDIA. Surely your appointment letter was not issued by Modi in 1987?]

I, therefore, out of the call of my conscience, do hereby tender this resignation from my service with renunciation of all the post retirement benefits which may kindly be granted with effect from date and time of receipt of this letter and oblige. And accordingly, I will consider myself to be relieved from my service with effect from the said date with or without formal order from your side which may kindly be noted.

As on today, I have been sacrificing seventh year of my precious life in the different jails of Gujarat and Maharashtra for the sake of Love for my country and now I am ready to sacrifice all the hard earned post retirement benefits for the sake of the same lofty love for my country and the nation.

And with this note, I say goodbye to the Gujarat Police, of which, a proud member I had been since last 33 years.

Thanking you.
Yours sincerely,

(D. G. Vanzara)

Dy. Inspector General of Police
12.3 Innocents portrayed as terrorists

12.3.1 The cold blooded murder of an innocent: Ishrat Jahan

I've concluded that Ishrat Jahan was killed in cold blood. See my blog posts of 12 March 2016.

There also remains a strong possibility that Ishrat Jahan was entirely innocent. There is no corroborated evidence that Ishrat had anything to do with anti-Indian terrorism. There is no evidence she killed anyone or was a threat to anyone.

But the main issue is that she was killed while in police custody. Never given a chance to plead innocence and prove the (potentially) innocent nature of her actions.

http://indianexpress.com/article/india/india-news-india/ishrat-jahan-killing-was-premeditated-murder-sit-officer/

MODI GOT HER KILLED TO MAKE INDIA BELIEVE THAT PAKISTAN WAS ATTACKING HIM.

12.4 The Rape and Murder of Kauserbi

Mukul Sinha August 2, 2013

She thought she had the entire Taj Mahal in her hands; a dream that most of us share with our loved ones. But this dream of Kauserbi turned into ashes, a most tragic end to her love story. She was raped and brutally killed by a group of policemen in Ahmedabad and her body was burnt on the river bed of a small village called Illol, the village of D.G.Vanzara, the DIG of Anti Terrorism Squad (ATS). They murdered her as she was the eye witness to the kidnapping of her husband Sohrabuddin.
Sohrabuddin and Kausarbi had boarded a luxury bus from Hyderabad to go to Sangli, Maharashtra at about 9 p.m on 22.11.2005. But they never reached Sangli. A group of policemen from Gujarat and Andhra Pradesh led by an IPS officer from Gujarat, Shri Rajkumar Pandyan, kidnapped them on their way in the wee hours of 22nd/23rd November, 2005. One passenger Sharad Apte who was travelling in the same bus stated before CBI that around 1.30 a.m on 23rd Nov, a Qualis Jeep blocked their bus and three policemen with guns abducted Sohrabuddin and another man and took them away. While getting down, Kausarbi refused to allow the police to take away Sohrabuddin alone and she was heard shouting that she would not allow them to take her “Shoher” alone.

The recent supplementary charge-sheet filed by CBI on 6th May 2013 alleges that Vimal Patni, the owner of R K Marbles and former Home Minister of Rajasthan Shri Gulab Chand Kataria had conspired to kill Sohrabuddin as he was allegedly trying to extort money from R K Marbles. The killing was outsourced to the Gujarat Police in consultation with Amit Shah, the Minister of State for Home of Gujarat. Kausarbi became the tragic victim of the inter-state conspiracy and subterfuge.

Sohrabuddin was “encountered” in the early morning of 26th November, 2005. Kausarbi was confined in a farmhouse known as Arham farm from 26th to 28th November, 2005 (Amjad Ali who was killed along with Javed-Ishrat was also kept at Arham farm). One PSI Chaube was given the job to guard her. The evidence of a Gujarat Police man first revealed Chaube’s heinous act. Ravindra Makwana ASI, PW-25 on 25.8.2010, stated before the CBI that,

> With regard to Smt Kausarbi, I state that Ajay Parmar and Santram Sharma (two other policemen who have turned witnesses) while discussing stated that Shri Choube the then PSI who was deputed to look after Smt Kausarbi, raped her in farm house.
The last journey of Kauserbi was of course the most brutal. On 29th November around 12.30 p.m, she was taken to the ATS office at Shahibaug by PSI Choube. DG Vanzara, DIG and Rajkumar Pandyan, SP, tried to buy peace with her and offered her a huge sum of money for her silence but she refused. On being told about the death of Sohrabuddin, she turned hysterical. Narendra Amin, DySP Crime Branch Ahmedabad, who was earlier a doctor by profession, was summoned by Vanzara around 4 p.m. Kauserbi was drugged and killed in that very office.

As per the statement of PI Rathod, Vanzara called him to fetch a tempo to transport firewood around 5 p.m. Kauserbi’s dead body was carried away in a police jeep to Illol village from ATS office around 6 p.m. The last part of this heinous tale is most lucidly explained by another Police Officer, DySP Padheria, who was the first Investigation Officer of the Sohrabuddin murder case under the order of the Supreme Court:

I further state that during the examination of Nathubha Jadeja, driver stated that Kausuerbi was cremated by Sh. Vanzara, the then DIG, ATS, Sh. R.K. Pandiyan, the then SP, ATS, Sh. N.K. Amin, Dy.S.P., B.R. Chaubey, NV Chauhan, both were sub-inspectors, on the bed of Dhavdi river at Village Illol and her remains of bones and ashes were cooled down by pouring water and was kept in a gunny bag. Thereafter, Shri BR Chaube, the then sub-inspector and NV Chauhan, the then sub-inspector, had taken the remnants of Kausuerbi to dispose off in the Narmada River in Bharuch District.

Nirbhaya’s rape and murder had aroused the whole country and rightly so. Why is there a deafening silence in the case of Kausuerbi?

12.5 Prepare for Modi’s Kalyug: Raping an innocent woman in custody. Killing her in a government office.

I chanced upon this a few days ago. In this story – which belongs to the Kalyug of Modi – the good are portrayed as evil, and the evil become heros.

Sources for this wonderful story about Modi’s heroic killings of innocent Muslims (essential to achieve a great "Hindu" India) include: this, this, this, this, and this.

It is true that the incident discussed here is not yet proven in court. However four things clinch the case:

a) Witness statements

b) Phone call records

c) Forensic analysis of the mud where the cremation occurred

d) CONSISTENT with all other aspects of Modi’s system of functioning as the "HINDU" GODFATHER.

Key players the story:

VILLAIN (wife of a criminal but with no charge against her)
Kauserbi, wife of Sohrabuddin and witness to his extra-judicial killing by Modi’s henchmen.

HEROS: (Modi’s henchmen and fighters for a "Hindu" India)

The main hero, first:

- a man sworn to protect the Indian Constitution.

HERO #2) D.G.Vanzara, 1987 batch IPS Gujarat cadre, DIG of Anti Terrorism Squad (ATS) – a man sworn to protect the Indian Constitution.
HERO #3) Rajkumar Pandian, 1992 batch IPS Gujarat cadre, and SP ATS – a man sworn to protect the Indian Constitution.

22 November 2005

On 22 November 2005, at about 9 p.m. Sohrabuddin and Kausarbi boarded a luxury bus from Hyderabad to Sangli, Maharashtra.

23 November 2005

Around 1.30 a.m on 23 November (in the middle of the night) Modi’s policemen, led by Rajkumar Pandian, and comprising M L Parmar, N H Dabhi, Balkrishan Chaubey and N V Chauhan, along with an Andhra Pradesh team of policemen in a Qualis Jeep blocked the bus and arrested Sohrabuddin and took Kausarbi along. So far so good. Police are entitled to make arrests – provided they had the right papers. Clearly there was a VERY strong case against Sohrabuddin.

26 November 2005

EXTRA-JUDICIAL KILLING: THE SYSTEM OF JUSTICE IN MODI'S KALYUG
Sohrabuddin was “encountered” in the early morning of 26 November, 2005 [In a recent supplementary charge-sheet filed by CBI on 6th May 2013 it is reported that (a) Vimal Patni, the owner of R K Marbles and (b) Shri Gulab Chand Kataria, former Home Minister of Rajasthan had conspired to kill Sohrabuddin as he was allegedly trying to extort money from R K Marbles. The killing was outsourced to the Gujarat Police in consultation with Amit Shah, Modi’s Minister of State for Home of Gujarat].


Now, from this wikipedia entry, you can see that there were massive proofs against Sohrabuddin. It should have been an easy matter to bring him to book. But MODI DOESN’T LIKE THE SYSTEM OF JUSTICE. He is the judge, jury and executioner. If he THINKS you are guilty, its over for you. And, of course, he has COMPREHENSIVELY destroyed his own justice system (in Gujarat) in every possible way.

That’s the kind of Kalyug India should prepare for if he becomes PM.

26-28 November 2005

RAPE: THE NECESSARY REQUIREMENT OF MODI’S KALYUG

Kauserbi was confined in a farmhouse known as Arham farm from 26 to 28 November, 2005. PSI Chaube was deputed to guard her, but instead, he raped her. It is a separate question WHY she was detained. She was a free woman and should NOT have been detained in the first place.

29 November 2005

On 29th November around 12.30 p.m, she was taken to the ATS office by PSI Choube.

DG Vanzara, DIG and Rajkumar Pandyan, SP, offered her a huge sum of money for her silence.

She refused. On being told about the death of Sohrabuddin, she turned hysteric.

MURDER BY THE GOVERNMENT: A NECESSARY ELEMENT OF MODI’S KALYUG

Narendra Amin, DySP Crime Branch Ahmedabad, who was earlier a doctor by profession, was summoned by Vanzara around 4 p.m.

Kauserbi was drugged and killed in that very office.

Evidence: Based on the call records, the CBI found that she was killed in the evening on November 29, 2005. To know about her death and disposal of her body, the CBI had scrutinised call records of accused cops – DG Vanzara, NK Amin, Balkrishan Chaubey and VA Rathod

Vanzara called PI Rathod to fetch a tempo to transport firewood around 5 p.m.
Kauserbi’s dead body was carried away in a police jeep to Illol village from ATS office around 6 p.m. [Evidence: The investigating agency had found that the mobile tower connectivity of all these four cops shows that they reached Illol in the night of November 29.]

Nathubha Jadeja (driver of the tempo) stated that:

a) Kauserbi was cremated by Vanzara, R.K. Pandiyan, N.K. Amin, Dy.S.P., B.R. Chaubey, NV Chauhan (sub-inspectors) on the bed of Dhavdi river at Village Illol. [Some evidence]

b) Her remains of bones and ashes were cooled down by pouring water and transferred into a gunny bag.

c) BR Chaube and NV Chauhan later threw the gunny bag in the Narmada River in Bharuch District.

COMMENT

I believe that the rape and murder of Kauserbi is BEYOND REPREHENSIBLE. It is a crime against humanity.

The violence against Kauserbi is FAR WORSE than the violence against Nirbhaya. In Kauserbi’s case the people PAID TO PROTECT HER (the police) raped and killed her. State violence is worse, by an order of magnitude, than common criminal violence.

This was NOT any ordinary criminal violence. It was violence orchestrated by MODI AND HIS TEAM. People paid to protect us have become our killers, under the leadership of Modi.

Fortunately for India, the evidence is now pouring out, one by one, and Modi has no place to hide.

I call upon Swami Ramdev to DISSOCIATE HIMSELF PUBLICLY FROM MODI.

12.6 Witnesses who have been liquidated

Systematic liquidation of witnesses by Narendra Modi?

Now there are reservations for Muslims. What about reservations for worshippers of Mickey Mouse? Memo to RSS and other socialists: Your racism and mercantalism is the best way to ruin India

What explains this, that a key witness to the 2002 riots could not be protected by the Gujarat government? Modi must explain what’s going on.

Godhra riot witness, Nadeem Sayyed was reportedly attacked and killed by unidentified assailants in Ahmedabad, reports said. Sayyed, a Congress worker, was declared 'dead on arrival' by hospital authorities. Sayyed was a witness to the 2002 Godhra communal violence riots that ensued after the Sabarmati Express was attacked and burnt by a mob. [Source]
12.6.1 Tulsi Prajapati

Modi directly monitored the killing of Tulsi Prajapati [Source]

While researching the conspiracy behind Modi’s IT story, we also looked at the antecedents of Narendra Modi’s own website “narendramodi.in”. We discovered that the registrant of Modi’s website is a gentleman named Parag Shah (paragjshah@yahoo.com). While researching Parag’s background, we found his LinkedIn profile:

![Parag Shah's LinkedIn Profile]

**General Manager at Reliance Industries**

Ahmedabad, Gujarat, India (Ahmedabad Area, India) | Oil & Energy

**Parag Shah’s LinkedIn Profile**

What caught our attention in Parag’s LinkedIn profile was his appointment as the “Officer on Special Duty (OSD)” to the Gujarat Chief Minister for the period 2003 to 2008 and another fact stated by him: “Associated with cyber cell of Anti-terrorist Squad”. This accidental finding lead us to the missing link of the Sohrabuddin-Tulsi Prajapati fake encounter!

Thereafter, we looked at the supplementary charge sheet filed by CBI in the Tulsi Prajapati case, especially where the CBI has elaborately dealt with the Call Data Records (CDR) of Amit Shah and Rajkumar Pandian, who were in constant touch with each other while monitoring the movements of Tulsi Prajapati between Udaipur (where he was jailed) and Ahmedabad (where he was being brought to attend a criminal case). We reproduce the extract of the CBI charge related to the month of December, 2006 (Tulsi Prajapati was murdered on 28th December early morning near Ambaji, Rajasthan-Gujarat border):

6.21. On 11.12.2006, an escort party from the Reserve Police Line, Udaipur, headed by Sub-Inspector Shyam Singh accompanied Tulsiram Prajapati and Mohd. Azam for Ahmedabad by train. On this date also, the mother and wife of Mohd. Azam had accompanied them to Ahmedabad. After reaching Ahmedabad on 12.12.2006, both Mohd. Azam and Tulsiram Prajapati were taken to the Sabarmati Jail, Ahmedabad, from there they were produced via video conferencing before the competent Court instead of being physically produced in the Court. The next date of hearing was fixed for 26.12.2006. The escort party while leaving for Udaipur in the night of 12.12.2006 at the Ahmedabad Railway Station made efforts in furtherance of the criminal conspiracy to separate the mother and wife of Mohd. Azam from Tulsiram Prajapati and his co-prisoner Mohd. Azam, but were prevented by the unexpected vociferous and vigorous protest by the mother and wife of Mohd. Azam. Azam that resulted in a large gathering of bystanders that deterred the police from succeeding in their objective of isolating Tulsiram Prajapati, a necessary preparatory stage for his murder in a planned fake encounter.
We are also reproducing in here the Call Data Record (CDR) from the CBI chargesheet for the relevant period:

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Amit Shah Raj Kumar Pandian Calls

The CDR fully establishes the contact between Rajkumar Pandian, the SP of Anti Terrorist Squad and the Home Minister Amit Shah in the murder of Tulsi Prajapati and both of them have been charge-sheeted as the main accused in the case. In fact, Rajkumar Pandian who was the SP of the ATS played a vital role in abduction of Sohrabuddin and Kauzerbi and killing them both on 26th and 29th November, 2005 at Ahmedabad. In that case as well, both Amit Shah and Rajkumar Pandian are charged as accused.

As we had the CDRs of the accused officer Rajkumar Pandian, we searched within Pandian’s CDR for Parag Shah’s number after coming to know that he was appointed as the Officer on Special Duty for the Anti-Terrorist Squad. This appointment attains special significance since the Chief Minister’s office had declared their “No Tolerance” policy towards terrorism “and it was Mr Parag Shah as the OSD to CM who was to monitor the functions of ATS and report to the CM”. To our surprise we found a large number of phone calls between Pandian and Parag Shah inter-spaced with phone calls of Amit Shah and Pandian (Call Records reproduced at the bottom of the post). In light of the call records, it becomes abundantly clear that Mr Parag Shah was in constant touch with Rajkumar Pandyan IPS, the man who planned and executed the murder of Tulsiram Prajapati, and in turn Parag Shah was reporting to CM.

This piece of vital information read with the fact that Mr Parag Shah was working as the Officer on Special Duty for Narendra Modi, CM, it becomes obvious as day light that the CM was fully aware of the Tulsi fake encounter which was carried out entirely by the police officers working in Anti-Terrorist-Squad led by DIG Vanzara. In light of this irrefutable evidence, we can now interpret the statement made by D G Vanzara in his resignation letter recently tendered to the Government of Gujarat. His statement reads as under:

We, being field officers, have simply implemented the conscious policy of this government which was inspiring, guiding and monitoring our actions from the very close quarters.
Would the CBI now care to explain to the nation why it has failed to investigate Parag Shah’s phone calls when they had the entire CDR with them? Was it to obfuscate the role of Narendra Modi?

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12.6.2 Haren Pandya

Addendum: **DG Vanzara sings about Haren Pandya murder, says it was political conspiracy: CBI**

12.6.2.1 Why do we STILL not know about the killer of Narendra Modi’s Minister, Haren Pandya?

Each time Modi’s name is raised, there are two voices that are heard. Both are very vociferous. One believes he is a criminal. The other that he is a saint.

I’ve unfortunately not spent too much time in the past thinking about Modi – but now that he is certain (in my view) to be BJP’s nominee as PM, I think I should become clear about Modi’s credentials.

In the coming day/s and week/s, time permitting, I’m going to read and find out more about Modi. I believe in no one. I must always seek the answer myself.

This is just like I did before forming my view on the climate change controversy.

As you might know, I do not see CO2 as a problem but as almost certainly beneficial for life on earth – a conclusion I arrived at after months of studying the matter very carefully including reading a large number of books and articles. As a result of this study I am now able to defend my view clearly can debate with anyone on this issue.
I need to undertake similar due diligence for Modi.

Modi’s record as administrator is of interest to all of us, but that’s not going to be the focus of my questions.

In the past I’ve generally raised issues about Modi, found no time to arrive at conclusive answers, and moved on. But this time I will need to find the answer.

My plan is to study bits and pieces of information, then ask questions. See what the weight of evidence points to.

So here goes, with first, a cut-paste study of Haren Pandya’s murder from three key sources. Then a brief set of questions and answers.

First, wikipedia: http://en.wikipedia.org/wiki/Haren_Pandya

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“I met him at his chamber after the meeting. [Deputy home minister] Amit Shah was sitting there. Modi asked me, ‘Why are you asking these kinds of questions in public?’ I said, ‘What shall I do? It is not a private matter.’ Then he looked sternly into my eyes and said, ‘Khataam ho jaoge Govardhanbhai…’—You’re going to get finished.’”

Zadaphia moves around with a police escort and a dozen armed security men; as a former deputy home minister—and a controversial one at that—he was offered protection by the government after the riots. Pandya, however, did not have security guards. “Haren was bold,” Zadaphia said. “He thought nothing would happen to him. That was a mistake.”

A tall and handsome Brahmin with a fine RSS pedigree and excellent connections in the media, Pandya was a formidable political rival for Modi within the state BJP. The two clashed publicly for the first time in 2001, when Modi was in search of a safe assembly seat to contest after his appointment as CM. He wanted to run from Pandya’s constituency, Ellisbridge in Ahmedabad—a very safe seat for the BJP. But Pandya refused to yield to Modi’s wishes. As a state BJP functionary recalled, “Haren said, ‘Ask me to vacate my seat for a young man in the BJP—I’ll do it. But not for that fellow.’”

In May 2002, three months after the start of the riots, Pandya secretly gave a deposition to an independent fact-finding panel led by Justice VR Krishna Iyer. Modi could not have known what Pandya said, but written records show that Modi’s principal secretary, PK Mishra, instructed the director-general of state intelligence to track Pandya’s movements, and in particular those related to the fact-finding panel. The intelligence director took down the instructions in a register—the entry for 7 June 2002 reads as follows: “Dr PK Mishra added that Shri Harenbhai Pandya, minister for revenue is suspected to be the minister involved in the matter. Thereafter, he gave one mobile number 9824030629 and asked for getting call details.”

Five days later, on 12 June 2002, there is another entry in the register: “Informed Dr PK Mishra that the minister who is suspected to have met the private inquiry commission (Justice VR Krishna Iyer) is known to be Mr Haren Pandya. I also informed that the matter cannot be given in writing as this issue is quite sensitive and not connected with the charter of duties given to State intelligence Bureau vide Bombay Police Manual. It is learnt that the telephone number 9824030629 is the mobile phone of Shri Harenbhai Pandya.”

News reports soon revealed that an unnamed minister in Modi’s cabinet had deposed before the Iyer commission, and described for the first time the meeting at Modi’s residence on the night of the train burning, at which Modi allegedly told his top police
and intelligence officers that there would be justice for Godhra the next day, and ordered the police not to stand in the way of the “Hindu backlash”.

The leak provided sufficient evidence for Modi to press a case of indiscipline against Pandya within the BJP, and two months later Pandya was forced to resign from the cabinet. But Modi was not finished. The state elections were due in December 2002, and Modi saw an opportunity to deny Pandya the Ellisbridge seat that he had refused to vacate a year earlier. “Modi never forgets, and never forgives,” the BJP insider close to the chief minister told me. “It doesn’t help a politician to have such long-term vengeance.”

And so Modi denied Pandya the constituency he had represented for 15 years. The leadership of both the RSS and the BJP objected and asked Modi to relent, but he refused. Near the end of November, RSS leader Madan Das Devi went to meet Modi at his residence, carrying a message from the RSS supremo KS Sudarshan, his deputy Mohan Bhagawat, LK Advani and AB Vajpayee: Stop arguing, don’t create division before the elections, and give Pandya his seat. Devi stayed late into the night, but Modi held his ground, the state party functionary said: “He knew he would start getting phone calls from [RSS headquarters] Nagpur and Delhi, since he did not listen to Devi. So that night, by 3 am, he got himself admitted into the Gandhinagar Civil Hospital for exhaustion and fatigue.”

Pandya, according to the party functionary, charged to the hospital to confront Modi. “Haren told him, ‘Don’t sleep like a coward. Have the guts to say no to me.’” Modi refused to budge, and the RSS and BJP leaders finally gave in. Modi left the hospital after two days, and handed Pandya’s seat to a newcomer. And in December, he came back to power riding the post-Godhra wave of communal polarisation.

Pandya, for his part, started to meet with every top leader in the BJP and RSS—in Delhi and in Nagpur—telling them that Modi would destroy the party and the Sangh for his own personal gain. Senior BJP figures, who still regarded Pandya as a valuable asset to the party, decided to transfer him to headquarters in Delhi as a member of the national executive or a party spokesman. “Modi even tried to scuttle that,” Zadaphia told me. “Pandya going to Delhi was going to be harmful for Modi in the long run.”

Three months later, in March 2003, on the day after Pandya received a fax from the party president ordering his shift to Delhi, he was murdered in Ahmedabad. The Gujarat police and the Central Bureau of Investigation (CBI) announced that Pandya had been assassinated in a joint operation between Pakistan’s Inter Services Intelligence, Lashkar-e-Taiba, and the Dubai-based underworld don Dawood Ibrahim. Twelve men were arrested and charged with Pandya’s murder, but eight years later, in September 2011, the Gujarat High Court acquitted every single one and rubbished the entire case.

“The investigation has all throughout been botched up and blinkered,” the judge said. “The investigating officers concerned ought to be held accountable for their ineptitude resulting into injustice, huge harassment of many persons concerned and enormous waste of public resources and public time of the courts.”

Pandya’s father, Vithalbhai, has publicly accused Modi of ordering his son’s killing, and moved a petition in the Supreme Court calling for the chief minister to be investigated, though the court dismissed it, citing a lack of evidence.

RB Sreekumar, who headed the state intelligence for a year soon after the riot, told me that he had been asked by the chief minister’s office to regularly give details about the movements and activities of Haren Pandya.
I'm not saying Modi got Haren Pandya killed. I have no evidence. But the fact remains—anyone who speaks against Modi from inside the BJP gets finished either physically or politically," Zadaphia told me.

For the first few months after Pandya’s murder, the investigation was handled by the Gujarat police crime branch. The officer in charge was DG Vanzara, who is now in jail for the “fake encounter” of a gangster, Sohrabuddin Sheikh, and his wife; Vanzara is also under investigation for his role in another half-dozen extra-judicial assassinations. When the Pandya case was transferred to the CBI, one of Vanzara’s colleagues, Abhay Chudasama—now also jailed in the Sohrabuddin killing—was sent on deputation to the bureau to help manage the investigation. Both of the corrupt officers who ran the Pandya investigation were also part of the extortion racket allegedly run by Amit Shah, Modi’s deputy home minister. Shah, one of Modi’s favourites, was arrested on charges of extortion and conspiracy in the fake encounter killings and is now out on bail, though the Supreme Court has denied him permission to set foot in Gujarat; he currently lives in room number two at Gujarat Bhavan in Delhi.

Source 2: Who killed Haren Pandya? by Kingshuk Nag, 12 September 2011

When I read the other day that the Gujarat high court had dismissed the prosecution case in the matter of Haren Pandya’s murder and expressed severe doubts about how the CBI had conducted its investigations, I could not agree more. My mind went back to 2003 when in the aftermath of the murder a CBI officer came to my office to investigate the ‘role’ of The Times Of India (TOI) in the affair! Don’t laugh, that’s what had happened. A CBI deputy superintendent of police (DSP) – some Gupta, first name I forget- landed up in my office in Ahmedabad where I was posted then as the resident editor of the TOI and wanted to talk to me. “We have been told that the assailants figured out where they would find Pandya after reading your paper. Can you throw some light on this matter?” I should have been stunned on hearing that but wasn’t. That was because a few days earlier one of our correspondents told me that the crime branch of Ahmedabad police had been speculating on this matter. On asking which great man in the crime branch was having these fanciful ideas, the correspondent said it was the SP, DG Vanzara (this gentleman is now in Sabarmati jail for bumping off Sohrabuddin Sheikh and his wife Kauser Bee). And what was the reason for Vanzara’s line of thought? The correspondent said because we had published how Pandya was spending his days now that he was neither a minister nor MLA. For those who came in late, Pandya had been denied a seat in the 2002 assembly elections, so the 41-year-old leader had nothing much to do in February 2003. He was busy going for long morning walks in Law Gardens of Ahmedabad in the morning and playing golf in the evening. TOI had written in a feature story about what politicians who had lost or kept away for elections were doing.

The CBI DSP (in newspapers we often describe CBI men as ‘sleuths’ but I refuse to use that term for Gupta or even his bosses who must have sent him to our office) denied that he had been tipped off by Vanzara and company to follow this line of investigation. He said: “We have talked to the house owner where the assailant had rented a room. And he has told us that the suspect only used to read TOI. In fact he used to pore through TOI the whole day.” By this time I was maha miffed. Earlier that day some stationery retailer had gifted me two fancy note books and two perfumed rubbers. This was lying on my table. I took this stuff and told him: “Mr Gupta you must be having children at home. Take these as gifts for them.” Nonplussed, the CBI man took the stuff and I saw him off. Even as he left it was clear to me that the CBI was upto some shoddy investigation and this opinion got only strengthened when I read about the recent high court order.
I would imagine that Haren Pandya’s wife Jagrutiben also feels the same about the investigations of CBI. In fact when the sessions court had sentenced the accused in 2007, instead of feeling happy she had gone public seeking a reinvestigation in the matter. Before his death earlier this year Haren’s father, Vithal Pandya, had waged a long battle in this matter quite vociferous in stating that his son’s murder was political. Now two sisters of Haren, along with Jagruti, have sought to reopen the case and have said that they would be representing to the Prime Minister.

Actually it is not too difficult to figure out that the prosecution case was faulty. According to the prosecution version, Haren Pandya was shot dead just as he arrived at Law Garden in his Maruti 800 for his morning walk around 7.20 am. The assailant pulled the trigger before he rolled up the window of his car and got out. But a forensic expert – who had deposed in the court – told me the injuries that Haren had showed that he could not have been shot from a gun pointing down at him (as would be if the assailant put the gun from outside). In fact the injuries had been down up. Add to this, the fact that no blood was found on the seat of the car and it is easy to see that Haren was probably murdered somewhere else and his body brought to the site from somewhere else in his car and dumped there.

It is also strange that the body of Haren Pandya lay there outside the busy Law Garden for three hours till his friends heard and rushed to the spot three hours later. Haren Pandya, earlier having been the home minister of the state, was quite well known and it looks unlikely that nobody discovered his body for so long. In fact many voices were heard in undertones in the aftermath of Pandya’s murder that a large crowd had collected around the body at 8.30 am but they had melted perceiving it as a political murder. In fact due to this reason the area around Law Garden became unusually quiet. I also know that some top cops had also learnt of the murder before 9 am but they too kept silent -again perceiving it to be a political murder.

The prosecution’s case was that Haren had been killed by assailants from Hyderabad to avenge the Gujarat riots of 2002. But the fact of the matter is that Haren was the minister in the Gujarat government who had secretly deposed before the Citizen’s Tribunal about the riots and let it know many facts then not public. He had also in a cabinet meeting advocated that the bodies of the victims of Godhra carnage not be brought to Ahmedabad because that would arouse passion. But he was shouted down at the meeting by some ministers.

Whatever be the reason, Narendra Modi had thrown Haren Pandya out of his ministry in July 2002. Modi also ensured that Pandya was denied a ticket from his Ellisbridge constituency in the December 2002 assembly elections. This was even when pressure was put on Modi by Advani and Arun Jaitley to relent. In fact Jaitley found Modi’s behaviour churlish and Advani happened to be the political guru of Pandya. After being forced out of electoral politics, Pandya was out in the cold contemplating what to do next when somebody decided to bump him off. The million dollar question is: who was that person?


The tapes of his conversation with the home secretary prior to his deposition before the Nanavati-Shah commission is not the only damaging evidence against the Gujarat government that Sreekumar has in his possession. Through his tenure as intelligence chief in Gujarat, a term that began on April 9, 2002, a month after the Godhra incident, Sreekumar maintained a diary of instructions given to him by senior officials in the state as well as Narendra Modi.
Perhaps, the most damaging of this information relates to instructions issued by the state government regarding Haren Pandya, Modi’s foe within the Sangh Parivar ranks who was murdered a few months later.

On June 7, 2002, Sreekumar was asked by PK Mishra, Modi’s principal secretary, to find out which minister in the Modi Cabinet had met an independent citizen’s tribunal that included former Supreme Court Chief Justice VR Krishna Iyer. Mishra told Sreekumar that Haren Pandya, the then revenue minister, was suspected to be the one involved in the matter. Sreekumar was given the mobile number 9824030629 and told to obtain its call details. Pandya reportedly told the tribunal that the post-Godhra massacres were orchestrated by Modi, his officials and members of the Sangh Parivar.

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On June 12, 2002, Mishra was told by Sreekumar that the minister suspected to have met the commission was none other than Haren Pandya. Sreekumar, however, refused to submit this information in writing. He said it was a sensitive matter and not connected with the charter of duties. Further call details of the number were handed over by OP Mathur, IGP (Administration and Security). It was learnt that Haren Pandya used this mobile.

On March 26, 2003, Haren Pandya was assassinated and his father Vithalbhai Pandya said that his son’s assassination was “a political murder”. Speaking to Tehelka, he blamed Modi for Pandya’s murder. So embittered was Vithalbhai that he contested the Gandhinagar Lok Sabha against LK Advani, but lost.

This, incidentally, was not the only time the Modi government had issued instructions for tapping a senior politician’s phone. At a meeting on April 16, 2002, Modi told Sreekumar that Congress leaders, in particular Shankersinh Vaghela, were responsible for the continuing communal violence in the state. The meeting (apart from Modi and Sreekumar) was attended by then DGP K. Chakravarti and the CM’s PS PK Mishra and Modi’s OSD. Sreekumar told Modi that he had no information regarding the involvement of the Congress leaders in communal violence. **At this, Modi asked him to tap Vaghela’s phone but Sreekumar refused saying he had no information on the basis of which he could order surveillance.**

Interestingly, two days later, controversial IB Joint Director Rajinder Kumar, posted in Ahmedabad, sold the same line to Sreekumar. When Sreekumar sought specific information, the IB man said he had none. The IB had been one of the few claiming the Godhra incident was a ‘pre-planned conspiracy’. It is still not clear how the IB was able to reach this conclusion within hours of the incident and questions have been raised about Kumar’s proximity to Modi.

Sreekumar also documented the incident that was one of the main reasons for the Modi government to hound him. On August 9, 2002 at the Ahmedabad circuit house annexe, senior officials, who had been asked to attend the meeting convened by then Chief Election Commissioner JM Lyngdoh, assembled in a room next to the conference hall. Chief Secretary Subba Rao, Additional Chief Secretary Ashok Narayan, DGP K. Chakravarthi, Police Commissioner KR Kaushik, Principal Secretary (Revenue) CK Koshy, Relief Commissioner Shah and Joint Secretary (Home) K. Nityanandan were present.

At the meeting, Subba Rao told officials that they must maintain that complete normalcy has been restored in the state. When Lyngdoh arrived, officials said the situation was under control and total normalcy has been restored. The chief secretary also requested Lyngdoh to see the presentation prepared by Nityanandan. Interrupting Rao, Lyngdoh said that he was not interested in the presentations. He said that he was aware of the ground realities in the state. Lyngdoh refused to believe the officials’ claim that normalcy
was restored in the riot-hit areas. Lyngdoh said he had seen Sreekumar’s reports about the situation and that these matched his own assessment.

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**SOME PRELIMINARY FINDINGS**

It is almost certain that the investigation to find Pandya’s killer was **DELIBERATELY** botched up.

Why would a former senior Minister’s death be treated so shabbily that even fundamentals of the investigation were incorrect? Nearly eight years of investigation and all the accused get scot free? And the wife of Pandya was clear a long time ago that this was a botched up investigation?

Something doesn’t sound right. In any murder trial, there is *mens rea*, an intention to kill – someone must benefit.

Pandya was only deposed. He could have come back and proved inconvenient politically and in many other ways. He had also provided evidence, and was against the public display of burnt dead bodies. That was clearly one of the most DIRECT causes of the backlash and rioting.

In all my years of learning how to deal with such sensitive situations, in my training received at the National Academy from great experts like NC Saxena, in the training I imparted to fresh IAS recruits as Professor at the National Academy, I’ve never come across a more CRASS and directly inflammatory action by an administration.

“As in complete disregard of the sensitivities of the relatives of the victims, and cannons of humanitarian, ethics and morality, these bodies were taken to Ahmedabad and paraded not only before the members of public but also for the media to report. I have often thought as to how I would have felt if a relative of mine had been killed similarly and instead of quickly completing the legal formalities and handing over the body, it is taken 200 kilometers away, not because it is required so, but because a decision which was taken by the Head of the Government for the reason that are obvious to all except the blind. You may like to pause for a moment and think as to how you would have felt if a self seeking politician sitting in the state capital had directed the authorities of taking the body of any relative of yours to a distant place instead of handing it over to you as prescribed by the law. You also know that many of these dead bodies were of people not belonging to Ahmedabad city.” [Source]

I would also like to bring to your notice the deposition of Shri P C Pandey, the then Commissioner of Police, Ahmedabad City, before Justice Nanavati Commission on 18th August 2004. For your perusal the relevant portions are reproduced below:

“... had not taken the decision of bringing the dead bodies to Ahmedabad. As I believe that the decision might have taken at the top level in the Government and it has not necessary for me to interfere in that decision...”

“... When I know that about 58 bodies were being brought to Ahmedabad or that they have already brought, at that time, I had a feeling that looking to the communal situation of Ahmedabad, it is ... sensitive and like a Tinder Box and therefore, in the prevailing circumstances, if these dead bodies are brought to Ahmedabad, then possibly it will create serious impacts...”

ACS Home Shri Ashok Narayan, in his cross examination before the Nanavati Commission had also confirmed that decision to bring dead bodies to Ahmedabad city was taken at higher level. In this higher level above him are the Chief Secretary, MOS Home and CM. [Source]

In brief, the situation is VERY SUSPICIOUS.
There are only a very few people who would have benefited from Hiren Pandya’s death. His father believed it was directly Modi. It is very hard to find other names of potential beneficiaries of Pandya’s murder.

Did Tulsiram Prajapati kill Pandya?

Well, here’s some more: [http://indiatoday.intoday.in/story/tulsiram-prajapati-killed-haren-pandya-sanjiv-bhatt/1/149590.html](http://indiatoday.intoday.in/story/tulsiram-prajapati-killed-haren-pandya-sanjiv-bhatt/1/149590.html)

- a possible accused. Sure, but why? Why such a person who was a major threat only to one person: Modi?

Now, that’s enough for one day.

I’m not Sherlock Holmes, but one can at least try to be Dr. Watson.

The murder mystery only deepens. More later when I get time to read more.

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12.6.3 Haren Pandya, Modi’s murdered minister, was no saint. Burnt shops, demolished tombs and 400 year old masjids.

Extracts from the Iyer-Sawant report:

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 Kotdani 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.

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 nabin bachwo joyiye” (“Not a single baandyo, abusive term for a Muslim/circumcised person must be spared.”)

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.

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.

Pandya was elected from this constituency (Ellis Bridge). During his campaign for the last elections, he openly said, “Paldi se musalman ka naam aur nisban mita denge” (“We’ll wipe out any trace of Muslim presence from the Paldi area”).

Ever since the BJP came to power, state cabinet ministers used pressure on the police to prevent the observance of the rule of law.

Former revenue minister Haren Pandya, home minister Gordhan Zadaphiya, ministers Naran Laloo Patel, Niteen Patel, had been indicted for crimes.
that it is not just the ordinary worker of the Sangh Parivar, even ministers and other Hindutva leaders are involved in instigating the economic boycott of Muslims from behind the scenes. Home minister Shri Gordhan Zadaphiya and revenue minister Shri Haren Pandya, ministers Shri Narayan Laloo Patel, Shri Niteen Patel, forest minister Shri Prabhat Sinh Chauhan, minister of state for cottage industries, Shri Ranjitsinh Chawda, BJP MLAs Sushri Amita Patel and Sushri Maya Kotdani and Dr. Jaideep Patel (Gujarat VHP’s vice-president), among many others, have been named by the eyewitnesses, in this context.

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 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.

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.

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.”

So much for the kind of company Modi has been keeping. Can one trust him as PM? Don’t know.

WHAT WILL THESE PEOPLE DO IF THEY COME TO POWER?

12.6.3.1 How has N.Modi treated Jagruti Pandya, the wife of his murdered Minister?

As part of any murder investigation, you’d ask how relevant people behaved after the murder.

One would have expected that if Modi actually thought that Haren Pandya had “been assassinated in a joint operation between Pakistan’s Inter Services Intelligence, Lashkar-e-Taiba, and the Dubai-based underworld don Dawood Ibrahim”, we’d have heard A LOT about this issue from him.

He would be not just raising concerns about Pakistan, but would have been protecting Jagruti Pandya and doing whatever possible within his capacity to help.

And BJP would have been gunning for a resolution to the murder.

The CBI on Monday asserted that most of the five accused who have been arrested in the Haren Pandya assassination case had undergone training in Pakistan but failed to specify the motive or whether the conspiracy for the attack was hatched at the behest of Islamabad.
CBI Director P C Sharma, while emphasising the agency was “fully confident” that Asghar Ali was the “killer” and others were involved in the crime, said the motive could be specified only after the investigations get over. [Source - 2003]

But what is this?

1) “I have not received any support from the BJP in my fight.” [Jagruti]

Why is BJP not bothered about a martyr’s wife?

If someone – a HOME MINISTER OF GUJARAT – is killed by Pakistan, do you keep quiet? Do you not support the martyr’s wife?

2) “I had earlier written a letter to chief minister Narendra Modi seeking his co-operation for re-investigation into the case but I have not received any reply from the CM on the issue,” she said. Jagruti said she was yet to receive a response from chief minister Narendra Modi over her plea for fresh investigation into the case.” [Source]

So what did she do? She contested against Narendra Modi in the recent Gujarat elections.

This doesn’t sound like Narendra Modi has much sympathy for his Minister who was (allegedly) KILLED BY PAKISTAN.

And this man will protect India from Pakistan?

“Jagruti, wife of slain BJP leader Haren Pandya, plans to move Supreme Court to seek further probe in the murder of her husband in March 2003.” [January 2013, Source]

And what about BJP?

Reacting angrily over the issue, Jagruti alleged local authorities have now begun to treat Haren Pandya as an “encroachment”.

“For the past ten years, the BJP government has done nothing to bring justice to my husband and now when I have brought my fight for justice to the poeple of his constituency, authorities have started treating Haren Pandya as an encroachment,” she told PTI.[Source]

Wipe out record of the existence of Haren Pandya. The man allegedly killed by PAKISTAN. The martyr.

Doesn’t sound like much of a martyr to me, from the conduct of the BJP government.

But more on the circumstances of the murder

Jagruti Pandya has challenged the Central Bureau of Investigation’s claim that her husband was killed at 7.30 a.m. on March 26, 2003.

The timing is crucial to establish the CBI’s case that Pandya, former Home Minister, who was a regular morning walker, was killed in his car just after he had parked it in his usual slot in Ahmedabad’s Law Garden.

According to the sole eyewitness to the murder, vendor Anil Yadram, the former Minister drove into the garden around 7.30 a.m. He had parked his car and was rolling up the window pane when he was shot dead by assassin Asgar Ali.

Ms. Pandya disputes this and told The Hindu: “My husband left our home in Paldi in his car between 6.45 a.m. and 7 a.m. that day, and given that the Law Garden is less than 10 minutes away, he ought to have reached there latest by 7.10 a.m. By 7.30 a.m., he would have been walking in the garden and so could not have been killed in the car.

Ms. Pandya said she remembered the time accurately because when Pandya left for the garden, their son was getting ready to go to school which started at 7 a.m. “[Source]

That’s fine. She can have a dispute. But now note this:
Ms. Pandya accused the CBI of deliberately not summoning her and said her examination was crucial because she could have proved that “he [Pandya] had sufficient time to go for a morning walk. In other words, it [her examination] would have revealed that the prosecution theory that late Shri Pandya was shot in the car immediately when he arrived at Law Garden is incorrect.”

During the trial, the defence made a strong case for Ms. Pandya to be summoned.

However, the CBI refused to oblige saying she was not an eye-witness to the murder.[Source]

Hal! CBI refused to summon his wife. Why? When defence is calling for a key witness to cross-check the time of murder, why would CBI not allow it?

And yet this same CBI went on fishing expedition to a Times of India correspondent.

My mind went back to 2003 when in the aftermath of the murder a CBI officer came to my office to investigate the ‘role’ of The Times Of India (TOI) in the affair! Don’t laugh, that’s what had happened. [Source]

I am not Sherlock Holmes, but I am entitled to ask a Watson question: WHY did CBI not seek Jagruti’s evidence?

And there is more:

Ms. Pandya made another point to The Hindu. She said she called her husband several times between 9 a.m. and 9.30 a.m. on the day of the murder. This was to remind him of his appointment with his personal exercise trainer.

“Who erased the calls? Why did his mobile phone show no calls?”

The Pandya family has always disputed the prosecution version in the case. [Source]

Who tampered with Pandya’s mobile phone? Only the police could have done so since presumably by that time they had got hold of his phone.

Why did they do this? Because they were acting on orders from ....?

And now, what about alleged killer Asgar Ali?

Asgar Ali was the alleged murdered of Haren Pandya:

The defence argued that the prosecution’s version, based on alleged call records of the accused, restricted the murder time to a narrow band – that is between 7.19 a.m. and 7.29 a.m. on March 26, 2003. Reason: At 7.18 a.m., one of Asgar Ali’s associates, who was stationed at the Law Garden phoned another associate to say that Asgar had not reached the Law Garden.

At 7.33 a.m., Asgar called another associate from a bridge some distance away to say that the murder had been committed. If Asgar did not arrive until 7.18 a.m., the murder could not have been committed earlier. If he had left the garden by 7.33 a.m., the murder could not have been committed later. [Source]

But guess what?

The Gujarat High Court acquitted every single one and rubbished the entire case. “The investigation has all throughout been botched up and blinkered,” the judge said. “The investigating officers concerned ought to be held accountable for their ineptitude resulting into injustice, huge harassment of many persons concerned and enormous waste of public resources and public time of the courts.” [Source]

And so where is Asgar Ali? Well, Asgar Ali has been RELEASED. [Source] (The fact that he was thereafter arrested again on some other charge is a matter of little consequence to my key question re: Modi).
So how was Asgar Ali trapped falsely?

This is how it happened:

The crucial eyewitness in former Gujarat home minister Haren Pandya’s murder case on Monday identified Mohammed Asghar Ali as the ‘killer’ during the identification parade conducted in camera in Ahmedabad, police sources said.

Sources said the Hyderabad-based sharpshooter Ali was identified ‘without any hesitation’ by the witness, a stall vendor from Law Garden whose identity was not revealed, in spite of being presented clean shaven and amid five other decoys by Central Bureau of Investigation officials.

Prosecution witnesses were also present during the identification parade that was conducted in presence of Executive Magistrate A A Sayed, they said.

The witness has stated that he saw the ‘killer’ approach Pandya in his parked car at the Law Garden gate and after a while walked briskly towards an awaiting motorcycle.

Ali was produced for the parade before the court proceedings began amid heavy police security. [Source]

Well, this is all smoke and mirrors, really!

1. Make a wild allegation that it was PAKISTAN that killed the Minister.
2. Get a hapless Muslim “identified” as witness.
3. Fudge the mobile records of this witness to allege that he was “identified” by someone at a particular time.

All the while Jagruti is saying that Haren couldn’t have been killed at the time he was killed.

And all the while when the facts are that:

a forensic expert – who had deposed in the court – told me the injuries that Haren had showed that he could not have been shot from a gun pointing down at him (as would be if the assailant put the gun from outside). In fact the injuries had been down up. Add to this, the fact that no blood was found on the seat of the car and it is easy to see that Haren was probably murdered somewhere else and his body brought to the site from somewhere else in his car and dumped there. [Source, 2003]

Clearly the story CBI has alleged is TOTALLY FALSE. Clearly CBI was infiltrated and mucked up the case deliberately.

The fact seems to be that someone had a scuffle with Haren and shot him “down up” during the scuffle. The person then dragged Haren’s body to his car and put it inside.

Anyway, I don’t have data on the situation, but even though I know that CBI/Police are SUPER incompetent, they are not this stupid. This case is clearly one of deliberate obfuscation and smoke and mirrors.

How can a murder take place in the car but the car not even have blood?

More later.

The finger of suspicion still points clearly to SOMEONE HOLDING A HIGH POSITION who controlled a lot of key personnel, and was therefore able to obfuscate the case in multiple ways.
12.7 Preparations for further liquidations?

12.7.1 Why has Modi removed security for R B Sreekumar (former DGP Gujarat)?

On 24 September 2013, the security provided to R.B.Sreekumar was removed by Modi. No reason was provided.

Sreekumar, a key police official during Modi’s early days, who has compiled extensive evidence against Modi’s criminal regime, remains an important witness in MANY cases against Modi, including in the protest petition currently underway in the 11th court magistrate.

Key witnesses against Modi have habitually been liquidated.

Is this Modi's plan this time, as well? We should be very concerned. After all, Modi's courts – already demonstrably incapable of adding 2+2 together (being paid/or afraid) – will have one more excuse to absolve Modi.

See this correspondence.

If Modi was innocent, he would ensure the greatest security for Sreekumar – so he can rebut his claims in court, and thereby absolve himself. But true to style, Modi is preparing the ground for something sinister.

Modi himself has Z category security. ONE HUNDRED AND EIGHT NSG COMMANDOS PROTECT HIM. But for those who have evidence against him, zero security?
13. DESTRUCTION of the judiciary by Modi

13.1 Nanavati was bribed

I’ve refered this video separately, so you can search the full details there. Here’s only the relevant extract. http://www.youtube.com/watch?v=A9KlevWeYrE

This is the statement of Arvind Pandya, Modi’s counsel who is supposed to ‘defend’ him in the Nanavati case.

TEHELKA: So is Nanavati absolutely against you people?

Pandya: Nanavati is a clever man...He wants money... Of the two judges, KG Shah is intelligent... woh apne wala hai [he is our man]... he is sympathetic to us... Nanavati is after money...

TEHELKA: You are saying he wants to make money...

Pandya: It is an internal matter...

TEHELKA: The Nanavati-Shah Commission can go against Hindus....

Pandya: They run the Commission for years... he wants money, nothing else... He is a Congressman...

TEHELKA: And Shah?

Pandya: Nahi Shah to apnay hain [No, Shah is one of our own]... but Nanavati is a retired Supreme Court judge and Shah is a retired High Court judge...

13.2 ALL High Court judges were bribed (except one)

Here’s proof that Modi bribed High Court judges (only one refused to be bribed)

Modi bribed Gujarat High Court judges with land worth Rs.1 lakh per sq.m. which he have them for Rs.5000 per sq.m.

This is absolutely shameful. Gujarat High Court judges were given land worth Rs.1 lakh per sq. metre at a measly Rs.5000 per sq. metre. All accepted except one,

The justice system DOES NOT EXIST in India any more. The judges, now obligated to Modi, have followed Modi in every single thing thereafter. And of course, there is direct proof of bribing "Justice" Nanavati. These CROOKS are expected to provide India with justice!

This is kal yug; Modi’s kal yug.

Source: http://www.tubechop.com/watch/2645901
13.3 Promoting all lawyers who supported Modi and stopping all others

Following Modi’s election as prime minister, India got a new Attorney General in Mukul Rohatgi, a lawyer who defended and facilitated the original acquittals of Jagdish Tytler and Sajjan Kumar, ringleaders of the 1984 anti-Sikh pogroms (although investigations of Tytler and Kumar were later reopened). More pertinently, Rohatgi defended Modi’s Gujarat state government against prosecutions by victims of the 2002 riots.

Gopal Subramaniam whose appointment as a Supreme Court judge was blocked, had appeared against Amit Shah in the Sohrabuddin encounter case. On the other hand senior lawyer Uday U Lalit, who had appeared for Amit Shah in the Tulsi Prajapati encounter case was appointed as a Supreme Court judge. [Source]

13.4 Stalling court cases that may go against him

Re: Gulbarg case:

“the Trial in the Gulberg Society Carnage case had been completely stalled since July 2012 largely because of the SIT’s reluctance to make available relevant documents.” [Source]
14. Incompetence and criminality of the Special Investigation Team (SIT)

I’ve lost COMPLETE FAITH in the SIT after reviewing its ridiculous claims to ‘prove’ that Sanjiv Bhatt’s faxes were forged (see elsewhere in this booklet). The INTELLECTUAL ability and INTEGRITY of the SIT is below the minimum standard I’d expect from any serious investigation.

14.1 Modi’s lying to SIT

I’ve examined this separately in a small booklet.

14.2 My finding on SIT’s criminality

**The SIT has shown criminal inclinations by rejecting a GENUINE audio tape in which Sreekumar is being bullied by Modi’s stooges.**

I didn’t know that SUCH STRONG evidence was available to implicate Modi and his team of “reliable” officers: an audio TAPE that records how Sreekumar was bullied by Modi’s stooges.

In this third affidavit, Sreekumar also produced an audio recording which allegedly proved that state home secretary GC Murmu, home department official Dinesh Kapadia and the state government’s special prosecutor Arvind Pandya had tried tutoring and intimidating him into not telling the truth before the Nanavati-Shah Commission. [Sanjeev: This has the DIRECT HAND OF MODI written all over it]

The SIT found the audio recording to be genuine but has alleged that Sreekumar produced it as an act of pique only after he was superseded for a promotion. [Sanjeev: WHAT A BIG LIE BY THE SIT!!!] [Source: Tehelka]

**Now that I know FOR SURE that Sreekumar is a genuine good officer, the rejection of this DIRECT testimony that implicates Modi (this is a REAL recording), is clear proof that SIT is criminally inclined.**

There can be absolutely NO BASIS for rejection of this testimony. EVERYTHING points to a culture in Modi’s government of DODGING THE JUSTICE SYSTEM.

I now need to find out more about the SIT itself. Who were its members, what’s their history. This is getting really murky.

**A major crime was committed in BROAD DAYLIGHT by Modi and his gang (VHP, etc.). But for 11 years the whole world has been made a fool. Justice has been TOTALLY subverted.**

The field and supervisory officers — from sub-inspectors to deputy SP to Inspector General — who were part of the SIT were all drawn from Gujarat police. Raghavan worked as SIT chief
in absentia. He visited Gujarat only once or twice every month. The investigation, for all practical purposes, was again back with the Gujarat police.

In every meeting, Bajrangi told me that after the Naroda massacre, Modi kept him in hiding for months at a state guesthouse at Mount Abu. But the SIT told me that the official register maintained at the government guesthouse in Mount Abu did not have entries of Bajrangi and thus it couldn’t be substantiated. Bajrangi had given a blow-by-blow account of how his arrest by the police was stage-managed by Modi to pacify the media outrage over his prolonged disappearance. The SIT didn’t go into the details. Bajrangi claimed that Modi manipulated the Gujarat judiciary to get him bailed out. The SIT overlooked this.

But what the SIT did, in the Godhra train burning investigation, borders on the diabolical. First, it made Noel Parmar, architect of the devious Godhra case, the IO for re-investigating the same case. Yes, Parmar was asked to re-investigate his own case. [Source]

14.3 Strong evidence about the SIT’s total lack of professional integrity or competence

On 26 June 2013, the former Gujarat Director General of Police, R.B. Sreekumar sent me the article as part of his general mailing list, but I’ve been neglectful of his emails and have not find time to read most of them. The key reason has been acute shortage of time, but also the belief that the Indian court system MAY actually work in some cases – so one should allow it to work and trust its judgements.

However, after coming to the view recently (in the case of the alleged “forgery” of Sanjiv Bhatt’s faxes) that SIT has not acted professionally and competently, I’m now reviewing all oppositional claims (ie. those that do not absolve Modi), including from senior Gujarat police officers like R.B. Sreekumar – who seems to be an honest simple man, but severely hounded by Modi.

I’m also trying to form a full picture of the Gujarat events in my mind through this process. The matter is very complex and requires enormous amounts of time and concentration. I just don’t have that kind of time. However, by reviewing some oppositional material, I hope to understand the highlights of the opposition case.

This personal detailed inquiry into Moid that I’m undertaking is part of my due diligence on Modi who will now almost certainly be elected India’s next Prime Minister. The Indian middle class is desperate for change and is smitten with Modi. And Swami Ramdev has thrown his force behind him. That makes his victory almost certain.

Now, in 2012, Swami Ramdev was very keen to have a party that can get at least 100 seats in parliament (he would never be directly into politics, though). He (in his inimitable persuasive style) beseeched me twice over phone in late 2012 to visit Haridwar and discuss the details of this plan with him. So I spent my hard earned money and took extensive leave from work to visit him. We had many days of meetings. Thereafter I put in months of intense effort, on the TOTAL ASSURANCE that we were going to launch our own party on 10 May or 4 June. But sometime in late March Swamiji seems to have backed out – without the slightest discussion with me – and started talking about supporting Modi/BJP. Now, backing out from his repeated commitments to me (these were mostly his OWN plans) is his own prerogative. I deeply regret his decision – which is going to be extremely harmful for India’s future – but I understand that he is entitled to change his mind on such matters (he had repeatedly assured me from day one that we may need to align with NDA, but there was an unambiguous decision between the two of us that we would NEVER directly join/support
BJP). I am still confident that one day he will realise his massive mistake in supporting BJP without first forming “his” own party. Once he realises it, I assume he will revert to the task of building and strengthening the Swarna Bharat Party – which is PRECISELY the party that both of us were jointly planning to form.

Modi is now potentially undefeatable. ASSUMING that he will become PM, we need to fully understand the true Modi – both his religious beliefs and administrative actions after the Godhra incident, and his public policies. I’m still willing to support Modi if I find he is innocent in post-Godhra events and will introduce good policies in India. But unlike Swami Ramdev who seems to have swallowed Modi’s saying without any proof, I do need 100 per cent PROOF.

The truth is – in relation to the post-Godhra massacres – that there are smoking guns EVERYWHERE. There is unbelievably strong circumstantial evidence linking Modi personally to the way the riots and butchery panned out. From the moment Modi announced that the train was pre-planned and burnt by ISI (a FALSE claim), to the point when he took dead bodies to Ahmedabad – where a mini-procession of sorts was organised by his own organisation – VHP/RSS, to the point he himself (as government!) organised a bandh, then imposed a curfew which was not enforced (there were 16 constables in the face of 20,000 people in Gulberg), called out the army verbally but never allowed them to enter till his 72 hours had passed (this being the three days he had publicly given to his goons to kill as many Muslims as possible), etc. – there is NO DOUBT that the case for his personal involvement in killing hundreds of people is extremely strong.

However, the SIT seems to have found otherwise. I no longer trust the SIT. People ask: but SIT was appointed by a “Congress-ruled” Supreme Court. True. However, my experience with the IPS is that there are a large number of Hindutva sympathisers inside the Indian police who hate Muslims and Christians. I haven’t yet applied my mind to the question of why the SIT has been so untrustworthy, but untrustworthy it is. Read this to find out further.

Just like with the 1984 killings of Sikhs in Delhi, it would appear that the CHIEF ORGANISERS of these killings have gone scot-free. Not just that, the person who was almost certainly the CHIEF ORGANISER of the Gujarat killings is now almost certain to become India’s Prime Minister.

Clearly, mass killing of innocents is very rewarding in India. The country’s justice system is a sham.

14.4 Justice Sawant (a SUPREME COURT JUDGE) entirely rejects SIT’s (corrupt police officers of Modi) conclusions

Justice Sawant vigorously disagrees with SIT conclusions


14.5 Sreekumar’s notes

SREEKUMAR (26 JUNE 2013)

The 2002 Gujarat communal violence, killing nearly 2000 people coupled with failure of Gujarat state functionaries to purposefully prosecute architects of riots have plunged the image and reputation of Gujarat State Administration to abysmal depths of ignominy, besides affecting the stature of Indian Nation as a well- administered country. The Special Investigation Team (SIT) headed by Dr. R.K. Raghavan, former CBI Director has failed to
put on trial all five category of criminals (1- The planner – The Chief Minister Narendra Modi and leaders of the Sangh Parivar – (2) The organizer (Sangh Parivar activists) (3) The mobilizer at the grass root level- procurers of weapons and marshals of violent mobs –(4) The Perpetrator of violence or foot soldiers of mass crimes – armed belligerent crowds – and (5) The Facilitator/Enabler-Police, those in Executive Magistracy and other government servants-, whose active reprehensible collaboration had only ensured execution of extensive mass violence against the targeted Muslim minority community.

The SIT had submitted closure report on 08 Feb, 2012 to the Court recommending exoneration of all 63 accused persons in the petition filed by Jakia Nasim Ahesan Jafri. A study of this report and recent protest petition by her will establish that SIT had intentionally ignored practically all evidence establishing culpability of accused, in planning and perpetration of violence and subversion of the Criminal Justice System (CJS) to impede justice delivery to riot victims.

The defense architecture designed by SIT to house the Chief Minister Narendra Modi (hereinafter referred to as CM Modi) and 62 others in a safe heaven of immunity from legal action for their genocidal crimes and manipulation of CJS has the following facets:-

1 Deliberately not professionally assessing all incriminating evidence in the statement of witnesses, avoiding close perusal of records, not doing ground level enquires, not organizing deeper examination of witnesses and accused, and use of tools of forensic science and so on.

2 Compartmentalization of evidence to avoid building a chain of circumstantial and collateral material about planning, preparation and execution of violent crimes and biased approach to complaints by riot victim survivors.

3 Acceptance of statements by accused as gospel truth without ground level investigation and further examination of relevant witnesses and documents.

4 Myopic assessment of each point of evidence against accused and rejecting these on technical grounds.

5 Refusal to accept request of important witnesses to put them under Narco and Brain finger print test.

6 Refusal to respond and reply to witnesses submitting suggestions for further investigation, and thereafter initiate action.

7 Refusal to prove material evidence through forensic examination of audiotapes by witnesses and blindly accepting the allegation of accused about the validity of material in tapes.

8 Refusal to acknowledge or respond to letters and submissions by witnesses about facts relating to Jakia complaint.

9 Refusal to record statements of witnesses u/s 164 CRPC before a court, despite requests made by witnesses in this connection.

These are serious professional lapses.

A study of closure report and protest petition would indicate that SIT had tried to secure the interests of the creamy layer of political and administrative bureaucracy in Gujarat- from Dysp to the Chief Minister-but had simultaneously arrested and prosecuted many
criminals directly involved in anti minority offences. Through this strategy SIT could project that it had done better than Gujarat Police, who avoided to arrest and prosecute even the perpetrators of ghastly massacre in places like Naroda Patia, Gulbarg Society, Sardarpura etc. Non-involvement of the CM Modi and senior officers in crimes is ensured by SIT by keeping the complicity level of govt. officials as low as a position of police inspector (only two Police Inspectors were arrested by SIT for riots).

In this context the following questions regarding pitfalls committed by SIT to protect accused persons figuring in Jakia petition are raised.

1) Why SIT had failed to see acts of alleged omission and commission by the accused that is, A) Non implementation of administrative directions and Standard Operating Procedure (SOP) in Gujarat Police Manuel and booklets viz Communal Peace; DGP K.V. Joseph pamphlet on how to deal with communal riots; Area wise Communal Riots Scheme; Recommendations of Justice Reddy and Justice Dave Commission reports on communal riots; and so on, B) Delay in imposition of curfew in Ahmedabad City up to 1 PM on 28 Feb, 2002- the VHP sponsored Bandh Day, C) Non-enforcement of curfew in Ahmedabad City and Vadodara facilitating rioters to go on a killing spree (96 killed during curfew hours in Ahmedabad City and nearly 20 in Vadodara City) D) Entrusting dead bodies of 54 Hindus killed in Godhra train fire to VHP leaders, while govt. officials should have taken the bodies to relatives as per govt. regulations E) Positioning two state Cabinet Ministers (not in charge of Home Department) in the operational centers (control rooms) of DGP Office and Commissioner of Police, Ahmedabad city office, in violation of the Rules of Business, F) Not issuing any direction to VHP and Bandh supporters about Kerala HC orders banning Bandhs and not prosecuting violators of the court orders, G) Non-maintenance of minutes or any records on law and order review meetings convened by DGP to CM, H) Transfer of officer in charge of districts (SP) in the thick of riots, for their ‘fault’ of controlling riots (from the districts of Bhavnagar, Kutch, Banaskantha, Bharooch, Surendranagar etc.) I) Rewarding officers who acted as enablers of rioters and collaborators in subversion of CJS against riots victim survivors- as part of a devilish design, and so on. Each act of delinquency constitutes circumstantial evidence towards actualization of anti minority violence, in pursuit of conspiracy hatched by accused persons.

2) Why SIT had treated each of these instances of misdeeds by officials, in violation of SOP, as compartmentalized and isolated events/developments like a bunch of de-professionalized police officers?

3) The decisions of the Apex court like
   1) Transfer of trial of two cases to Maharashtra State.
   2) Investigation of one mass rape case (Bilkis Bano case) by CBI
   3) Re-investigation of 2000 odd cases closed by Gujarat Police
4) Entrusting investigation of nine major carnage cases to the Special Investigation Team (SIT) chaired by Dr. R.K. Raghavan.

5) Investigation of two fake encounter cases by CBI

6) Appointment of a Special Task Force (STF), headed by Justice Bedi to probe into 17 alleged fake encounter cases in Gujarat from October, 2002 to February 2007- and making observation characterizing those in Gujarat Police as “The modern day Neros” (2004) would establish that CJS was subverted since the commencement of 2002 riots. Why SIT could not find any evidence in corroboration of strictures by the Apex court?

4) Similar observations were made by the Special Court in its judgment on Naroda Patia bloodbath (August 2012) killing 96 persons. Why SIT, unlike the court, did not find any culpable guilt in the policing by Ahmedabad City Police on the day of Naroda Patia massacre and in the quality of investigation of cases?

5) How did SIT reach the conclusion that specific curative measures to remedy the anti-minority bias of Gujarat Police, suggested in four reports of State Intelligence Branch (SIB) were implemented without ground level enquiries by contacting riot victim survivors, complainants, scrutiny of case papers and deeper study of court’s observations in riot related cases?

6) Why SIT did not find anything blameworthy in the inaction of DGP and State Home Department in not acting on proposals by SIB and executive police officers in the field, against publishing communally inciting materials and media reports?

7) Why SIT did not find anything wrong in the state govt. not acting on numerous strictures against officials by courts, as per Gujarat Police Manuel and other regulations?

8) Why SIT did not find anything wrong in appointment of office bearers and supporters of Sangh Pariwar as Public Prosecutors to conduct cases against Hindu accused persons?

9) Why SIT did not find anything wrong in State govt. officials presenting false and misleading data to the full bench meeting of Central Election Commission (CEC) on 09/08/2002?

10) Why SIT had failed to notice the deliberate non-implementation of Gujarat Police Manuel (GPM) stipulations regarding supervision of grave crimes related to riots by Senior police officers?

11) Did not SIT know that appointment of SIT by the Apex court was on account of inadequate commitment of Gujarat administration in riot cases and lack a faith of riot victims in the state administration?

12) Why SIT did not find anything wrong in the act of DGP giving illegal written orders to R.B. Sreekumar (hereafter referred to as RBS), in charge SIB, for not providing
information on communally sensitive speech by CM Modi to National Commission for Minorities?

13) Why SIT did not accept admission by Arvind Pandya, the govt. pleader in Operation kalank by Tehalka magazine, about his intimidating and tutoring RBS to force him to depose, in favor of the government, before Justice Nanavati Commission (hereafter referred to as JNC)?

14) Why SIT did not move the court for taking Narco and Polygraph test of all participants who attended the controversial meeting by the CM on 27 Feb, 2002 in his residence in which allegedly the CM directed all to give a free hand to the Hindus to take revenge on the Muslims?

15) Why SIT did not put witnesses like RBS and Sanjeev Bhatt, for undergoing Narco and Brain finger print tests, to establish veracity of their statements, despite their requests?

16) Why SIT did not probe deeply about the reasons behind abnormally high rate death of Muslims in the state in communal riots (77%) and police firing (59%), though Hindus were aggressors? Similar is the case of percentage of destruction of property- 88% of Muslims and 12% of Hindus.

17) Why SIT did not test the period of entries in the Register of RBS, kept with seal and certificate of IGP O.P.Mathur, through tools of forensic science?

18) Why SIT did not take on record numerous media reports, including video clips, about parading of dead bodies of Godhra train fire victims in Ahmedabad City and belligerent Hindu crowds accompanying dead bodies shouting anti-Islamic slogans?

19) Why SIT had treated the acts of tutoring, pressurizing and intimidation of ADGP RBS by two state Home Department officials- Under Secretary Dinesh Kapadia and Secretary G.C. Murmu along with Government Pleader Arvind Pandya as innocuous legal acts though these acts were punishable under sections 193 r/w 116 IPC, 186 and 506 IPC?

20) Did SIT get an impression that RBS wanted a briefing from Dinesh Kapadia, a junior civilian officer, with no experience in investigation and deposition before the judicial bodies, after assessing the text of his interaction with RBS?

21) How could SIT treat attempts by Home Department Officials (Home department being the supervisory authority of police officers) to intimidate RBS as harmless ethical acts?

22) Why SIT did not see anything improper, deviant and illegal in these officials tutoring a witness summoned by JNC to collect evidence about the role of officials of Home Dept. also during the riots and afterwards?

23) How could SIT treat advice and suggestion by Dinesh Kapadia to RBS, viz “the truth need not be told to the Commission”... “no purpose will be served by speaking truth
to the Commission”... “be little bit cautious, just to ensure that you are totally objective, to prevent any harm, which is likely to be done by the government, because of the deposition... “These Commissions are paper tigers” etc. as legal and proper and not interfering in the normal functioning of a Senior Police officer? Did not these advices by Kapadia aim at blocking flow of truthful information to JNC?

24) Why did Secretary G.C.Murmu held the tutoring exercise of RBS in a private guest house instead of in rooms of Home Dept. or Police Bhavan?

25) As regards intimidatory tutoring imposed on RBS, did not SIT find the direction and objective of instruction by these people to RBS was to go against the Govt. Notification on terms of reference to JNC Dated-06/03/2002 and 27/02/2004 and so were illegal? Is it not the duty of every Govt. servant to act as per the requirements of Govt. Notifications? How could SIT treat any move against the notifications as legal acts? Did not advice of Murmu and Pandya to RBS to support conspiracy theory regarding Godhra train fire incident amount to abetment to perjury? Similar is the illegality in the advice of Murmu to RBS, viz to avoid speaking in favor of SIB reports, the advice of Pandya “You are my witness.... If I obtained permission from the Court, you are hostile to false nature and me. I will cross-examine and then notice will be issued by Govt. to you regarding integrity and everything. In sum I cannot cross-examine my witnesses etc”. Did not the hint of Murmu to call former ACS Ashok Narayan (hereafter referred as ACS.AN) for tutoring prove that Govt. was tutoring all witnesses to JNC as part of an illegal drill? Why SIT did not accept admission by Pandya in the sting operation by Tehelka magazine, (deemed by court which issued Naroda Patia judgment as admissible), as an extra judicial confession?

26) Why SIT did not enquire on veracity of each entry in the Register recording verbal orders of higher officers maintained by RBS?

27) Why SIT did not suggest action against RBS if entries in the Register were proved be false?

28) Did SIT expect that officials who were party to issuance of illegal instructions to RBS would corroborate him regarding matter narrated in the Register?

29) Did SIT conclude that entries about illegal instructions in the Register of RBS were fabricated by him?

30) Why SIT did not probe further about the commencement of fake encounters by Gujarat Police (from Oct/2002) after the transfer of RBS from the post of ADGP Int. on 18 Sept.2002., in the light of entries regarding the Chief Secretary G.Subbarao suggesting to DGP (on 01/05/2002) and RBS (on 28/06/2002) to organize elimination of Muslim extremists and those likely to disturb “Ahmedabad Rath Yatra”?

31) What was the option left to RBS to remember and record the proceedings of many meetings other than maintaining a Register, as relevant authorities did not prepare minutes of the meetings?
32) Why no opinion was given by SIT about the legal validity of the Register in the light of section 35 of Indian Evidence Act?

33) Why no probe was made about contemporary events from police and media records on the credibility of evidence recorded in the Register?

34) Why SIT did not act upon suggestion by RBS in his representation to SIT, praying for not invalidating his evidence through his letter Dated-30/11/2010 (Para E, sub Para 1 to 10- pages 18 to 22)?

35) When two witnesses namely ADGP (Law and Order) Maniram and Dysp. S.M.Pathak corroborated entries by RBS regarding transactions involved by them and SIT had accepted their versions as trustworthy, how could SIT declare that the act of maintaining a Register was motivated and that entries were not acceptable because of non-corroboration by the accused persons who were only exclusive participants in the meetings? Did not SIT know that these persons had vested interests in not supporting RBS, since such an action would be self-incriminating to them?

36) How could delay in presentation of evidence by RBS about the Register and tutoring by Home Dept. officials reduce the truthfulness of each transaction presented therein?

37) Why did SIT accept the allegation of accused about tampering of audio records presented by RBS without sending these records for forensic examination?

38) What was the independent evidence collected by SIT to declare evidence by RBS as motivated, other than the statements by the accused?

39) How could credibility of evidence collected by RBS, per se, get reduced even if these were collected with a motivation and that too when the material was scientifically produced?

40) Why SIT did not accept judgment of Amicus curiae, Raju Ramachandran, who deemed that maintenance of Register by RBS and recording of conversation of illegal tutoring were not motivated?

41) Why SIT did fail to notice that RBS did not comply with illegal verbal and written orders by higher officers and tutoring by Home Dept. officials on deposition before the JNC?

42) While invalidating evidential merit of nine affidavits of RBS (663 pages), why SIT had ignored the fact that the state govt. and JNC did not declare the material in the affidavits to be false and fabricated?

43) By devaluing evidence by RBS, by SIT, on flimsy technical grounds, did SIT want to sent the massage to govt. officials that illegal orders of seniors should be complied with and records about such orders should not be maintained?
44) Why SIT had ignored the fact that RBS was transferred out from the post of ADGP (Int.) after a tenure of five months and nine days, for his open violation of illegal written orders by DGP Chakrabarti for not reporting the verbatim version of CM Modi’s objectionable speech against Muslims, to the National Commission for Minorities?

45) Why SIT had ignored the fact that super session of RBS in promotion to the rank of DGP was an outcome of his refusal to comply with illegal orders of seniors and tutoring by Home Dept. officials and Govt. Pleader Pandya?

46) Why SIT did not find anything abnormal in the State Govt. giving out of turn promotion superseding RBS to G.C. Raiger and J. Mahapatra (who were ADGP Int. before and after the tenure of RBS in that post, though both were junior to RBS and they did not submit any damaging evidence against the Govt.)?

47) Why SIT did not find anything objectionable in State Govt. posting G. C. Raiger after his retirement as member, spurious liquor probe commission under a High Court Judge, with the status of a judge?

48) Why did SIT ignore the fact that G.C. Raiger did not file any affidavit, even though he was ADGP (Int.) in the period of major anti-minority riots from 27 Feb, 2002 to 08 April, 2002?

49) J. Mahapatra, ADGP who succeeded RBS as ADGP (Int) had not provided important records to RBS when RBS was preparing his second affidavit to JNC in October, 2004. In the light of this fact did SIT find anything objectionable in the State Govt. posting him as Chairman State Administrative Tribunal (SAT) after his retirement?

50) How did SIT doubt the veracity of entries in RBS Register when ACS Ashok Narayanan (hereafter referred as ACS AN) in his statement to SIT admitted that entries in the Register regarding the meeting convened by the CEC on 09 August, 2002 “are broadly true”?

51) Why SIT did not question ACS AN regarding his revelation to RBS (See ninth affidavit of RBS) that the State Administration and the CM did not give instruction to take action on SIB reports about anti-Muslim attitude of police officers, though these reports were shown to the CM?

52) Why SIT did not confront the CM Modi with revelations by ACS AN about his inaction over SIB reports and recorded CM Modi’s explanation? (Tape of interaction of ACS AN with RBS is available)

53) Why SIT did not verify claims of the CP Ahmedabad P.C. Pandae about follow of action taken by him on SIB reports to correct anti-Muslim bias of officers, through ground level enquires and scrutiny of case papers?

54) Did SIT get any independent evidence other than the false claims by accused about follow-up action on SIB reports? (SIT closure report did not indicate any such item)
55) If the claims of the accused were true why Naroda Patia judgment confirmed about anti-Muslim bias of the administration, even at the time of SIT taking over investigation of Naroda Patia case in June, 2008?

56) Why did SIT underrate SIB reports for taking corrective measures, sent to Govt. from April to August 2002 (not earlier or later periods) by deeming these as “general” when SIB had no power to study individual case papers in possession of executive police officers?

57) Did SIT check up with the authors of SIB reports and riot victims to decide on the veracity of claims by accused about their implementation of suggestion by SIB?

58) Why SIT had failed to notice that since SIB recommendations were not implemented by the Govt., the riot victim survivors had gone to the higher judiciary who had passed adverse comments on the impartiality, professionalism and commitment to the Rule of Law of the Gujarat Police?

59) Did not SIT deem that the criminal posture of the State Govt. to give free hand to unscrupulous officers to subvert justice delivery to riot victims amounted to commission of offenses u/s 166, 186 and 187 IPC?

60) Why SIT did not send audiotape containing interaction between RBS and ACS AN for forensic examination and thereafter initiate further probe by recording statements of relevant officers?

61) Why SIT had ignored specific suggestions by RBS and Teesta Setalvad to record statements of UP Police and Central IB officers who had direct evidence about the actual process of fire in S6 Bogie at Godhra on 27 Feb, 2002?

62) Why SIT had avoided perusal of records of Army and Central Para-military Forces (CPMF) and did not record statements of the officers of these forces deployed for maintenance of law and order in Gujarat during 2002 communal riots, despite specific request to this effect by RBS?

63) Without these exercises of getting evidence from outside agencies, which were deployed for duties with Gujarat Police, how did SIT arrive at a judgment that Gujarat Administration had performed duties creditably (as observed by SIT in closure report) during the riots?

64) Did not SIT know that suggestion of SIB to get officers transferred from riot affected areas in its report of 24 April, 2002 was implemented only in the second week of May, 2002, and that too after the arrival of KPS Gill as adviser to CM Modi?

65) Why SIT did not record the statement of KPS Gill on relevant matters?

66) Why and How SIT had justified the inaction of the accused in not acting on proposal of SIB to prosecute publishers of communally inciting materials on the flimsy ground that SIB did not produce adequate evidence?
67) Did not SIT know that SIB had no investigating powers to collect evidence and so it was the duty of DGP and Govt. to take further action on SIB proposal against publishers of illegal material?

68) Why SIT did not recommend further action on SIB proposal against publishers in its closure report?

69) Did SIT want to provide these publishers immunity from prosecution?

70) Why SIT did not record the statement of the Chief Election Commissioner, J.M. Lyngdoh and other Commissioners to make an impartial judgment on the claims of accused like the Chief Secretary Subbarao about their truthful presentation before CEC?

71) Why did SIT accept as proper the accusation of ACS AN that RBS had contradicted the Chief Secretary in the meeting convened by CEC on 09 August 2002? Should officers be like parrots of his senior officers or stick to truth in their presentations to constitutional bodies like CEC? Did not SIT realize that senior officers like ACS AN wanted everybody to support the policy of Govt., irrespective of its legal and ethical impropriety?

72) How could SIT exonerate all officers who gave misleading reports to CEC, by ignoring CEC order Dated-16 August, 2002 and without getting the version of CEC officials in this matter?

73) Why SIT did not find any obvious sequential pattern in the persuasion, cajoling, tutoring and intimidation by number of officers (ADGP Deepak Swaroop, ADGP Mahapatra, Under Secretary Dinesh Kapadia, Home secretary G.C. Murmu, Govt.Pleader Arvind Pandia) of RBS to speak in favor of Government in his cross examination before JNC on 31 August, 2004?

74) What was the logic in SIT treating action of each of these officers as unconnected, compartmentalized and isolated transactions and thereby justified these illegal acts?

75) Why SIT did not make efforts to thoroughly analyze text of tutoring imposed on RBS and fail to take cognizance of ingredients of crimes in the whole episode?

76) Why SIT did not record the statement of ACS AN, in the light of the claim of Home Secretary G.C. Murmu to RBS about his calling ACS AN for briefing?

77) How did SIT accept the statement of Principle Secretary Home K.C. Kapoor that RBS had filed his second affidavit on his own and not on written orders by DGP, when copies of such orders from DGP A.K.Bhargava were submitted to SIT by RBS?

78) How SIT had declared that recording of interaction with Murmu was “clandestine,” when the Central Administrative Tribunal (CAT) Ahmedabad judged this act to be legal in its judgment quashing charge sheet issued against RBS by State Govt.?
79) How could SIT ignore voluminous incriminating evidence against accused presented by RBS in his first and second affidavits (15 July 2002 and 06 October 2004 respectively), in his submission to CEC on 09 August, 2002 and during his cross-examination by JNC on 31 August, 2004 and make a baseless assessment that RBS had deposed against accused only after his super session in Feb, 2005?

80) Is it not the professional duty of SIT to deeply probe into each nugget of evidence presented by RBS in his nine affidavits and verify their truthfulness than rejecting them on grounds of technicality?

81) Why SIT had failed to notice that RBS did not make entries against the CM and Senior Officers about their intimidating him falsely, though he could have done so, had he been fabricating evidence against accused persons in his Register? Similarly RBS did not reveal his transaction with DGP Chakravarti in the period before his tenure as ADGP (Int.) (27 Feb, 2002 to 08 April 2002) in his first to third affidavits till State Govt. made K. Chakravarti a witness in nine point charge sheet served on him. Why SIT had failed to notice this fact?

82) Why SIT had failed to notice that RBS had disclosed incriminating data on the controversial Central IB Joint Director Rajendrakumar (media reported that he was part of conspiracy to kill many innocent Muslims in fake encounters along with Gujarat Police) only after Rajendrakumar had volunteered to become a witness to prove charges against RBS? He is figuring as a witness in the charge sheet served on RBS by State Govt.

83) Why SIT had ignored the fact that revealing incriminating but truthful data about K. Chakravarti and Rajendrakumar was required for building a defense for RBS against charge sheet issued to him and this requirement had prompted RBS to file his fourth affidavit to JNC? In the light of these facts why SIT had failed to notice that RBS did not collect evidence against accused with any unholy objective and facts were revealed by him as per requirements of a developing situation?

84) How SIT had deemed that RBS had kept evidence about misdeeds of the accused with bad intention when no point of evidence presented by RBS was declared false by the State Govt., JNC, SIT, Justice Banarjee Commission or any other judicial or investigating body so far?

85) Why SIT had failed to notice that RBS had classified his first affidavit (15 July, 2002) as secret and requested JNC to treat the whole affidavit as “confidential and privileged documents”?

86) How could SIT blame RBS for “embarrassing the State Govt.” by presenting incriminating evidence when JNC had declassified his first affidavit and released it to media, which had projected the adverse information about the accused in the affidavit prominently?
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<th>No.</th>
<th>Question</th>
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<tr>
<td>87)</td>
<td>Why SIT is getting irritated and allergic whenever any witness presents evidence damaging to the interests of accused?</td>
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<td>88)</td>
<td>Why SIT did not question DGP A.K. Bhargava for violating his own orders for getting second affidavit of his predecessor K.Chakravarti filed before JNC? (DGP Bhargava had ordered all serving officers to get second affidavits filed from all those who filed first affidavit)</td>
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<td>89)</td>
<td>Why SIT did not question the Chief Secretary G. Subbarao for not filing any affidavit to JNC, though the Chief Secretary was the only bridge between political and administrative bureaucracy?</td>
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<td>90)</td>
<td>Why SIT did not examine relevant police records maintained as per SOP to find out the truth on allegation of bias against riot victims betrayed by police officers?</td>
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<td>91)</td>
<td>Why SIT did not examine the progress in investigation of 2000 odd cases reinvestigated by Gujarat police on the orders of the Apex Court since 2005?</td>
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<td>92)</td>
<td>Why SIT did not suggest any action against those responsible for entrusting dead bodies of Godhra train fire victims to VHP leaders?</td>
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<td>93)</td>
<td>Why SIT did not initiate any action on suggestion letters by witnesses like RBS (letters Dated-03/08/2010, and 30/11/2010), Teesta Setalvad, Rahul Sharma, Sanjeev Bhatt etc.?</td>
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<td>94)</td>
<td>Why SIT did not seek explanation of the accused for showering favors to officers who acted as facilitators of communal riots and enablers of rioters? (This information is in sixth affidavit of RBS)</td>
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<td>95)</td>
<td>Why SIT did not get explanation from DGP K.Chakravarti and ACS AN regarding their failure to get SOP implemented by field officers particularly in areas of high voltage violence?</td>
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<td>96)</td>
<td>Why SIT did not question ACS AN about his admission of bias against Muslims practiced by many functionaries, to RBS? (This information is in ninth affidavit of RBS)</td>
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<td>97)</td>
<td>Why SIT did not question ADGP K.Nitynandam for his illegal orders to a Dysp. for not giving report to his superior officer-ADGP RBS?</td>
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<td>98)</td>
<td>Why SIT did not probe further on the revelations in the eighth and ninth affidavits of RBS, though SIT had fully utilized letters by RBS critical of Sanjeev Bhatt for discrediting evidence of Sanjeev Bhatt?</td>
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<td>99)</td>
<td>Why SIT did not record statement of RBS u/s 164 CRPC before a Magistrate even though he requested for such an action?</td>
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<td>100)</td>
<td>Why SIT did not question the CM Modi about his claim of not seeing SIB reports which had been shown to him by ACS AN for seeking orders about implementation of...</td>
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suggestions by SIB? (ACS AN in his recorded conversation claimed that he had shown SIB reports to CM)

101) Did not SIT notice a serious mismatch between numerous adverse observations by the Apex Court about the criminal and culpable professional negligence of Gujarat State Administration and police in containing riots and investigation of riot cases, in contrast to the arguments of SIT in the closure report exempting senior officers from Dysp. to Chief Secretary and all functionaries of political bureaucracy from any liability and accountability for 2002 Gujarat genocide?

102) Why SIT did not take guidance from the strictures and observations against Gujarat State Administration by higher judiciary and conduct deep penetrating investigation to link the thrust of complaints by riot victims and road map of investigation drawn by the courts?

The reported unscrupulous manipulative mismanagement and misjudgment of evidence against main planners, organizers, ground level mobilizers, and facilitators/enablers of mass violence (except brigands who physically committed crimes in areas of intense violence- many of them were arrested and prosecuted by SIT) for saving them from the long arm of Law, is a dismal and lugubrious chapter in the history of investigation of communal riots in India. Dr. R.K. Raghavan became controversial in 1991 for his reported failure to enforce effective and fail-proof security as in charge police official in Sriperumbatore (Tamilnadu), where Rajeev Gandhi was assassinated. That crime allegedly was the consequence of his fatal unpardonable negligence whereas reportedly dark diligence exhibited by him and his team to anoint the authors of 2002 anti-minority pogrom with oil of purity and righteousness is agonizingly and debilitatingly exhaustive for the Criminal Justice System, social cohesion and stability of our motherland. By sheltering and shielding law breakers responsible for 2002 Gujarat massacre related crimes, SIT had not only deviated from the foundational ideals of the Constitution of India but had also brazenly desecrated core values enshrined in scriptures of great world religions.

14.6 Sreekumar’s further testimony

**Source:** From email from Sreekumar in January 2013

**Comments on “Report on compliance to the order dtd. 12.09.2011 of the Hon Supreme Court of India in the Complaint dtd. 08.06.2006 of Smt. Jakia Nasim Ahesan Jafri by Special Investigation Team (SIT)”**

**By Shri. R.B. Sreekumar, Former DGP. Gujarat 30-11-2012**

Kindly refer to the compliance report by the Special Investigation Team (SIT) in the complaint by Smt. Jakia Nasim Ahesan Jafri. My para wise comments on matters relevant to evidence presented by me and also on infirmities in the SIT probe are given below.

2. Please see SIT closure report page 8, under caption ‘Broad Allegations’ para 1, 2, and 3. The information about manipulation of the Criminal Justice System (CJS) to deny and delay justice delivery to riot victims alongwith remedial measures were suggested by me in my reports to Addl. CS Shri Ashok Narayanan and DGP Shri K. Chakravarti dtd. (1) 24-04-2002, (2) 15-06-2002, (3) 20-08-2002 and (4) 28-08-2002 (all these reports were
3. **Para 8, sub para vii-A** List of officers who were given rewards like post-retirement placements, out of turn promotions etc, for their collaborative role during riots and for subversion of the CJS was submitted in my Sixth Affidavit to the Commission on 03.09.2010

4. **Para 8, sub para xxv** – As per data presented in my Second Affidavit dtd. 06-10-2004, in Ahmedabad City, during riots (from 27-02-2002 to 07-08-2002) in police firing 114 persons were killed (36 Hindus 30% and 78 Muslims 70%), and through mob action 326 people were killed (75 Hindus – 23%, and 251 Muslims 77%). It is strange that both in riots and in police firing more Muslims were killed. Was police deliberately soft towards the belligerent Hindu rioters? Will it not be on account of covert pressure from supervisory officers? Media reports about riots had narrated instances of crowds attacking Muslims shouting slogans like ‘Yeh ander ki baat hai, police hamara sath hai.’ (It is a secret, police is on our side). Please also see my letter no. 12C/COM/11 dated 25-10-2011. captioned: “Suggestion to get information on effective administrative and operational measures by officers in areas of lesser communal violence in 2002 Gujarat riots” to the Commission and SIT.

5. **Para 8: Sub para XXVII** : Data on officers who did not file Affidavits was provided in my Fourth Affidavit.

6. **Para 8: Sub para XXVIII** : Role of DGP Shri S.S. Khandwawala in neutralizing the re-investigation of cases ordered by the Apex Court was narrated in my Sixth Affidavit dated 3 Sep 2010.

7. **Para 8: Sub para XXIX** : Relevant data may be seen in my Sixth Affidavit. Information on favors to 25 officers was given in the Sixth Affidavit.

8. **Page 16- Comments on complaint by SIT.**

    Strangely SIT had observed that many facts narrated in Smt. Jakia’s complaint were not mentioned by her in her statement dtd. 06-03-2002 and 29-08-2003. SIT had conveniently ignored the fact that my First Affidavit was known to the public only after August, 2004. Moreover the Second Affidavit was submitted in October, 2004, the Third Affidavit in April, 2005 and Fourth in October, 2005. So when Mrs. Jakia came to know about the material in my Affidavits she had filed the FIR against the accused persons including the Chief Minister Shri Narendra Modi, alleging that, 1. Killing of her husband was part of a grand conspiracy by the accused persons before the mob action on 28-02-2002, 2. The regulations and streamlined administrative response system as per law and departmental directions were violated by Government servants as part of their illegal collaborative action to support the anti-minority criminal agenda of the Chief Minister and 3. Intimidation of witnesses from giving proper evidence to concerned Judicial bodies. (Pls. note that the Apex court called the Gujarat Bureaucracy to be Neros and many serious strictures were also passed by various courts.)

    9. There is nothing illegal or unethical if a complaint is given, as in the case of Mrs. Jakia, after a lapse of time because she received relevant additional information warranting lodging of an FIR against the accused persons much later to the filing of her First complaint.

10. **Page – 16 marked A:** This is a broad complaint by a helpless lady, widow of a riot victim and she did not have access or resources to collect specific evidence, so the observations of SIT that “The allegations are vague, general and stereo typed” is not only
deplorably cruel, betraying inhuman prejudice against an aggrieved widow but also have the bad taste of anti-victim mind-set.

11. **Accused No. : 25, 26, 29, 32, 33, 35, 36 and 40.**

These accused, being Govt. servants are duty-bound to reveal truth to the Commission, a body appointed by the State Govt. Practically no officer had filed Affidavits covering additional terms of reference about the role of the Chief Minister Shri Narendra Modi in the riots. So the complaint by Mrs. Jakia against the accused, questioning them on grounds of transparency and violation of the provisions of the Commission of Inquiry Act is quite appropriate. The State Govt. officers whose action was criticized by higher Judiciary, National Bodies like NHRC, NCM, etc. is wrongly deemed by SIT as proper and ideal. These accused had violated their oath to the Constitution of India. Does SIT deem that they are models to be emulated by all Govt. servants? Details of officers who did not file Affidavits to the Commission are listed in my Fourth Affidavit.

12. **Accused No. : 27, 28, 31, 34, 37**

Pls. note that till date on the meeting chaired by the C.M. on 27-02-2002, (First revealed in the report of the Citizens Tribunal, and then in my Fourth Affidavit) no officer had mentioned about it in their Affidavits to the Commission. How could the senior officers ignore the importance of a CM – chaired meeting on 27-02-2002, when there were numerous Intelligence reports from State and Central Intelligence on the possibility of extreme and extensive violence against minorities on the VHP – sponsored Bandh Day on 28-02-2002? ‘Why SIT had religiously avoided probing this major culpable omission of officers?’

13. **Accused No.: 50**

There was extensive anti-minority violence in Sabarkantha Dist, when accused No. 50 was the Supt. Of Police in that Dist. Thirty two persons (One Hindu and 31 Muslims) were killed in the Dist. during the riots. This is more than the number of causalities in Surat city, Rajkot City, Bhavnagar and nearly Fourteen Dists. of the State. SIT instead of probing into the failure of this officer, Shri N. Solanki, was finding fault with so called failure of Mrs. Jakia to marshal evidence in this connection.

14. **Page – 18 : Para marked B :** Affidavits have a higher legal validity and any false statement therein can make the author of the Affidavit liable for perjury. So Mrs. Jakia had depended on my Affidavits. Moreover, it is quite callously naïve on the part of SIT to expect Mrs. Jakia to know about official matters delineated in my Affidavits and thereafter unfairly judge this as an enfeebling element of the complaint.

15. **Page – 25 :** Statement by Shri K. Chakravarti, the then DGP.

Shri K. Chakravarti told me about CM asking those present in the meeting to allow Hindus to vent their anger against the Muslims and that Shri P.C. Pande, Commissioner of Police Ahmedabad City, objected to parading of dead bodies of Godhra Train Fire victims in Ahmedabad City, (See my Fourth Affidavit para 84-85). The SIT did not put persons who attended the CM meeting on 27-02-2002 through Narco Test, even though I had offered for undergoing any such test unconditionally.

16. **Statement of Shri Sanjeev Bhatt.**

Shri Sanjeev Bhatt had confirmed my statement in my Fourth Affidavit about Shri P.C. Pande objecting to the Govt. decision for transportation of dead bodies of Godhra train fire victims in Ahmedabad City.

17. **Page – 55 :** SIT conclusion about my Register.
The reference to my Register maintained for recording verbal instructions of higher officers as unauthorized is unwarranted and biased. The entry on 12-06-2002 said that phone call details of late Haren Pandya’s phone were handed over to Dr. P. K. Mishra by Shri. O. P. Mathur ‘in our office’. The words ‘in our office’ are relating to the position of Shri O.P. Mathur and do not indicate that Dr. Mishra visited ADGP (INT) Office. SIT had conveniently avoided to judge positively admission by Shri S.M. Pathak, Dy. SP State IB about my tasking him to inquire on Late Haren Pandya depositing before the Citizen Tribunal headed by Justice Krishna Iyer. Shri Pathak’s corroboration would establish that my entry about Dr. Mishra’s verbal instructions was correct. As a related transaction instructions about collecting call details of Late Haren Pandya mobile had to be treated as admissible and reliable.

18. SIT had avoided to appreciate the facts mentioned in the forwarding letter of my Third Affidavit, explaining the reason for my filing of that Affidavit in my individual capacity. Since I had not complied with illegal orders and directions by Home Department Officers – Shri Dinesh Kapadia, the Under Secy. and Shri. G.C. Murmu. IAS, Home Secy. and PP Shri Arvind Pandya, I was superseded in promotion to the rank of DGP (Pls. note that my superscession was declared illegal by CAT and the Gujarat High Court). For bringing out this fact to the notice of the Commission I had filed my Third Affidavit and requested the Commission to take action to check Govt. from resorting to further acts of my victimization, on account of my giving evidence to the Commission against the interests of the State Govt. Officers. Moreover, the Register was kept as a record of my defense and aid to memory in the event of future action by Judicial bodies. Detailed clarifications about background of the maintenance of the Register and recording of illegal tutoring imposed on me by Home Department Officers and Govt. pleader were submitted to SIT in (1) Suggestions letter dtd. 3/8/2009 and (2) vide my letter no. RBS/201C/SIT/2010 dtd. 30-11-2010. captioned ‘An appeal to objectively appreciate and acknowledge the evidential merit of my Six Affidavits to the Judicial Commission probing into the 2002 Gujarat Communal Riots.’ SIT had avoided probing into specific points suggested in these letters because, in my view, such an action by SIT would have damaged SIT’s strategy to enfeeble and ignore my evidence against planners and perpetrators of 2002 anti-minority genocide.

19. In investigation of criminal cases, even entries made by criminals and bad characters in their private diaries are properly probed. (For ex: entries in the diary of accused in Jain Hawala case against senior politicians were accepted). Instead of collecting collateral and circumstantial evidence, as suggested in my above letters, SIT had invalidated evidence in the Register by simply accepting the statements of accused persons. Amazingly when Shri S.M. Pathak and Shri Maniram, the then ADGP (L&O) fully endorsed my entries in the Register, the SIT had ignored these facts. Does this mean that SIT is bent upon bypassing any evidence which will debilitate the edifice of defence built up by it for saving the accused in Mrs. Jakia’s FIR?

20. Page – 64 : Allegation of No. II :

SIT did not probe into media reports about parading of dead bodies about which there was sufficient coverage in the electronic and print media of those days. Militant Hindu crowds following the dead bodies in the roads of Ahmedabad were shouting anti Islamic slogans containing a lot of communal hatred, culpable under section 153 A IPC.


I suggested specific line of investigation about each of the entries in my Register through my letter no. RBS/75C/SIT.2010 dtd. 30-11-2010, as mentioned in para – 18. But SIT ignored these suggestions.
22. The Register was opened as a defense for me in the event of a probe or judicial scrutiny about many illegal actions by the State Administration. I did not support any of these actions and comply with any illegal instructions. Secondly no minutes of the meeting chaired by the higher officers were prepared. In this situation I have to take initiative through an innovative action by opening a Register.

23. Though the Register was numbered and sealed by Shri Mathur on 18.04.2002, I made entries about meeting held on 16th / 17th -04-2002 as information of these meetings were fresh in my memory.

24. Instead of finding technical objection about the Register, SIT should have tried to collect collateral and circumstantial evidence as suggested in my letter dtd. (1) 3 Aug 2009 and (2) 30-11-2010. After such an earnest investigation if any entry was found to be false, malicious or fabricated, SIT could have suggested action against me.

25. Shri Mathur had been given many favors by the Modi Govt. Departmental proceedings against him were dropped and he was posted as the Commissioner of Police, Ahmedabad City, on promotion to the rank of DGP, ignoring the claims of officers senior to him in IPS Civil list. Further, after his retirement he was given an assignment with the status of a Vice-Chancellor, as Director, Raksha University. Why SIT who had diligently brought all incriminating details about Shri Sanjeev Bhatt’s career had conveniently avoided adverse information about Shri Mathur? SIT did not bring on record the alleged undesirable actions of Shri Mathur, widely reported in the media, particularly in the Times of India, the Ahmedabad edition, on eve of his taking over as Commissioner of Police Ahmedabad City. The reports related to his alleged patronizing of a petty street criminal – Abdul Latif and facilitating his rise to the position of a major Don of Ahmedabad City. This criminal was killed by Ahmedabad city Police in 1997 in alleged fake encounter. In police circles it is widely accepted that Abdul Latif was about to reveal the names of his patrons in Police Department and political parties and for preventing this eventuality police had eliminated him in an extra judicial killing. Pls refer to Times of India (Ahmedabad Addition) report on Gujarat High Court verdict on sedition case filed by Shri Mathur dtd. 22 June 2012 Page 4. If Shri Mathur was suspicious of my order to open a Register, why he did not report the matter to DGP and higher authorities?

26. My First & Second Affidavits were filed in my official capacity and the remaining Seven Affidavits were filed in private capacity. Pls. note that my supercession was due to my non-compliance of illegal verbal orders given to me and for not obliging the Home Department Officers and the Govt. pleader, who pressurized and intimidated me to speak in favor of the Govt. during my cross examination before the Commission on 31-08-2004.

27. Why SIT chose to pass an adverse judgment about evidentiary value and admissibility of material in my Register without doing independent probe and by merely accepting the version of the accused in Mrs. Jakia’s complaint?

28. Why period of writing and paper of my Register were not tested and fixed through tools of Forensic Science?

29. Did SIT think that specific entries about illegal instructions to me by higher authorities were fabricated by me?

30. My entry about ACS Shri Ashok Narayani and others asking me to make presentation before the Central Election Commission (CEC) on 09-08-2002 was proved by CEC’s Open Order dtd. 16-08-2002 in which CEC observed that my assessment of the situation had falsified Govt. version.

31. The conclusion of SIT by deeming my maintenance of a Register as ‘motivated’ is quite defamatory and slanderous. Please note that in many judicial pronouncements the role of
the State Govt. during riots was condemned. Did not SIT feel that data in my Register about illegal orders by the Govt. was matching with the spirit of judicial indictments against the Govt.?

32. There are two entries about the Chief Secy. Shri. G. Subha Rao suggesting for organizing elimination of Muslim extremists and those who disturb Rath Yatra (entry in my Register against dates : 01-05-2002 and 28-06-2002). I had refused to carry out his suggestions. In this context why SIT had failed to note that fake encounters by a coterie of Officers allegedly close to the Chief Minister were started after my leaving charge of ADGP (Int.) on 18-09-2002 and continued till these officers were arrested for fake encounters in April, 2007? There are no fake encounters after the arrest of the police officers in April 2007. Are criminals afraid of committing crimes after the arrest of police officers responsible for fake encounters? Perhaps these officers responsible for extra judicial killings knew that ADGP (Int.) could suo-motto inquire into such incidents and suggest action against the concerned under Rule 61, Sub Rule 4 (A & B) of Gujarat Police Manual Vol. III (This Rule empowers ADGP (Int.) to conduct enquiries against fake encounters without any orders from higher authorities.)

33. SIT did not record the statement of any ‘independent witness’ – See page 71/72 of SIT report – but had simply accepted the version of the accused. How can the version of accused be treated as that of “independent witness” by SIT? Had they supported my entries in my Register their evidence would have been self incriminating to them. My entry in my Register against the date 04-05-2002 was corroborated by Shri Maniram, the then ADGP (L & O). Besides this Shri S.M. Pathak also had provided supporting evidence on my entry on Govt. orders to probe into the role of the Late Haren Pandya. Do not these corroborative statements establish that my entries in the Register are truthful? Are not Shri S.M. Pathak & Shri Maniram ‘Independent witnesses’ unlike accused in the Jakia complaint? It appears that SIT ignored any evidence in support of my entries in the Register, for establishing its baseless contention of my Register being a motivated document. Contemporary events, records like CEC order dtd. 16-08-2002 etc. also establish the genuineness of my Register. Would anybody accept my statement about illegal orders given to me by higher officers and CM without the proof of entries in my Register? In such a situation what was the option left for an official keen to remain loyal to his oath to the Constitution of India? Instead of making the document of my Register as inadmissible evidence of no value, SIT should have enquired into each of the episode narrated therein and proved or disproved their truth.

34. All transactions delineated in my Register pertained to the Period from 09-04-2002 to 18-09-2002 and entries were made in the above period by me in the capacity of ADGP (Int.) This can be established by testing the period of writing in the original Register. So presentation of this evidence after my supercession will not reduce the admissibility and evidential quality of my entries in the Register. Had I not been superceded, I would have submitted this Register with other documents appended in my Third Affidavit, to a reliable investigating agency. The Commission also did not call me for cross examination of my Second to Ninth Affidavits.


The sweeping assessments of SIT about my statement as ‘motivated’ is expressive of its annoyance against anybody providing any incriminating evidence against the accused persons. According to SIT any collection of evidence against the Govt. is motivated action even if the Govt. was engaged in violation of the principles of the Rule of Law, concept of secularism and spirit and letter of the Constitution of India. Strangely SIT had accepted as gospel truth, statements of all persons figuring as accused in Jakia complaint. Does SIT suffer from an inbuilt allergy to anybody going against the interests of the accused, the
Sangh Parivar and Chief Minister? SIT may ponder over as to why the Commission had issued a Notification calling for data from all citizens relating to terms of reference to the Commission by Gujarat Govt. The State Govt. had included the role of CM during riots as a point of probe. Moreover Section 6 of the Commission of Enquiry Act provides total protection to the witnesses giving evidence from any criminal or civil proceedings. SIT may note that the State Govt. had not challenged validity of facts and data presented in my Nine Affidavits running into 600 pages. In this background how SIT could view adversely my act of collecting data / evidence as an unwarranted, unethical and illegal action or misconduct? Does SIT want to send a message to Govt. officials that they should be committed to the illegal and unethical agenda of their political and bureaucratic bosses, even if their seniors are pursuing unlawful objectives through a system of verbal orders?

36. The very acts of Shri G.C. Murmu and Shri Arvind Pandya are illegal and amounting to misconduct and crime, viz. interference in the normal discharge of duties of a Govt. servant, acts punishable under Sections – 186 & 187 IPC. When the State Govt. had constituted a Judicial Commission to probe into the role of the Chief Minister and other seniors in the riots how could officers from the supervisory Dept. of Police Department (in which I was serving) – Shri Dinesh Kapadia and Shri Murmu) venture to tutor me and intimidate me, directing me to speak in favour of the Govt. during my cross examination by the Commission. (Home Department is the supervisory department of Police). Even briefing a witness like me (as I am not a prosecution witness supporting the Govt. side) certainly is blatant interference in the normal course of duties, contrary to the objectives of the constitution of a Judicial Commission by the State Govt.

37. I did not comply with the illegal tutoring by Home Department officers and deposed before the Commission real facts on 31-08-2004, during cross-examination. In fact I had further exposed the role of Govt. servants in the riots and I had also provided official documents as exhibits-like copy of my proposal to take action against publication of communally inciting material, to the Commission on 31-08-2004 (no action was taken by the Govt. on this proposal so far and SIT did not find anything improper in this intentional inaction by the Got which, in my opinion, was due to the fact that my proposal for action was against Hindu extremist elements) Therefore it can be seen that my supercession in February, 2005 was a vindictive action by Govt. for my stand of not complying with illegal orders and for submission of many reports to the higher officers throwing light on the illegal stance of the Govt. officers in the aftermath of riots for the subversion of the CJS, with the objective of impeding the justice delivery to the riot victims. The Govt. had started Three Departmental enquiries against me since – 16-08-2002, the day the CEC issued an order vindicating my presentation about Law & Order situation in Gujarat and postponing the holding of Elections to Gujarat State Assembly. In reply to these enquiries I had submitted to the State Govt. in November, 2004 that the Govt. was indulging in my victimization as the Govt. was annoyed about my reports affecting the Govts. political interests. In these replies by me, in response Govt. memos, initiating the enquiries, I had indicated that I would be constrained to present evidence about Govts. totally unjustified prejudice against me before an appropriate judicial body. I had resorted to this action when I was superseded in February, 2004 and challenging my supercession a case was filed before the Central Administrative Tribunal, Ahmedabad Bench in April, 2005. The data on the above developments I had included in my Third Affidavit dtd. 09-04-2005. Kindly see Annex. C & D of this Affidavit, besides the main portion. So it can be seen that revelation about data on illegal verbal orders and act of tutoring by Home Department Officers and the Govt. Pleader were reported by me to the State Govt. months before my supercession (I was superseded in February, 2005, while my reporting about possession of
inputs regarding Govt.’s prejudice against me was done in November, 2004, that is nearly Three months before my supercession)

38. SIT had conveniently forgotten or ignored that the fact of persuas ion, cajoling and tutoring (first by police officials Deepak Swaroop, J. Mahapatra, both ADGP) followed by Deputy -Secretary Home, Dinesh Kapadia, Home Secretary, G. C. Murmu and Government pleader Arvind Pandya came in a sequence and therefore followed a logical pattern. So these acts can never be treated as acts done on their individual initiative, out of concern for my welfare or career interests. These actions by govt. officials were taken on the instructions from their higher officers, if not Shri Narendra Modi himself. In case I had not recorded the voice bytes on the interaction, SIT would not have accepted my complaint against them at all. Now SIT is treating the act of recording as a “clandestine act”. SIT is not questioning the relevant officials about the basis of objections about my recording the conversations which was simply an act of preserving the data on tutoring sessions through electronic means / device. SIT did not accept as truth my statement about 2 Additional DGP ranking officers persuading me to speak in favour of the government for want of any proof other than my statement whereas in the case of tutoring by Home Department Officials, about which I produced material evidence, SIT is taking these transactions as innocuous legal acts!!! This posture of SIT reminds me of the proverbial wolf in the Panchatantra story who interprets evidence advanced by the sheep to wolf’s advantage.

39. Amazingly SIT is also not accepting the free admissions by Shri Arvind Pandya, in his “extra judicial confessions to journalist of Tehelka, Ashish Khaitan in the Operation Kalank that Shri Pandya had intimidated me, as truthful and reliable. This evidence by Khaitan was accepted by Court in Naroda Patiya Massacre Case. In the SIT’s scheme of action relying upon any item of evidence damaging the accused persons would upset its apple cart aimed at immunising real culprits of the riots.

40. SIT observed that the credibility of my oral testimony is reduced due to delay and the same was uncorroborated also. Am I a victim of rape or bodily violence that delay in filing of complaint would debilitate and enfeeble the evidence presented in support of the complaint? Will the delay in submission of complaint about intimidation of witness by government officials make the criminal acts justifiable and ethical?

41. Both in the transactions of senior officials and the CM giving illegal verbal orders to me and tutoring by Shri Murmu and others, there were no independent witnesses present and in such a situation how could the victim complainant (myself) present evidence from independent witnesses. Nonetheless I am thankful to God that SIT had not declared my evidence (My register and recording of conversations of Murmu and Kapadia) as baseless, false and fabricated.

Allegation VII Page 85 Statement of Shri G. Subha Rao the then Chief Secretary

42. Shri Rao alleged that my Register contained “baseless false and malicious statements” “absurd, unethical” and SIT had fully accepted these without any verifications neither from me or though independent investigations through Shri Rao who was an accused in Smt. Jafri’s complaint. SIT did not test age of paper and writing in my Register through tools of forensic science. Nor did SIT put me and others like Shri Rao under any tests like narco and brains finger printing tests.

43. SIT did not find anything strange in many encounters taking place after I left charge of ADGP Int. (from Oct, 2002), and ending only with the arrest of DIG Shri D.G. Vanzara and others for fake encounters in April 2007. SIT had ignored the fact that these fake encounters were started within a few days of my transfer from the post of ADGP (Int.) on 18th Sept. 2002. Please note that as per rule 61 sub-rule 4 of Gujarat Police Manual Vol III
(GPM) ADGP (Int.) has powers to inquire into all encounter killings. Had the fake encounters been enacted during my tenure as ADGP (Int.) I would have suo-moto inquired into these and reported against the police officers responsible for these. My successor ADGP Intelligence Shri J. Mahapatra reportedly did not conduct any enquiry as envisaged in the above mentioned Rule of the GPM (Gujarat Police Manual Volume III) perhaps, as reward Shri Mahapatra was given out of turn accelerated promotion, superseding me and other officers and post retirement placement as Member State Administrative Tribunal. (Shri Mahapatra was 2 batches junior to me as per IPS Gujarat Cadre Civil List). Please see my sixth affidavit for details. Do not these facts constitute circumstantial evidence to prove many entries in my register?

**Statement of Shri Ashok Narayanan’s --- Page 88**

44. Shri Ashok Narayanan stated that my entries in the register relating to the meeting convened by the Central Election Commission on Aug 9, 2002, “are broadly true.” In the recorded tutoring of me by Shri Murmu (See Third Affidavit), he had revealed his plan to brief Shri Ashok Narayanan. But SIT did not check with Shri Ashok Narayanan about the details of briefing / tutoring by Shri Murmu.

45. Moreover, in my 9th affidavit dated 15 Jan, 2012 I gave details about Shri Ashok Narayanan’s frank admissions about the State Administration including Doctors showing anti-Muslim bias. But SIT did not get clarifications from Shri Ashok Narayanan about his revelations to me. (I had submitted audio recording of this interaction, so there could not be any doubt about its acceptability). It is pertinent to note that my letters to the Commission and SIT denying certain false claims made by Shri Sanjeev Bhatt, which were submitted on 27 Dec, 2011 were fully utilized by SIT as evidence whereas material in my 9th affidavit dated 12 Jan, 2012 were ignored. This would establish that SIT would take cognizance of only those materials favorable to the accused persons and not anything damaging to them.

**Statement by Dr. P. K. Mishra --- Page 89**

46. SIT should have treated the claims of Dr Mishra on his memory loss as unreliable and false because Intelligence Officer Shri S. M. Pathak had revealed that he had probed into the role of the late Shri Haren Pandya on my instructions.

47. SIT also did not ask Dr. Mishra about details of meetings chaired by the CM Modi in which myself and Dr. Misra had remained present. Does SIT hold the view that many entries in my Register about meetings presided by the CM Modi are a product of my imagination?

**Statement of Shri A.K. Bhargava the then DGP --- Page 91.**

48. SIT did not care to study relevant case papers to decide as to whether Shri Bhargava’s claims about re-investigation of 2000 odd cases (as ordered by the Apex Court in 2004) were correct or not. The riot victims recently complained that practically in all the cases witnesses or complainants had turned hostile under intimidation, threat or inducement by police and the Sangh Parivar. Resultantly all accused from Hindu anti-social groups could escape from prosecution.

**Statements of Shri P.C. Pande, Shri Kuldeep Sharma, Shri, M.K. Tandon etc. Page 91 to 105.**

49. The SIT avoided getting plausible explanations from officers like Shri. P.C. Pande the then CP Ahmedabad city about their serious acts of omission and commission which provided a free hand to rioters; not registering FIR as complained by riot victims properly etc. Their failure to respond to intelligence reports from the State and Central Intelligence, non-implementation of instructions contained in Gujarat Police Manual,
Allegation No. VIII Page 105

50. SIT also did not make any effort to expose the failure of officers like P. C. Pande to control riots and acting as collaborators of CM Modi in the context of laudable performance by Commissioner of Police of Surat City, Rajkot City and Suptd. of Police of 16 districts where the violence was negligible. I have suggested that SIT should make such a study in my letter captioned “Suggestions to get information on effective administrative and operational measures by officers in areas of lesser communal violence in 2002 Gujarat riots” dated 25-10-2011. Why Shri P.C. Pande, Shri D.D. Tuteja etc failed when officers in these places had effectively contained violence?

51. Regarding follow-up action in my elaborate intelligence assessment report, with suggestions for remedial action, dated 24/4/2002, DGP Shri. K. Chakravarti made a general claim that all suitable measures were taken. SIT did not verify any records to confirm the veracity of DGP’s statement. Since the follow up actions were not taken, I had handed over an unsigned note captioned “Actionable points” to Shri. K.P.S. Gill, the former DGP Punjab in May 2002. Please see my second and third affidavits for details. It was only on Shri Gill’s intervention, the suggestion in my note for transfer of officers from Ahmedabad city was implemented by the government and there was dramatic improvement in the law and order situation in Ahmedabad city thereafter.

52. Please note that DGP and Government did not issue circulars or instructions directing the field officers to remedy anti minority bias of the CJS, as pointed out by me in my 24th April 2002 report.

53. SIT’s assessment that my 24th April 2002 report was general in nature is baseless because the Intelligence Department can portray the general trends, maladies, and man-made afflictions in the CJS and specific examples can be provided only after perusal of police records which are never made accessible to intelligence officers. Moreover the feedback from the riot victims, as reflected in my 24th April 2002 report was collected from “reliable sources” and any reference about them with specific data would have exposed them and consequently Intelligence Department would be losing its credibility among the sources.

54. SIT also did not check up with me or with riot victims about the truth behind the claims of DGP and ACS Home about the implementation of my suggestions and proposals in the intelligence reports.

55. Please note that since my suggestions in my 24th April 2002 report was not implemented by the Government I had mentioned about it in my assessment report dated 15/6/2002.

56. Further it is pertinent that had the government implemented my suggestions, the Apex Court and Gujarat High Court would not have made so many adverse observations against the Gujarat Administration and the Gujarat Police since 2004 Best Bakery case judgment. Transfer of trial of 2 cases to Maharashtra; handing over of investigation of Bilkis Bano case to CBI; order to re-open and reinvestigate 2000 odd riot related cases; constitution of SIT for investigation of major cases of man’s slaughter; entrusting SIT the investigation of Mrs. Jafri’s complaint; orders to investigate certain fake encounter cases by CBI, constitution of Justice Bedi Committee to probe into all cases of extra judicial killings in Gujarat from October 2002 to April 2007; Gujarat High Court’s criticism against Modi government for its failure to protect socio-religious and historic monuments of
minorities etc - would prove that maladies in the CJS pointed out by me in my reports to DGP and government in 4 reports (1) dtd. 24.4.2002 (2) 15.6.2002 (3) 20.8.2002 and (4) 28.2.2002 were ignored and the remedial measures, as proposed by me, were not initiated. Officers who are legally bound to take cognizance of intelligence reports (the government and DGP, till date, did not question the validity and reliability of materials in my reports) intentionally did not take follow up actions and this would amount to offences u/s 166, 186, 187 IPC. In other words the relevant authorized officers had fully aided and abetted the hidden agenda of the Modi government, to torpedo justice delivery to riot victims.

57. Please note that in my Ninth Affidavit I had narrated the admission by Shri Ashok Narayan, the ACS (Home) about Government’s inaction on my intelligence assessment reports. This admission by ACS was made in August 2004, a few days before my cross-examination by the Commission on 31/8/2004. Audio tape of my conversation with Shri Ashok Narayan was submitted to SIT along with the copy of my 9th affidavit. Why did SIT not make any probe on this admission by ACS Home? Did SIT avoid such a professionally imperative action because it would jeopardise SIT’s objective of giving a clean chit to the accused in Mrs. Jafri complaint?

58. No clarification was sought by SIT from the concerned about their failure (DGP and Home Department officials) in acting upon my proposals against those circulating communally inciting pamphlets, handbills and publications.

59. Numerous suggestions were made by me in reports dated (1) 15/6/2002, (2) 20.8.2002 and (3) 28.8.2002 relating to law and order situations prevailing as an aftermath of the protracted riots. But no follow up action was taken. For covering this major criminal negligence of the authorities, SIT had sought their clarification on my suggestions regarding cancellation of Rath Yatra only and not on anti minority prejudice.

60. In para 112, Shri Ashok Narayan had admitted that he was not aware of any follow up action taken on my intelligence report dtd. 24/04/2002. But SIT did not care to get relevant records from Home Department or DGP to establish truth in this matter. Strangely SIT did receive numerous petitions in the course of its investigation of Naroda Patia and other cases in which the riot victims complained about police not recording statements as were spoken by them. They also charged the police that description of accused given in their FIR were not written properly. In short their complaints have been “defectively noted and not noted as per their say” (see para 3, sub para ii, page 269 and 270 of Naroda Patia judgment). This bias of police was pointed out by me in my 24th April 2002 report to the Govt. and DGP – see para iii, sub para 128. Though the court accepted this complaint of the riot victims, why SIT had ignored these and baselessly asserted that my suggestion to correct anti-Muslim bias of police was implemented. For this negligence SIT is liable for perjury.

61. Strangely in the concluding para by SIT on Allegation No. VIII, SIT arbitrarily reached the conclusion that “it cannot be said that no action had taken on letter dtd. 24/4/2002, 15-6-2002, 20-8-2008 and 28-8-2002”. How could SIT make such a baseless observation by simply depending on the statement of accused persons in Jafri FIR? Why SIT religiously avoided scrutiny of relevant records of Home Department, DGP office and office of ADGP (Int.)? Even Central IB do send periodical assessment reports about state of law and order, health of CJS, people’s attitude and response to the government, but SIT avoided to study these. Moreover, the Home Department also sends reports to MHA in the relevant matters. Similarly the Governor also sends assessment reports. But being apprehensive about any incriminating material coming up in these important official documents – IB reports, Home Departments’ reports to MHA and the Governor’s report to the President of India against the accused persons, SIT had avoided their scrutiny.
These reports would have definitely thrown light on the state of health of CJS, and law and order situation and thereby SIT could have really known the truth about the state or stage of implementation of my above mentioned assessment reports. Strangely SIT did not scrutinize minutes of law and order and crime review meetings convened by Supt. of Police, Range DIGs/IGP, DGP, ADGP (Crime) etc.- as these meetings are held as per the stipulations in the Gujarat Police Manual. Shri Ashok Narayan’s admission about failure of government to take action on my intelligence reports was ignored by SIT. With regard to specific reasons narrated in my 24th April 2002 report on “extreme loss of faith in the State Administration” of the Muslim Community (para III sub para 1 to 8, para IV to XI) SIT did not peruse the case diaries of important riot cases; interviewed riot victims in the worst riot affected areas; interrogated the Investigating Officers (IOs) of these cases and their hierarchical seniors who were bound by Rules of Gujarat Police Manual Vol III to give day to day guidance to the IOs, as such an exercise would have confirmed that my assessment in my report was truthful and demolished the false claims of accused persons, particularly DGP, Home Department officials etc about taking action on my reports.

Allegations No. XI

Regarding deployment of Army, Central Para Military forces (CPMF)

62. SIT had simply accepted the statements of accused in this matter. SIT should have recorded the statements of officials from Army and CPMF who were actively engaged in assisting the state police for maintenance of law and order. SIT should also have brought on record as part of evidence all documents maintained by Army and CPMF. Riot victims version about role of Army and CPMF was also not given due credit. SIT had ignored my specific suggestions in this connection – to examine documents of Army, CPMF, record statements of relevant officers submitted to SIT in my Fifth Affidavit on 3rd May 2010. SIT should obtain reports given by Army and CPMF officers to their higher officers about their role during riots while they were assisting Gujarat Police.

Allegations No. XIII.

63. SIT did not find anything objectionable in the State Government’s failure to oppose the Bandh call given by VHP on 28/2/2002. The CM also did not oppose the Bandh. This act is in gross violation of a Ruling by Kerala High Court. It is a culpable act. SIT avoided making any observations against even Home Department and police officers also on this criminal negligence.

Allegations No. XIV

64. Without examining relevant records of the Ministry of Defence, Ministry of Home Affairs, Army- CPMF etc. how could SIT give a clean chit to the accused persons that too by simply accepting their version about the timing, procedure, requisition and deployment Army and CPMF.

Allegations No XV

65. In my assessment report dtd. 24/4/2002 to the Government and DGP (this report was appended in my first and second affidavits) the undesirable partisan role of public prosecutors (see para 7 of the report) had been pointed out. But no remedial measures were taken. SIT should have examined the performance of PPs in respect of important riot cases, instead of merely condemning my 24th April 2002 report as “generic”. SIT Chairman, Dr. R. K. Raghavan, who had served the Central IB for a longtime, must be aware of the fact that Intelligence Officers had no access to case papers, nor did they have powers to get reports from the relevant investigating officers, and also that they could get reliable intelligence only from their contacts and sources in the targeted areas and organizations, and therefore they were not in an enabling position to provide
pinpointed information on the specific unprofessional partisan actions by the PPs with the police officers investigating the cases.

**Allegations no. XVI Pages 145 to 147**

66. SIT had simply accepted DGP K. Chakravarty’s version about State Government’s follow up action in implementation of remedial measures for improving the situation, such as transfer of officers. Though this suggestion was made in my report dtd. 24-4-2002, the transfers were effected at the end of May 2002, that too after Shri Gill promised me to implement my proposal for remedial action. I had submitted an unsigned suggestion note to Shri Gill and the copy of this was appended in my second affidavit captioned “Actionable points”. Without scrutinizing relevant records SIT had accepted DGP’s statement. Why did SIT not record the statement of Shri K.P.S. Gill on this point and on the material in my register relating to Shri K.P.S. Gill?

**Allegations No. XVII Page 147**

67. During my cross examination by the Commission on 31/8/2004, on my First Affidavit, I had submitted as Exhibit, a copy of my proposal to DGP and Home Department recommending action against the publication of anti minority pamphlets. This proposal is besides those mentioned in my First Affidavit with copies as Appendix-26.

68. SIT did not suggest any action on any government official for not acting on my recommendations for legal action against the media. Why this criminal negligence is not treated as an offence u/s 166, 217, IPC? SIT observed that the material provided by me was not sufficient to make out a criminal case. SIT did not see anything wrong in the inaction of DGP and Home Department in not ordering a deeper probe basing on my suggestion through jurisdictional officers for getting relevant evidence and prosecuting the culprits. Consequently the publishers of communally inciting material continue to enjoy immunity from legal action. This action of SIT was true to its strategy to keep the complicity level of government officials as low a level as possible, in the commission of any offence related to 2002 riots. Intelligence offices do not have investigation power, so how could they collect evidence about those who published communally inciting material?

**Allegation No. XVIII Page 147**

69. SIT should have recorded the statement of the Chief Election Commissioner Shri J.M. Lyngdoh and other 2 Commissioners to find out the sequence of discussions in this meeting held at Ahmedabad on 9-8-2002 by the Full Bench of Central Election Commission. In this case also, SIT had fully accepted the statements of the accused person viz. Shri G. Subha Rao, Shri Ashok Narayan and Shri K. Chakravarti. Please note that the open order issued by CEC on 16/8/2002 had fully supported my assessment of the law and order situation in Gujarat and had rejected the version of the State Government.

70. Shri Ashok Narayan in his statement to SIT had objected to my act of contradicting the DGP and ACS (Home) in my presentation to the Chief Election Commission on 09-08-2002. Is he against anybody speaking the truth? If I have to support the version of my superiors in a meeting convened by a constitutional body like CEC, like a sycophant and a parrot repeating his master’s voice, what was the need for including me (ADGP (INT)) as a participant in the meeting? Should I take clearance from DGP and seniors to speak the truth before the CEC? These questions are not answered by SIT.

71. SIT had accepted the version of the accused and exonerated all responsible for making false and misleading reports to the CEC, which, however, had finally endorsed my assessment of the situation.
72. The elections were held peacefully because the specific pre conditions laid down by the Central Election Commission were complied with by the State Government. So the charge of the State Government giving misleading reports, as observed by the CEC, based on my presentation with specific ground level details on 9/8/2002, in the CEC chaired meeting in Ahmedabad City, is fully established. How could the subsequent holding of elections peacefully brush aside the charge of giving misleading reports to the CEC by the State government earlier? Why did the SIT and Amicus Curiae not see anything wrong in the conduct of government officials in this respect?

**Allegation No. XIX Page 156**

73. The move of ADGP Shri Deepak Swaroop, ADGP Shri J. Mahapatra, Dy. Secretary (Home) Shri Dinesh Kapadia and Home Secretary Shri. G.C. Murmu along with Shri Arvind Pandya – Government pleader had a chronological sequence and pattern. All these officials who persuaded, cajoled, tutored and intimidated me, had pressurized me on their objective of myself not revealing any information which would adversely affect the interests of the accused persons and the State Government, during my cross examination by the Commission on 31/8/2004. How could SIT treat each of these briefings as unconnected separate transactions?

74. Did SIT accept my statement about DGP A.K. Bhargava, ADGP, Deepak Swaroop and ADGP J. Mahapatra advising / persuading me for not going against the interests of the accused and thereby avoiding giving relevant data to the Commission as truthful and reliable? Since I had not recorded these interactions the above officers could refuse to support my version. Did not the actions of Shri G. C. Murmu and Shri Arvind Pandya amount to commission of offence u/s 186, 153 A, 506, 193 IPC r/w 116 IPC? Did not SIT accept that my compliance to the instructions of Home Department officials and Government pleader would result in the commission of the offence of perjury by me before the Commission? Why did SIT not test scientifically the genuineness of the audio records of tutoring imposed on me by Shri Dinesh Kapadia, Shri G.C. Murmu and Shri Arvind Pandya, though in their statements they had accused me of tampering with the tapes? Shri K. C. Kapoor, the Principal Secretary, Home also had alleged about tampering of the tapes.

75. How SIT deemed that the advise by Shri Dinesh Kapadia viz (1) “truth need not be told to the Commission” (page 8 of Annexure-A to my Third Affidavit) (2) “You are harming yourself” (by telling the truth) Page 9. (3) “Little bit cautious, just to ensure that you are totally objective. Not to prevent any harm, which is likely to be done to you, by Government, because of your deposition.” Page 16 would not amount to persuading me to commit perjury? Did SIT hold the view that the move of Shri Dinesh Kapadia to cajole me was for his own benefit or for preventing flow of evidence against the accused persons?

76. Did SIT consider that I wanted a briefing from Shri Kapadia, a junior civilian officer in Home Department, with no experience or expertise in investigation and judicial matters, before my cross examination by the Commission on 31/8/2004 and so he came and cajoled me in my chamber for 2 hours to speak in favour of the accused?

77. Did not the whole exercise by Shri Kapadia form part of the accused’s efforts to constrict free flow of evidence to the Commission?

78. Did not SIT view that the directions to me by Shri G.C. Murmu and Shri Arvind Pandya go against the letter and spirit of the State Government notification on the terms to the Commission and general instructions to government officials to cooperate with the Commission?
79. Is it not the duty of every government servant to act as per the requirements of the government notifications?

80. How could SIT treat any move against the notifications as innocuous legal and proper acts?

81. Is not the unauthorized directive by Shri Murmu and Shri Pandya to me to avoid giving long answers, resulting in more questions amounting to obstructing me from performance of my duties – an offence u/s 186 IPC? (Please see Page 6 of Annexure – B of my Third Affidavit).

82. Is not the advice of Murmu and Pandya to accept conspiracy theory about Godhra train fire incident an act of abetment to perjury? (Page 9 and 13 of Annexure B)

83. Is not Murmu’s direction to me to avoid speaking about the follow up action by the Government on my 24th April 2002 report an act of abetment to perjury? (Pages 11-12) Similar instructions were given by Shri Pandya to me (Page-14)

84. Are not the directions of Pandya to devalue the intelligence reports in my depositions illegal? (Page – 16)

85. Did not SIT consider Shri Pandya’s intimidatory utterances to me with the approval of Shri Murmu, who presided over the meeting, as follows “You are my witness. Am I permitted to cross examination of my own witness? If you create circumstances, I give application that I want to cross-examine you, then giving contrary opinion by you and in those circumstances if I obtained permission from the court, you are hostile to me and of false nature. I will cross examine and then notice will he issued by government to you regarding your integrity and everything. In sum I cannot cross examine my witness.” Page – 17 constitute an offence u/s 506 and 186 IPC? This threat and illegal direction is quite unambiguous and is indicative of the Government’s (accused persons) intention to intimidate government officials from “giving contrary opinions” to government interests before the fact finding commission (and not before a court trying a criminal case)?

86. Do not Pandya’s words that “whatever brief we are giving you, we are telling every witness (Page 18)” falsify the claim of Shri Murmu in his statement - this statement attached to my chargesheet for departmental action - that I wanted a briefing from him? Does not Pandya’s confession that he would not speak 10% of information (Page 22) an act of violation of government orders about assisting the Commission?

87. Was Shri Pandya, a defence lawyer of the accused persons or a government pleader deputed by government to assist the Commission?

88. How can Shri Pandya accept fees from the government exchequer and act against government notifications?

89. As the government pleader, who was paid for assisting the Commission in fulfilling the requirements of its terms of reference, is it not Shri Pandya’s duty to endeavour for getting all information from witnesses for the Commission?

90. Will not the hint by Shri Murmu to call the former ACS (Home) Shri Ashok Narayanan, the then senior most IAS officer, for tutoring (Page 23) falsify his claims about myself requesting for a briefing from him, before my deposition to the Commission? This proves that tutoring of government servants had been done as part of an illegal drill.

91. Did not SIT assess that the whole episode of tutoring and intimidation by Murmu and Pandya perpetrated on me constitute offence u/s 193 r/w sections 116, 186, 153A and 506 IPC?
92. Why did not SIT accept the extra judicial confession by Pandya in Tehelka magazine sting operation reported in its issue dtd. 4-11-2007 (Vol IV Issue 43) about his threatening me as evidence?

93. I was not a prosecution witness nor was I giving evidence in a criminal case. Before a Judicial Commission tasked to bring out truth about its terms of reference, a witness is free to give his version of incidents. A witness can be charged or prosecuted for giving false evidence only u/s 6 of Commission of Inquiry Act. So had I deposed false evidence or data I could have been dealt with for the offence of perjury. In this context, the whole transaction of tutoring organized by Murmu and Pandya, especially in the light of my refusal to go according to the briefing given to me by DGP A. K. Bhargava, ADGP Deepak Swaroop, ADGP J. Mahapatra, Dy Secretary Home Dinesh Kapadia was a blatant illegal action culpable under various sections of law viz IPC and Commission of Inquiry Act.

94. How has SIT accepted the statement by the Principal Secretary (Home) Shri K.C. Kapoor (for his “services” Modi government had posted him as State Election Commissioner after his retirement – see my Sixth Affidavit) that government did not give approval to me for filing my second affidavit, when in the forwarding letter of this affidavit I had mentioned the details of written orders by the then DGP Shri A.K. Bhargava to all officers to file second affidavit relating to the additional terms of reference of the Commission by the government notification dated 20 July, 2004. Copies of these orders by Shri Bhargava I had submitted to SIT along with my letter captioned “Rejoinder to malicious campaigns to marginalize my evidence” and to the Justice Nanavati Commission and SIT on 30/3/2010.

95. The State government issued a 9 point chargesheet on me, for imposing major punishment of dismissal, in which recording of interaction with Shri Murmu and Shri Pandya was included as one of the charges. But the Central Administrative Tribunal (CAT) had unconditionally quashed all 9 charges. Later the High Court of Gujarat had refused to issue any stay orders on the CAT’s orders dated 28/9/2007. The Judicial Commission also did not find fault with me on the act of “clandestine recording.”

96. It is quite painful that SIT had accepted the version of Shri Dinesh Kapadia without checking up with me about my apology to him. The Chairman Dr. R.K. Raghavan, in his article captioned “Law and Order – a police man speaks out” - (Frontline – Fortnightly dated May 6, 2005) wrote “We cannot therefore ignore the officer, Shri R.B. Sreekumar and what he says about the worthies in the Gujarat government” „„.“By all accounts, Sreekumar, who hails from Kerala, is an upright officer with a good image. He is very well spoken of by those who know him…. I have not heard anything that would persuade me to alter my view of him as an upright official with strong sense of values. His only foible is that he is blunt. Where most of us would hedge he will speak out, and this perhaps has been his undoing in Gujarat…. Conformity is the order of the day and individuals like Sreekumar are, therefore considered freaks to be sneered at and fixed.” How the Chairman SIT who nurtured the above noted impression about me simply accepted version of persons like Shri Dinesh Kapadia about myself tendering apology to him? This stance of SIT is an act that defames me.

97. SIT accepted the statements of Shri Murmu, Shri Kapoor, Shri Kapadia, Shri Pandya etc. without making probes like perusal of relevant records, examination of impartial witnesses etc. Why should I apologize to Shri Kapadia? Was he my boss?

98. SIT should also note that there was no meeting with Kapadia on the day of my retirement on 27/2/2007. SIT should note that I did not plead for any mercy from the State Authorities, particularly from Shri Narendra Modi, the Chief Minister, since 16 August 2002 when government started an inquiry on a trivial matter of control room
officer of ADGP (Int) sending a secret message to field officers by fax. Soon the
government started inquiries on my sending an adverse report against DIG Shri D.G.
Vanzara in September 2002 and myself not reporting about an inquiry during my
deputation period with Central government. Even after such persistent acts of
victimization by the government I continued to send proper reports as per my charter of
of ADGP (Int) to the post of ADGP (Police Reforms) without any specific charter of duties
was, for “the deviant act” of reporting about the CM Modi’s speech containing
contemptuous and insulting words about the Muslim Community. In my report I had also
commented that contents of such speeches by the CM would vitiate the prevailing
atmosphere.

99. I did not do anything in my service which would prompt me to express regret or
apology to anybody. My supercession, the numerous agonizing departmental inquiries,
informal ostracism perpetrated on me by vast majority of colleagues, 16 months long
delay in release of my pension and other retirement benefits etc could have been
certainly averted by me, had I apologized to influential people in the Modi Government.
These facts are quite known to SIT, so it should have analysed the statement of Shri
Dinesh Kapadia about my apology to him on the day of my retirement from service,
deply before accepting it.

100. Strangely SIT did not evaluate my presentation to the Commission during my cross
examination on 31/8/2004. SIT must have noticed that I did not comply with the advice,
cajoling, persuasion, threat and intimidations by many viz DGP Shri A. K. Bhargava to
Government pleader Shri Arvind Pandya and further, I gave a lot of information which
were quite incriminating to the accused persons to the Commission during my cross-
examination. SIT avoided any reference to this aspect because such a reference would go
against the strategy of SIT to portray me as an opportunist who had come up with
evidence against the accused persons only after my supercession in Feb 2005.

101. SIT had turned a Nelson’s eye to my several reports about illegal action of
government functionaries and their complicity in 2002 anti-minority mass violence, during
my tenure as ADGP (INTL). My presentation about the law and order situation to the Chief
Election Commissioner resulted in postponement of Assembly Elections. My report about
communal content of CM Shri Modi’s speech in Mehsana District was another instance.
So SIT should have noted that my revelations about my register and recording of tutoring
by Home Department officials, in my petition to CAT in April 2005 was for proving that my
supercession was on account of bias and malicious prejudice nurtured by Government
against me for my reporting truth about the culpable role of Shri Narendra Modi and
other accused persons in the subversion of CJS to obstruct proper and timely delivery of
justice to riot victims, insulting Muslims in Modi’s speech etc. SIT had devalued and
ignored voluminous data in my intelligence reports (submitted to DGP and government)
from 9-4-2002 to 18-9-2002 - years before my supercession but SIT had deliberately and
malevolently over emphasized on material in my Third Affidavit and advanced technical
arguments to denigrate their evidentiary value. SIT had failed to acknowledge that I had
not complied with any of the illegal verbal instructions (as narrated in the Register) nor
did I take a stand favorable to the accused persons during my cross examination by the
Commission on 31-8-2004.

102. SIT should have taken cognizance of the fact that with regard to many illegal verbal
instructions by the CM Shri Narendra Modi himself, when I refused to carry out these and
bluntly told him so, the Chief Minister had not shouted at me and insisted for
implementation of such order. These facts were recorded by me in my register
accordingly. Had I been keen to fabricate evidence against the CM and other seniors I could have made any false claims and made entries accordingly.

103. All these facts would dismantle SIT’s contention that my evidence collection was motivated and for embarrassing the government. SIT should note that fabrication of evidence only is illegal and unethical and not preservation of truthful proof to vindicate one’s stance in a given matter. What was the choice left to a government servant legally bound to act as per the letter and spirit of the Constitution of India and other procedural laws other than keeping records of illegal orders, besides refusing to carry out any instructions contrary to law and administrative regulations?

104. SIT observed that “the recorded conversation is totally absurd, confusing and does not make any sense” (Page 171). How could SIT reach such a conclusion obviously for favoring the accused persons, without independently testing the recorded material and bringing out its verbatim version through scientific means?

Allegation No XX Page 172

105. A. K. Bhargava, the then DGP claimed that he had not committed any dereliction of duty in not filing the Second Affidavit as he did not submit the First Affidavit. As ADGP (crime) he was supervising investigations of riot cases and it was his responsibility to file an affidavit. But without checking up this aspect SIT had simply accepted Shri Bhargava’s statement.

106. Further SIT had conveniently avoided questioning Shri Bhargava about his order dated 16-9/2004 and 21-9-2004 in which he ordered that all jurisdictional officers should file affidavits regarding additional terms of reference and also that incumbents of relevant posts should contact those who filed First Affidavits and get their Second Affidavits filed before 30-9-2004. So he is also bound to get Second Affidavit filed by his predecessor Shri K. Chakravarti, but Shri Bhargava did nothing in this direction nor did he give any explanation to SIT in this matter. So he violated his own instructions and ignored administrative obligation, for favoring the accused. Please note that Shri K. Chakravarti stated to SIT that nobody asked him to file Second Affidavit. Why SIT did not question Shri Bhargava in the context of Chakravarti’s statement? How can SIT accept misleading and contradictory statements of both Bhargava and Chakravarti? SIT did not act professionally in this matter. SIT did not find anything illegal or improper in jurisdictional officers, in whose area, genocidal crimes had taken place, not filing the Second Affidavit on the additional terms of reference to the Commission on the role of the CM and others in the riots.

107. Similarly, the Chief Secretary Shri G. Subha Rao, the only link between the bureaucracy and the State Cabinet did not file any affidavit. Strangely SIT did not get explanation from Shri Subha Rao in this connection.

Allegation No. XXI

108. SIT avoided any probe about non-compliance of Gujarat Police Manual Vol III instructions and other regulations, as mentioned in para 94 of my Fourth Affidavit. SIT took shelter behind the lame excuse that the allegations are vague and general. SIT ignored numerous strictures by courts on faulty investigations by Gujarat Police. The very reason for appointment of SIT was to overcome this malady. Without checking up the relevant case papers, documents and getting response from the complainants of anti-minority crimes, how could SIT brush aside the thrust of my intelligence reports on lacunae in investigation. How SIT, that too, Dr. R. K. Raghavan, the former Joint Director of Central Intelligence Bureau, expect the State IB to get specific details of imperfections in the investigation of cases when Intelligence Officers did not have either access or authority to peruse case papers or question the Investigating Officers? Over 90% of riot
cases, were in the category of grave crimes - called visitable offences in Gujarat, whose investigation had to be personally supervised by officers of the rank of Dy SP and above. These supervisory visiting officers submitted Crime memos narrating the role played by them in the investigation. Why SIT failed to scrutinize the Crime Memos and record statements of a cross section of supervisory officers?

109. SIT must have noticed that practically all 2000 odd cases reinvestigated on the Apex Court orders were subverted by making the complainants and witnesses hostile. Does not SIT see that such developments have a pattern and that these are due to failure of the Police hierarchy and government in improving the quality of supervision over investigation of riot cases? Did SP, Range officers etc. issue directions on case diaries of major cases to the Investigating Officers? Why SIT had failed to detect slackness of Senior Officers in rectifying defects in the investigations of anti-minority crimes through the well-oiled procedural systems of Crime review meetings, periodical Crime conferences, scrutiny of case papers etc?

110. Why SIT had failed to probe into reasons behind numerous strictures by Higher Judiciary against the Gujarat Police? Are these strictures confirming my intelligence reports about slack supervision of investigation of serious offences or not?

111. Why SIT failed to probe into reasons behind good and laudable performance by certain officers as noted in my letter dtd. 25/10/2011 (Suggestion to get information on effective administrative and operational measures) and my earlier suggestion letter submitted to SIT during recording of my statement by SIT, captioned Suggestion to SIT for further investigation dated 3 Aug 2009. (Page 18)

**Allegation No. XXVI Page 210.**

112. SIT had simply accepted the version and explanations of the accused for not maintaining minutes of meetings. SIT should have questioned them about modality of monitoring of implementation of decisions taken in a meeting. At least participants must have kept rough notes of the proceedings and thereafter issued instructions to concerned officers for initiating actions toward implementation of decisions taken in the meetings. If there are no records about follow-up actions also, SIT should have drawn adverse inferences against the accused persons. Please note that there is overwhelming evidence on subversion of CJS to deny justice delivery to riot victims, hostile attitude of the Police Officers and other functionaries to Muslims etc. So it has to be presumed that in the review meetings convened by seniors upto the CM no purposeful decision was taken for improving the ground situation. In this connection SIT can know about the tone and tenor of meetings from the entries in my register (See third affidavit) relating to meetings chaired by Senior Officers and the CM. Did non-maintenance of minutes of meetings indicate that administrative and operational actions were taken purely on verbal instructions? If this position is accepted also, as regards police department all actions had to be recorded in the streamlined systems based on Standard Operational Procedure (SOP) enshrined in Gujarat Police Manual, DGP circulars, government resolutions etc. Why SIT avoided examination of such records? Was SIT apprehensive that such a probe would throw up evidence against the accused regarding their culpable acts during the riots and subsequent days? The net out come is a state of euphoria of immunity from prosecution now being generated among the officers mostly accused in Mrs. Jafri’s complaint. SIT did not suggest even departmental action against officers for slack supervision of riot case investigations.

**Allegations No. XXVIII Page 211**

113. Instead of fully accepting the self justifying version of accused officers responsible for slack supervision, SIT should have examined the case papers of 2000 odd cases
reinvestigated on the Apex Court order. The riot victims extensively complained that state police had intimidated complainants and witnesses resulting in their turning hostile and thereupon the accused getting the benefit of exoneration from charges and prosecution. It is also learnt that as a pre-condition for rehabilitation and resettlement of riot victims in the status quo anti situation they had to reverse and disown their complaints against the rioters. Shri S.S. Khandwawala the then DGP, who had been favoured by Government by posting him on promotion as DGP though he was convicted in a criminal case u/s 326 IPC, had done everything possible during his tenure as DGP Gujarat to help the accused persons figuring in the 2000 odd re-investigated cases (please see my sixth affidavit).

Allegation XXIX page 216

114. In my Sixth Affidavit did. 3 September 2010 specific instances of nepotism practiced in posting, transfers etc were detailed. But SIT ignored the data as any analysis of this would adversely affect the accused persons.

Allegations XXX

115. In my letter captioned “Suggestion to get information of effective administrative and operational measures” dtd. 25/10/2011, submitted to the Commission and SIT details about anti-Muslim bias was narrated. Instead of getting relevant data and recording statements of good performers like Commissioner of Police of Surat City, Rajkot City and Suptd. of Police of 11 districts where no one was killed in riots, the SIT had simply accepted the statements of accused persons like Shri P.C. Pandey and had reached the conclusion that the allegations of their dereliction of duty was not established.

Role played by the accused persons and their explanation.

Shri Narendra Modi the Chief Minister.

Despatch of dead bodies.

116. The act of handing over dead bodies to persons other than the next of kin is a culpable action. SIT should have probed into the matter. No action is suggested against the Mamlatdar who handed over the dead bodies to VHP leaders?

Illegal instructions at 27/2/2002 meeting

117. Treating my evidence about Shri K. Chakravarti’s revelations about the meeting as heresy is against the canons of the Indian Evidence Act. It is admissible evidence, though SIT might not accept it because Shri K. Chakravarti denied it.

118. SIT did not accept my suggestions for conducting Narco and brain fingerprint test of all persons who attended the meeting chaired by the CM on 27/2/2002.

119. The following facts about intensity and range of anti-minority violence in Ahmedabad City should be taken as circumstantial and collateral evidence proving the fact that the CM had directed the officers to permit Hindus to give vent to their ire against the Muslims, being the community of perpetrators, of Godhra Train Fire.

(a) The belligerence of Hindu mobs in Ahmedabad city against the Muslims and depth of cruelty on the victims was of very high voltage in comparison to other cities.

(b) Buckling under the pressure of the CM, the CP Ahmedabad city, Shri P.C. Pandey did not implement the Communal Riots Scheme, had also not taken action as per rules of Gujarat Police Manual, booklet on communal riot action-strategy by DGP Shri K.V. Joseph and numerous government regulations. In contrast in Surat city, on account of effective
action against attacking Hindu mobs (in police action 11 persons injured – 10 Hindus and 1 Muslims) and death in rioting was only 7, while in Ahmedabad city 114 people died in police firing (36 Hindus and 78 Muslims) and in rioting 326 died (75 Hindus and 251 Muslims). Please note that in the Post Babri Masjid demolition riots in 1992-93 nearly 300 people were killed in Surat city. In its eagerness to save the accused persons from any blame SIT had not bothered to analyse the statistics of riots in the whole Gujarat State dispassionately and drawn the right conclusions.

(c) In Ahmedabad City, on the Bandh day of 28.2.2002, being enthused by the friendly and collaborative stance of police, the anti Muslim mobs had shouted slogans like Yeh Andhar Ki Bath Hai. Police Hamare Sath Hai. (It is internal matter, police is with us).

(d) As testified in the letters by Shri P.C. Pandey (2 letters to DGP by Pandey appended in the Affidavit by ADGP J. Mahapatra to the Commission) though the police knew about culpable actions by VHP and the State Minister Shri Barot in instigating crowds to attack Muslims no action was taken by Ahmedabad city police against the violent mobs and the instigators.

(e) In the operation Kalank by Tehelka Magazine VHP leaders confessed voluntarily that they were given 3 days by the CM Modi to attack and kill Muslims and damage their property.

(f) A senior officer of Ahmedabad city police revealed to me that the CP Shri Pandey instructed the city police on 27/2/2002 forenoon to effectively deal with rioters but after attending the CM’s meeting on 27/2/2002 evening Shri Pandey had withdrawn his earlier orders.

Illegal verbal instructions

120. I had suggested specific line of investigation to collect collateral and circumstantial evidence to prove my entries in the register maintained by me in my letter to SIT dtd. 30/11/2010, captioned, “An appeal to objectively appreciate and acknowledge the evidentiary merit of my six affidavits to the Judicial commission probing into 2002 Gujarat Communal Riots see Para E, sub para 1 to 15.” But SIT had not taken any action in this direction and had chosen to move religiously on the road map provided to it by the accused persons by fully accepting versions of those who were privy to issuance of illegal orders. Devotion and faith of SIT in the version of accused persons and government officials supporting them relating to all points of allegations were so deep that their statements were treated on par with scriptural revelations.

121. SIT must have noticed that I had refused to initiate any action to implement verbal orders by the CM and other seniors. It was also noted in the Register that the CM did not mount further pressure on me and in all such instances the CM had acquiesced my resistance to illegal verbal orders. Had I been ill-motivated to defame the CM and others I could have made false entries in these matters and also could have written more damaging things about him and other participants in the meetings chaired by the CM. This fact should establish that I had no unholy private agenda or unethical motive to maintain the register. As stated earlier, the register was an aid to my memory and also a defence document in any investigation or judicial review of the role of the state government. Please note that in my assessment reports to the Home Department and DGP (Reports dated 24/4/2002 and later) I mentioned that officers were obeying illegal orders of their patrons from ruling party who ensured posting in their choicest positions (see Appendix – 24, para 8 sub para XI of my First Affidavit)

122. SIT also did not accept the statements by Shri S. M. Pathak, State Intelligence Officer and ADGP law and order Shri Maniram fully corroborating me (my directing Shri Pathak to probe on Haren Pandya’s telephone calls and Maniram confirming the details of meeting
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

with Shri K.P.S. Gill) So according to SIT anything which is supporting facts mentioned in my register should not be given any importance!!!

**Failure to act on suggestions from state intelligence. Page 262.**

123. SIT had accepted Shri Narendra Modi’s claim that he had not seen my analytical intelligence reports on the law and order situation dtd. 24/4/2002. Shri Ashok Narayanan told me that he had presented all my reports to the CM (Please see my Ninth Affidavit) Audio cassette is also available.

124. Shri Ashok Narayanan in his interaction with me (in Aug 2004) admitted that no action was initiated on my suggestions in the 24 April 2002 report. He also admitted that many were nurturing ill-will against the Muslims including judges. In my 24th April 2002 report specific suggestions like (A) proper registration of FIR by recording the verbatim versions of the complainants (B) replacements of officers at cutting edge level (This was done only after the intervention of Shri K.P.S. Gill) (C) Legal action against publication and distribution of pamphlets for fomenting animosity between different social groups etc were submitted.

125. Besides nearly a dozen disturbing aspects about loss of faith of the Muslims (riot victims survivors) in the State CJS were listed out in this report. But the government did not take any problem-specific curative action to remedy the situation.

126. Without independent probes viz checking up with the riot victims and complainants; perusal of case diaries, crime records, minutes of crime meetings intelligence reports etc SIT had accepted the version of Shri Chakravarti and Shri Ashok Narayanan about their taking follow up action on my intelligence reports. Records of Army and CPMF regarding riots, the nature of duties performed by them were not studied by SIT and statements of officers who assisted the State Administration were also not recorded to establish or deny contents of my 24 April 2002 report.

127. SIT should note that since many suggestions in my report on 24/4/2002 were not implemented and there was no improvement in the situation I had sent another report on 15/6/2002 and reiterated the need for implementation of my earlier suggestions. Strangely the higher authorities including DGP either did disagree with my suggestions or had issued any query asking for clarifications on the points presented in the report.

**Intimidation of Shri Sreekumar.**

128. My comments relating to Allegation No. XIX may be seen. Why SIT did not accept the extra judicial confession by Shri Arvind Pandya, the Government pleader in the Operations Kalank in which he admitted that he intimidated me?

**Manipulation of facts presented to the Central Election Commission. (CEC) Page 270.**

129. In this matter also SIT had blindly accepted the versions of accused persons. SIT ignored the well-focussed and graphic order by the Central Election Commission dtd. 16/8/2002 in which the Commission had accepted my assessment of the law and order situation and had directed the state government to initiate measures as a precondition for holding the assembly elections. CEC had also refused to accept the time frame of the election schedule suggested by the state government. Afterwards on receipt of the compliance report by the Gujarat government only the CEC had announced the Election schedule.

130. It is pertinent to note that the Central Government led by NDA had challenged the order of CEC dtd. 16/8/2002 and had made a Presidential reference to the Hon Supreme Court, which, however, gave a verdict in favour of the CEC. The court had asserted that
the CEC had full authority to fix election schedule and the court did not want to interfere in this matter.

131. SIT, true to its approach of not seeing anything adverse in the action of the state government had ignored these facts which had fully vindicated my assessment of the situation and had concluded that the above allegation is not established.

**Speech on the occasion of Gaurav Yatra Page 272.**

132. SIT viewed that there was no criminality in the CM speech. SIT had turned a blind eye to the unethical and objectionable efforts of the state government in suppressing reporting by me of the verbatim version of CM speech to the National Commission for Minorities (NCM). In my report I commented that the tone and tenor of the CM speech could vitiate the prevailing atmosphere and adversely affect social harmony. Please see the following documents (1) My Third Affidavit Page 14-15 para 12 (2) Annexure F of Third Affidavit (Register) entry against dates 10 to 18 Sep 2002. (3) My fourth affidavit page 50 para 4 entry against date 17/9/2002. (4) My appeal letter to SIT dtd. 30/11/2010 Page 22 para 9 sub para I, V.

133. Copies of message from NCM containing contradictory orders from DGP Shri K. Chakravarti were also submitted to SIT, still without professionally assessing the facts narrated by me and explaining reasons SIT had rejected them. SIT had accepted the CM’s version and exonerated Shri Modi from any liability for his speech containing communal prejudice.

**Rewarding civil servants who played a dubious role during the riots. Page 275.**

134. The facts in my Sixth Affidavit are ignored by SIT and consequently Shri Narendra Modi was not questioned about allegations by me regarding the State government showering favours to those who carried out its criminal agenda and punishing others who discharged their duties as per the requirements of the Rule of law.

**Accused No. 25 Shri K. Chakravarti formerly DGP Gujarat State.**

135. SIT did not ask any explanation of Shri Chakravarti for his culpable acts of omissions like (1) failure to implement the Communal Riot Scheme, Gujarat Police Manual Rules, Instructions in DGP K.V. Joseph’s pamphlet etc (2) Failure to get proper investigation of riot cases through instruments in the available command and control system of (A) scrutiny of case papers. crime records (B) Monthly Crime Conferences (C) Proper utilisation of ADGP (Crime) and his staff for investigation of major carnage cases etc. (3) Failure to take follow up action on Intelligence reports from State IB which resulted in prevalence of many maladies pointed out in numerous judgements of Higher Judiciary.

**Accused No. 26 Shri A. K. Bhargava Page 310**

136. Failure of Shri A.K. Bhargava to implement his own circular for getting Second Affidavit filed by officers on extended terms of reference to the Commission, particularly by those who filed the First Affidavits. This point was not got clarified by SIT from Shri A.K. Bhargava.

**Accused No. 27 Shri. G. Subha Rao formerly the Chief Secretary Page 312.**

137. In the light of my entries in my Register (Third Affidavit) about Shri Rao instructing for elimination of persons disturbing peace SIT should have questioned him as to why the fake encounters by Gujarat Police, particularly by DIG Shri D.G. Vanzara and his staff started after I left the charge of ADGP (INT.)

138. In my Third Affidavit I mentioned about Shri Rao starting an inquiry against me for the alleged “misconduct” of sending an intelligence report to the Commissioner of Police Ahmedabad city about Shri Vanzara’s deviant acts, even after Shri. K. Chakravarti in his
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

inquiry giving a clean chit to me. On this aspect SIT did not question Shri Rao. It is pertinent to note that Shri Vanzara is in jail for allegedly eliminating people in extra judicial killings, since April 2007. The Apex Court had also appointed Justice Bedi to inquire into allegations of seventeen fake encounters against Gujarat Police.

A-28 Shri Ashok Narayanan the then ACS (Home) Gujarat.

139. SIT did not question him in the light of information narrated in my Ninth Affidavit dtd.. 12-1-2012.

A-34 Shri K. Nityanandam.

140. SIT did not question him regarding entry in my register against the date 30-8-2002 on his illegal direction to Shri Bava Dy SP State Intelligence Gandhinagar for not supplying any data or information to me, as this would go against the interests or policy of Narendra Modi government. Shri Bava was bound to provide intelligence inputs to me, as I was his superior in the capacity of ADGP (INT). SIT also did not get the statements of Shri Bava in this matter.


141. SIT did not ask Shri Raiger as to why he did not file any affidavit to the Commission covering his period as ADGP INT for 27.2.2002 to 9.4.2002 when serious genocidal anti-minority crimes were committed.

Results of Further Investigation Page 390.

142. SIT had brought out a lot of information about Sanjeev Bhatt’s correspondence and his getting drafts of his affidavit overviewed by his friends. SIT must have done thorough inquiries regarding my contacts also. So SIT should be convinced that none of my affidavits, statements, letters and reports to the Commission and SIT had been drafted, scrutinised or cleared by anybody. This aspect should convince the SIT that I was not working in collaboration with any political group or trying to advance the agenda or interests of any individual, NGO or group. Collection and presentation of evidence about crimes and deviations by the CM and others, during and after the riots, was done as part of my duties. After retirement I work as a self appointed activist for upholding values of our Constitution, principles of the Rule of Law and India’s age old heritage of equal respect to all religions. After retirement I submitted 5 affidavits to SIT. Thank God, SIT did not observe that I had concocted false evidence and fabricated materials against the accused with an unholy personal or political agenda.

Further Investigation on Amicus Curiae (AC) observation by SIT page 427 to 450

143. By exclusively basing (itself) on statements of officers (mostly accused persons) SIT reached the conclusion that CM and others had issued decisive instructions to field officers for containing violence and maintenance of public order. If this was true how so much violence had taken place in certain places? How things were under control in areas like Surat City? Did SIT get any feedback of riot victims about impact of so called effective measures, claimed to have been initiated by Home Department, DGP and the CM. There is a clear mis-match between the statements of the accused and statistics of violence and volume of complaints from riot victims to judicial bodies. SIT did not make any sample study of information or distress calls received and recorded in Control Rooms, Police Stations etc and the quality of response and follow up action by the concerned officers, senior officers etc. This suggestion was made by me in my letter to SIT dated 3 Aug 2009, still SIT did nothing in this direction. So, conclusions reached by SIT about the above observations (Page 450) by Amicus Curiae is perfunctory, and superfluous and aimed at shielding accused persons from criminal prosecution.
144. SIT concluded that some action was taken by Government on my reports. SIT should have studied the effectiveness of so called follow up actions on the ground situation. No specific case study was made by SIT. Shri Ashok Narayanan had admitted that no follow up action was taken on my reports. Please see my 9th Affidavit dtd. 12-1-2012. My Intelligence reports are not my views but gist of feedback received from field officers. If the Home Department and DGP did not agree with my assessment on my reports dated 24/4/2002 and 15/6/2002 why the Government did not question and ask for more inputs and further clarifications? Inadequacy of follow up actions on my reports is ignored by SIT. Riot victims deposing evidence on mass violence in places like Naroda Patia complained that their complaints were not recorded by police and names of accused suggested by them were dropped. These depositions confirm my April 2002 report. Though such evidence was available with SIT about non-implementation of my suggestions by the accused persons, SIT favored them by falsely asserting that remedial measures on my intelligence reports were taken.

Chart C of Amicus Curiae (AC) Page 505 Point VIII

145. Shri Ashok Narayanan, ACS Home admitted in his revelation (see my Ninth Affidavit for the recorded conversation) to me in August 2004 that no follow up action was taken on my report dtd. 24.4.2002 regarding bias nurtured by the Police against the Muslims. Numerous rulings by the Apex Court and Gujarat High Court against the State Government, particularly on prejudicial posture of the bureaucracy against the riot victims, since 2004 would confirm that the State Government had not taken any decisive action to rectify the maladies in the CJS portrayed in my reports to restore confidence of riot victims in the State Administration.

146. SIT did not do any further probe on material presented by me in my Ninth Affidavit on 12-1-2012. But SIT had fully utilized the contents of my letter dtd. 27/12/2011 to the Commission, relating to certain false and misleading information presented by Shri Sanjeev Bhatt. By adopting double standards SIT, as noted above, had given high credibility and evidential merit to any information helpful to the accused on the one hand, while denigrating, invalidating and refusing to accept any input adversely affecting the interests of the accused.

147. As stated earlier, State Intelligence staff is not legally and administratively empowered to go through case papers of riot cases and provide a case wise report on anti Muslim prejudice perpetuated by the police and such a bias had only led to judicial intervention in respect of nearly 2000 riots related cases.

148. Without considering these self evident truths of administrative lapses AC had simply accepted SIT’s opinion that some action was taken on my reports.

149. AC did not bother to check up with me nor sought any material from me in this connection. Myself, Shri Rahul Sharma and Shri Sanjeev Bhatt were 3 Senior Police Officers who gave evidence in support of the complaint by Mrs. Jafri but surprisingly AC met Shri Rahul Sharma and Shri Sanjeev Bhatt but avoided meeting me though my Affidavits had literally constituted 40% of material evidence projected in Mrs. Jafri complaint. I had submitted my 6 Affidavits to AC suo moto and wrote 2 letters to him (Copies available) requesting him to call me at his convenience. I also suggested that he can consult or summon my Advocate Shri Brijesh Kalappa, but he did not show the courtesy of even replying to my letters.

150. AC also ignored the fact of SIT’s ill-founded claim about State Government talking follow up action on my reports without checking up with the riot victims, complainants and witnesses, though the Apex Court had given him full authority and freedom to meet
all concerned. SIT also did not produce any relevant police records, or documents from Army / CPMF confirming its conclusions on the quality and standard of State Government’s action to maintain public order.

151. The AC observed that “letters of Shri R.B. Sreekumar were written after the riots had got over.” This is an erroneous contention. The riots continued with lesser intensity, even after the immediate disturbed period after 27/2/2002 Godhra train burning tragedy. The State Government had even acknowledged this fact by fixing period of Judicial Inquiry of Justice Nanavati Commission from 27-2-2002 to 31 May 2002. The AC also ignored the fact that I had taken over as ADGP (INT) on 9-4-2002 only and submission of intelligence reports about the culpable role of the State Government functionaries, the activists of the Sangh Parivar etc was part of my duty as head of State IB as per the Rule 461 of Gujarat Police Manual Vol III. I was not collecting data, inputs or evidence incriminating to the accused with any political agenda. Like a traffic constable issuing a chalan to his higher officers, if the latter are found to be violating traffic rules in the constable’s jurisdiction, I have discharged my duties, being loyal to the Constitution of India, other regulations, the legal entity of the Chief Minister (the institution) and not Shri Narendra Modi, (the individual) and my supervisory officers. I did not have any private covert agenda with political or self centered careerist objectives in sending reports against the accused persons as such reports were received from field officers of the State Intelligence Branch.

152. AC observed, “The subsequent developments have supported the findings of SIT that some action was taken by the Government.” This is also contrary to facts. In case the government had initiated action for correcting anti Muslim orientation of the administration---this has been adopted by Modi government as a political strategy for achieving Hindu communal mobilization with an eye on electoral dividends---why should the Higher Judiciary pass orders on complaints from riot victims since April 2004 like. (A) Transfer of investigation of Bilkis Bano mass rape case to CBI for investigation (B) Transfer of trial of 2 cases to Maharashtra (C) Reopening of 2000 odd cases unjustly closed by Gujarat Police for re-investigation (D) Constitution of SIT for re-investigations of major carnage cases in March 2008 (E) Orders to investigate Smt Jafri and Teesta Setalvad’s complaint against CM Modi and 62 others in April 2009. (F) Entrust investigation of fake encounter cases to CBI (G) Constitution of Justice Bedi Inquiry Commission for probing into seventeen fake encounters by Gujarat police etc. Did not these orders invalidate and falsify the claim of the accused persons that they had taken all measures to implement suggestions by State Intelligence Branch to correct anti-Muslim prejudice of the Administration?

153. AC had also failed to notice that prior to my taking over the charge of State IB no report about biased orientation and professional lapses of Police, Public Prosecutors etc were sent by ADGP (INT) to State Government. Only alert reports were sent in those days. This was the approach of my successor ADGP (INT) Shri J. Mahapatra also. AC however is not seeing anything improper in state government going out of the way to promote my predecessor and successor out of turn even superceding me and other officers. Besides both these officers were give prestigious post retirement placements. Shri Raigari as Member of Judicial Commission probing into spurious liquor tragedy in Ahmedabad City in 2009 and Shri J. Mahapatra as Member of the State Administrative Tribunal.

Point XVI

154. It is a matter of simple chronology though proposal for transfer of police officers for Ahmedabad city in view of persisting riot situation was made in my report on 24/4/2002 the transfers were effected due to efforts of Shri K.P.S. Gill who had been provided by me...
with a list of actionable points – Please see my Second Affidavit and the register attached to Third Affidavit. The transfers were ordered only by the end of May 2002.

**Point XVII**

155. Why AC suggested that no action should be taken against media due to lapse of time? The delay was due to slack attitude of the Government and non completion of investigation of riot cases. Why should the benefit of slackness of Administration go to the media and others who published communally inciting false reports, handbills and pamphlets?

156. Why AC failed to see the deliberate omission of Government officials in sleeping over my reports for action against media and took a soft view in this matter? Will not this approach strengthen the sense of immunity from legal action now nurtured by the culprits? Will not this be a motivation for similar action by the publishers and government officials (who ignored proposal for action against them by State IB) to repeat such culpable negligent acts in future?

156. (a) It is reliably learned that AC Raju Ramachandran practically did nothing on a 92 pages long representation made by DIG Shri. Rahul Sharma - IPS captioned “Serious lapses in the analysis of telephone records”.

**Point XIX and XX**

157. Without advancing any arguments and discussing legal points how could AC accept the act of tutoring a witness called for deposing before a fact finding Judicial Commission, about the role of the CM and others, in the riots by the officials of Home Department as innocent innocuous act? Is it not an attempt to block flow of information and thereby starve the Commission of evidence and relevant facts by the State Government?

158. The AC had observed that my version about tutoring by Shri Murmu and Shri Pandya was not motivated but he did not advance any legal or factual arguments in support of his opinion / contention. Is tutoring a witness, per say, a legally ethical act?

159. The complainants had gone to the Apex Court for a proper verdict from the highest judicial body of our mother land, which would act as a deterrent against officials who had done intentional acts of omission and commission facilitating anti-minority bloodbath. But through such a soft and nepotic approach to shelter defaulting officials by SIT and Amicus Curiae, the tendency of self-centered careerist officers who indulged in illegal and delinquent acts to support crimes by their political bosses would be encouraged at the cost of the Rule of Law and the values and ethics of the Constitution of India.

160. The major professional lapses in the probe / investigation on Mrs. Jafri’s complaints by SIT is that SIT had simply accepted the defence and explanations advanced by the accused persons and government officials supporting them. Every atom and nugget of incriminating evidence against the accused was discarded by SIT without conducting inquiries on the claims of the accused persons, by way of verifications of relevant police records, case papers, documents kept by respective supervisory officers etc. Suggestion for further inquiry submitted by me to SIT during the course of recording my (46 pages) long statement on 3/8/2009 (Report of 24 pages with 60 suggestions) and Appeal letter to SIT against invalidating my evidence dtd. 30/11/2010 (33 pages) were not acted upon by SIT and SIT also did not give any reply to me in this connection. SIT is not part of judiciary, still it did not reply to any of my representations and submission letters. If this is the attitude of SIT to me, a former DGP of the Gujarat Police, one can envisage as to what could be the approach of SIT to representations and appeals by the illiterate and semi-literate riot victims.
161. The closure report of SIT, a body appointed by the Hon Supreme Court made the Indian Criminal Justice System, a butt of ridicule in the eyes of any justice minded person. For the genocidal crimes in the protracted communal riots of 2002, during which nearly 1500 people lost their lives and millions of rupees worth of property and many historic symbols of Muslim community were totally destroyed, only Two Police Inspectors were arrested for their culpable negligence of duties. Through the closure report the SIT had practically insulated officers from Dy Suptd of Police to DGP, who are empowered by Law to maintain law and order and are not at the beck and call of their administrative and political masters, with an armour of immunity from prosecution and also provided impunity from any criminal or civil damages. In SIT’s opinion all these senior officers discharged their statutory duties commendably and according to SIT mass killings of Muslims was the result of spontaneous reaction against the Godhra train fire incident.

162. Notwithstanding the controversy regarding the role of the CM and supervisors of police officers in the Home Department, the fact remains that the Criminal Procedure Code (CRPC) vests authority to the SHO and his senior officers upto DGP u/s 551 CRPC, for initiating action to maintain public order and to conduct investigations to detect crimes and the civilian officials and the Ministers above DGP have only administrative powers over police. Denigration and rejection of evidence by a few police officers who risked their security, safety and career prospects and had undergone the agony of victimization perpetrated on them by the government as also ostracism by their colleagues, would certainly send a debilitatingly, demoralizing message to the bureaucracy and police throughout India. This would also establish that irrespective of professed ideals of the Indian Police Service and prescribed legal obligations impressed upon police officers through a plethora of periodical training courses, for ones career advancement and survival in the service for creature comforts one should adhere to the tenets of the covert sub culture of supporting the hidden agenda of political bosses by blatantly violating the letter and spirit of ones oath to the Constitution at the commencement of service as a “government servant”. Still let us be optimistic that the Judiciary would do the needful to reflect upon the SIT’s closure report on Mrs. Jafri’s complaint and take appropriate measures for proper and effective justice delivery to the 2002 Gujarat riot victim survivors. The pivotal message of Bhagvad Gita exhorts all “to give up weakness of mind and heart --- Kshudram Hridaya Daurbalayam Takto”. So hope for the best.

R. B. Sreekumar
Former DGP, Gujarat, 30/11/2012

14.7 Evidence by ‘Communalism Combat’

Source
PROSECUTE MODI SIT vs SIT

That the Supreme Court was not satisfied with the preliminary report placed before it by the Special Investigation Team (SIT) was evident when it directed amicus curiae Raju Ramachandran to make an independent assessment of the evidence collected by the SIT and place his own independent recommendations before the court. Now that the reports are in the public domain, we know from the preceding pages that the views of the amicus are radically different from those contained in the SIT’s report.

In all, 30 allegations were made against Modi and 61 others. If the SIT’s preliminary report was problematic, its closure report, filed before Ahmedabad metropolitan magistrate MS Bhatt, is even more so. If anything, the closure report reads like a highly watered down version of the preliminary report. While the preliminary report concluded that many of
the 30 allegations stand “established” as true, the closure report finds easy explanations to absolve even those who stood accused in the preliminary report.

We analyse below the glaring contradictions between the findings and conclusions of the SIT’s preliminary and closure reports with respect to the main allegations.

_Cabinet ministers IK Jadeja and Ashok Bhatt were positioned in the DGP’s office (state police control room) and the Ahmedabad city police control room respectively by the chief minister_

CC: Interference by the political class in the functioning of the police and district administration during phases of prolonged violence has long been identified by advocates of police and administrative reform as the main cause behind the failure of the police to take prompt action available under the law and protect lives and property. It is unheard of for the political top brass to instruct ministers to remain physically present at the state and city police control rooms, especially when this episode is followed by a complete breakdown of law and order in 14 of the state’s 25 districts. IK Jadeja, accused in the complaint, was the minister of urban development and urban housing in 2002 while Ashok Bhatt, also accused, was the health minister at the time. Neither had any business being at the police headquarters.

SIT preliminary report

The chairman of the SIT admits the irregularity of this move: “In a controversial move, the government of Gujarat had placed two senior ministers – Ashok Bhatt and IK Jadeja – in the Ahmedabad city police control room and the state police control room during the riots. These two ministers were positioned in the control rooms with “no definite charter”, fuelling the speculation that they “had been placed to interfere in police work and give wrongful decisions to the field officers”... “The fact that he (Modi) was the cabinet minister for home would heighten the suspicion that this decision had his blessings” (p. 12, Chairman’s Comments).

Strangely, while reaching this conclusion on page 12 of his comments, the chairman makes a contrary observation earlier on: “It has been conclusively established that two ministers were indeed operating from the two control rooms for a few days from February 28, 2002 onwards. There is however no information to establish that they interfered with police operations” (p. 5, Chairman’s Comments).

CC: The only possible way a thorough investigator would have concluded that the positioning of ministers in the control rooms would not have interfered with police operations would be by objectively assessing the method in which law and order was handled over the following days, weeks and months. The SIT fails to make these connections, deliberately making its results appear superficial and inconclusive.

Amicus curiae’s report

“The positioning of two cabinet ministers having nothing to do with the home portfolio in the office of the DGP

“The three officers (PC Pande, PK Mishra and Ashok Narayan) had been accommodated in post- retirement jobs and are therefore not obliged to speak against the chief minister or the state government” (p. 4, Chairman’s Comments on the PI report ). and the state police control room respectively is another circumstance which reflects that there was a direct instruction from the chief minister. Though Jadeja says that he had gone to the DGP’s office on instructions of Gordhan Zadaphiya, MoS (home), this is highly unbelievable. It is obvious that the chief minister had positioned these two ministers in highly sensitive places, which should not have been done. In fact, these two ministers could have taken active steps to defuse the riots but they did nothing, which speaks
volumes about the decision to let the riots happen. It does not appear that these two ministers immediately called the chief minister and told him about the situation at Gulberg and other places.

“The SIT merely relied upon the statements of the police officers to conclude that these two ministers did not give any instructions to the police department but it appears highly unlikely that two cabinet ministers of the government of Gujarat would have not given some kind of directions when the chief minister had directed them to remain present.

“It is obvious that the two ministers were fully aware of the developing situation in Gulberg Society, Naroda Patiya, etc in Ahmedabad city. They were duty-bound to convey the situation to the chief minister and were required to do everything possible to save loss of lives. If the stand of the chief minister, that these two ministers were positioned so as to effectively control the law and order situation, is correct then there would have been a far quicker action to control the riots in Gulberg Society and Naroda Patiya at least” (p. 5, Amicus Curiae’s Interim Report).

SIT closure report

By 2012, after the SIT had conducted its further investigation following amicus curiae Raju Ramachandran’s findings, it had dramatically altered its view:

“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 established. Significantly, IK Jadeja remained at state police headquarters for two-three hours as per his own admission but did not interfere in the police functioning. Late Ashok Bhatt’s presence in the city police headquarters on the relevant day, if any, was very negligible and it cannot be termed of any material value. In the absence of documentary/oral evidence of any directions given by these two ministers to police officials, it cannot be said at this stage that they conspired in the perpetration of riots or did not take any action to control the riots” (pp. 474-475, Closure Report).

Allegation: The poisoned tongue

Hate speech and discriminatory attitude of the chief minister

On March 1, 2002, as the fire of communal riots was raging in Gujarat, in an interview to Zee News, Modi made the following remark: “Kriya-pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikriya (The process of action and reaction is on. I would say if action doesn’t happen, there would be no reaction).” In the same interview, Modi also stated that Godhra Muslims had criminal tendencies and they were behind the gruesome Sabarmati train fire incident. He added that the riots in Gujarat were a natural reaction to that. (“Godhra ke is ilake ke logon ki criminal tendencies rahi hain. In logon ne pehle mahila teachers ka khoon kiya. Aur ab yeh jaghanya apraadh kiya hai jiski pratikriya ho rahe hain”).

SIT preliminary report

“Narendra Modi, chief minister, has admitted to visiting Godhra on February 27, 2002. He has further admitted to visiting Gulberg Society, Naroda Patiya and other riot-affected parts of Ahmedabad city only on March 5, 2002 and March 6, 2002 ... This possibly indicates his discriminatory attitude. He went to Godhra, travelling almost 300 km in a day, but failed to go to the local areas where serious incidents of riots had taken place and a large number of Muslims were killed” (p. 67, PI Report).

“It is to be stated that Modi has clearly stated in his Zee TV interview that it was late Ahsan Jaffri, ex-MP, who first fired at the violent mob and the provoked mob stormed the society and set it on fire. In this interview, he has clearly referred to Jaffri’s firing as
‘action’ and the massacre that followed as ‘reaction’... [Sanjeev: Everywhere action/reaction. ALWAYS MUSLIMS ARE THE FIRST. The mob was violent. Had swords and weapons. Was raping and burning and killing people. But they, of course, did NOT start the thing. Everything MUST be started by Muslims. Similarly the train burning was not started by the Kar Sevaks abusing Muslim vendors, stealing goods, or taking away a Muslim girl into the train (she was rescued). Hindus are SO GOOD. I really like this idea of VIOLENT HINDUS who are always so nice they NEVER start any riot.]

It may thus be seen that in spite of the fact that ghastly violent attacks had taken place on Muslims at Gulberg Society and elsewhere, the reaction of the government was not the type that would have been expected by anyone. The above discussion also shows that the chief minister had tried to water down the seriousness of the situation at Gulberg Society, Naroda Patiya and other places by saying that every ‘action’ has an equal and opposite ‘reaction’... (Modi’s remarks) implied justification of the killings of innocent members of the minority community” (p. 69, PI Report).

“Modi did not cite any specific reasons why he did not visit the affected areas in Ahmedabad city as promptly as he did in the case of the Godhra train carnage” (p. 8, Chairman’s Comments).

“Modi’s statement accusing some elements in Godhra and the neighbourhood as possessing a criminal tendency was sweeping and offensive, coming as it did from a chief minister, that too at a critical time when Hindu-Muslim tempers were running high” (p. 13, Chairman’s Comments). [Sanjeev: SIT’s preliminary report was quite clear about Modi’s culpability. Then it watered it down in the final report.]

Narendra Modi: Spreading hate

“His (Modi’s) implied justification of the killings of innocent members of the minority community read together with an absence of a strong condemnation of the violence that followed Godhra suggest a partisan stance at a critical juncture when the state had been badly disturbed by communal violence” (p. 153, PI Report). [Sanjeev: SIT’s preliminary report was quite clear about Modi’s culpability. Then it watered it down in the final report.]

Modi’s hate speech during the ‘Gaurav Yatra’

Launching a victorious election campaign on a trail of bloodshed, Modi’s speech had attracted serious criticism for its blatant attempt to seek votes on the basis of hatred and violence: “We have resolved to destroy and stamp out all forces of evil that are a threat to the self-respect of Gujarat (clearly an indirect justification of a policy of carnage against the minorities after the tragic Godhra incident)... Let me ask my Congress friends a question: if water is brought during the month of Shravan, those mothers/ladies residing on the banks of the Sabarmati river can bathe in Narmada water and feel holy and blessed. So how does it hurt them? Since we (BJP) are here, we brought water to the Sabarmati during the month of Shravan; when you are there, you can bring it in the month of Ramzan (the holy month for Muslims).

The mens rea (motive) behind making this reference in the speech can be clearly deduced: “What, brother, should we run relief camps (referring to relief camps for riot-affected Muslims)? Should I start baby producing centres there (i.e. in relief camps)? We want to achieve progress by pursuing the policy of family planning with determination. We are five and ours are 25 (“Ame paanch, Amara paanch”: Hindutva’s propaganda claims that every Muslim male marries four wives and produces five children from each)!
These remarks from the highest elected representative in the state were nothing short of an attempt to ridicule the plight of Muslim refugees who were dishoused during the widespread violence. Refugees in relief camps included victims of mass massacre, rape and arson. Therefore ridiculing the camps and thereafter lacing the statement with the poisoned stereotype of the alleged Muslim aversion to family planning during an election campaign clearly has a motive. This statement also projects the Muslim minority as a stumbling block to progress and patronises an ‘us versus them’ mindset among the populace that then becomes easy fodder for incitement and the outbreak of communal violence. Read in its entirety, the whole speech displays a definite communal bias: denigration of the minority community and ridiculing and belittling of the religious observances of the minority community. Aimed at generating ill will and exclusivism, the claim that nothing happened in the form of riots after the speech is irrelevant, dangerous and untenable because the sense of exclusivism and sectarianism that are obvious in the tone and tenor of the speech not only goes against the concept of emotional integration of the Indian people but also engenders an intense feeling of alienation among the Muslims vis-à-vis the Hindu community.

SIT preliminary report

Modi told the SIT his speech did not refer to any community; it was a political speech in which he highlighted the increasing population of India. “The explanation given by Modi is unconvincing and it definitely hinted at the growing minority population.” (p. 160, PI Report).

SIT closure report

While the amicus finds the words spoken by the chief minister an offence, an incitement to violence and hatred against a particular section of the Indian people, in its closure report, the SIT finds that no criminal offence has been committed and recommends a closure of these allegations.

On the ‘action-reaction’ statement: “As per Modi’s version, he had not and would never justify any action or reaction by a mob against innocents. He had denied all allegations in this regard.” Zee TV never sent a copy of the interview, says the SIT. Their correspondent Sudhir Chaudhary told the SIT the Editors’ Guild report contained only excerpts and he did not have the original CD. He did recollect Modi’s reply that a mob “had reacted on account of private firing done by Jaffri, the SIT says. Chaudhary told the SIT Modi was of the view that he wanted neither action nor reaction. Modi reportedly said: “Godhra mein parson hua... jiski pratikriya ho rahai hai” but Chaudhary could not recount the exact sequence” (pp. 482-483, Closure Report).

“As regards the public speech de- livered at Becharaji, Mehsana dis- trict, on September 9, 2002, as a part of Gaurav Yatra, Modi has ex- plained that the speech did not re- fer to any particular community or religion. According to Modi, this was a political speech in which he has pointed out the increasing popula- tion of India and had remarked that ‘can’t Gujarat implement family plan- ning?’ Modi has claimed that his speech has been distorted by some interested elements who had misin- terpreted the same to suit their de- signs. He has also stated that there were no riots or tension after his election speech. No criminality has come on record in re- spect of this aspect of allegation” (p. 272, Closure Report).

Allegation: Procession of hate

The chief minister, against the advice of the Godhra collector, Jayanti Ravi, ordered that the bodies of the victims of the Godhra carnage be taken to Ahmedabad and paraded in the streets before cremation.
Whether it is the evidence gathered by the Concerned Citizens Tribunal headed by Justices VR Krishna Iyer and PB Sawant or the testimony of Gujarat’s additional chief secretary (home), Ashok Narayan, orders from senior functionaries at Godhra were needed before the bodies of the tragic Godhra train arson were handed over to Jaideep Patel, general secretary of the Gujarat VHP. It is not a coincidence that Jaideep Patel is today accused in the Naroda Patiya massacre that claimed nearly 100 lives the very next day,

“His (Modi’s) implied justification of the killings of innocent members of the minority community (and) an absence of a strong condemnation of the violence that followed Godhra suggest a partisan stance when the state had been badly disturbed by communal violence” (p. 153, PI Report).

February 28, 2002. The presence at Godhra of minister of state for home, Gordhan Zadaphiya, and health minister, Ashok Bhatt (who was also stationed at the Ahmedabad city police control room the next day) has also been established by the SIT.

Another aspect is the fact that both Patel and Modi were at Godhra on February 27. Patel’s statement that he did not meet Modi at Godhra does not inspire confidence. This has to be examined, as the mamlatdar (executive magistrate) would not have handed over the dead bodies to a non-government person unless somebody very senior told him to do so.

ML Nalvaya, executive magistrate of Godhra at the time, has testified before the SIT that the bodies of 54 victims were indeed handed over to VHP leaders Jaideep Patel and Hasmukh Patel on the instructions of Jayanti Ravi, who was the Godhra collector/district magistrate at the time. But Ravi, an IAS officer, denies this and claims Nalvaya, who was her subordinate, took the decision on his own.

The SIT says the decision to shift the bodies to Ahmedabad was taken after a closed-door meeting between Jayanti Ravi, Jaideep Patel, health minister Ashok Bhatt, civil aviation minister Prabhatsinh Chauhan, Gordhan Zadaphiya and Modi. But bizarrely, when it comes to the question of who decided that the bodies should be handed to the VHP, the SIT hauls up the mamlatdar, ML Nalvaya, (pp. 23-24, PI Report) and even recommends departmental action against him.

The SIT however does not hold Jaideep Patel to account although the letter is in his name, nor questions the ministers who obviously concurred with the receipt for the handover being made in the name of an office-bearer of the VHP.

Neither does the SIT ask the obvious question about whether Nalvaya, a lower-level officer, could have taken such an irregular decision on his own. Why is the SIT willing to believe Jayanti Ravi’s version over Nalvaya’s version? Incidentally, Ravi is among those officers who have been rewarded well with postings by the Modi government.

(In 2002, while testifying before the Concerned Citizens Tribunal, Ravi had said that she had opposed the decision to transport the bodies to Ahmedabad but Modi had overruled her. Since then, Ravi has retracted her version. She currently holds the powerful post of commissioner of higher education in the Gujarat government.)

The 54 charred bodies were brought to Ahmedabad in five trucks, escorted by a police vehicle, on that fateful day. (Of the 54 bodies, only 25 were finally identified as victims from Ahmedabad.) Some were handed over to their families, some were cremated en masse. The SIT however is silent on the question whether funeral processions were taken out in Ahmedabad and has swallowed prime accused Modi’s assertion that the alleged procession from Godhra to Ahmedabad did not take place. The SIT does not back this contention with any documentary evidence. Nor has it scrutinised independent evidence
like the recordings of television channels for that period, available with the Nanavati Commission.

SIT preliminary report

“SIT inquiry revealed that there was in fact a discussion at Godhra on the final disposal of bodies of those killed in the Godhra carnage. This was during chief minister Narendra Modi’s visit to the town on the afternoon of February 27, 2002. It was held at the collectorate. It is not clear who all were present or consulted. Apart from the district collector, the presence at least of Gordhan Zadaphiya (MoS, home) and Jaideep Patel, VHP activist, has been confirmed... The district collector categorically denied to the SIT that the decision was taken against her wishes... Most importantly, the 54 unidentified bodies were transported to Ahmedabad around midnight when there were hardly any crowds en route. By next afternoon 35 of these bodies were handed over to relatives at Sola Hospital after identification ... The charge that bodies were taken in a procession and paraded is therefore not established (pp. 19-23, PI Report; pp. 2-3, Chairman’s Comments).

SIT closure report

“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 03:30 to 04:00 hrs... Further, though a letter had been addressed by ML Nalvaya in the name of Jaideep Patel of VHP and the dead bodies were acknowledged by Hasmukh T. Patel of VHP, yet the dead bodies were escorted by the police up to Sola Civil Hospital, Ahmedabad, situated on the outskirts of Ahmedabad city. At Sola Civil Hospital 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...” (p. 463, Closure Report).

“The above facts would go to establish that though a letter had been addressed by mamlatdar, Godhra, to 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... Nalvaya, mamlatdar, has acted in an irresponsible manner by issuing a letter in the name of Patel in token of having handed over the dead bodies which were case property and therefore the government of Gujarat is being requested to initiate departmental proceedings against him (p. 463, Closure Report).

Godhra 2002: Fanning the flames

Allegation: Badge be damned

Police and administrative complicity

One of the serious allegations in the complaint that seeks to build a pattern of command responsibility relates to the ground-level inaction by senior policemen allegedly instructed into inaction and complicity by the conspiracy at the top. Victims received no response despite scores of distress calls made to senior police officials. Survivors from Naroda Patiya made over a hundred distress calls to PC Pande, the then commissioner of police, but his cellphone was always switched off. There was a similarly callous response from most of the additional CPs and DCPs of Ahmedabad city. In many instances, policemen even aided mobs in their lawlessness.

SIT preliminary report

The former Ahmedabad joint commissioner of police, MK Tandon, in whose jurisdiction around 200 Muslims were killed, has been found guilty of deliberate dereliction of duty. (After the carnage however, far from being censured or worse, he received one lucrative posting after another until he retired as ADGP in June 2007.) His junior, former DCP, PB
Gondia, has also been found guilty of allowing the massacres. But far from facing any penal action, he today holds the post of joint director, civil defence. The SIT says that if the two had carried out their duty, hundreds of Muslims could have been saved (pp. 48-50, PI Report).

Until the Supreme Court ordered the SIT to investigate the Zakiya Jaffri/CJP complaint, neither of these officers was in any way held to account by the Modi government. Even today victim survivors are agitating the trial court hearing the Gulberg massacre case to get these officers arraigned as accused. The SIT found that senior police inspector (PI), KG Erda, had informed his superiors of the gravity of the situation in good time. Yet strangely enough, in the Gulberg case, it is not his superiors but Erda who has been charge-sheeted.

Role of DCP Gondia

“The then DCP, Zone IV, under whose jurisdiction Meghaninagar and Naroda Patiya police stations were located, it is well established, did not visit Gulberg Society before 16:00 hrs. In my view, Gondia virtually ran away from Naroda Patiya at 14:20 hours when the situation was very serious and virtually uncontrollable and also did not reach Gulberg Society despite the distress calls made by police inspector Erda and instructions given by Tandon and Pande. Gondia had also received three calls on his mobile phone from Dr Mayaben Kodnani on 28.02.2002, 01.03.2002 and 02.03.2002 at 10:39 hrs, 13:39 hrs and 12:49 hrs respectively. He had also received three calls on 28.02.2002 at 11:40 hrs, 11:52 hrs and 12:20 hrs, two calls on 01.03.2002 at 10:04 hrs and 11:35 hrs and two calls on 02.03.2002 at 11:56 hrs and 18:48 hrs from accused Jaideep Patel, for which Gondia has not been able to give any explanation” (pp. 44-51, PI Report).

Role of Jt CP, MK Tandon

“The plea/defence put forward by Tandon is far from satisfactory. As per the call detail records of his mobile phone, his location remained in BapunagarRakhial area between 12:25 hrs to 13:24 hrs. Further, he remained in Revdi Bazaar, Relief Road areas (Dariapur PS and Kalupur PS) between 13:51 hrs to 15:42 hrs. His location was noticed at Meghaninagar only at 16:28 hrs.” The FIRs of serious cases of mass massacre under his jurisdiction were also scrutinised by the SIT. “The FIRs were registered only on 15.03.2002 i.e. after a period of 15 days and as such, the same had been manipulated by way of receiving complaints from three PSIs of Dariapur PS with a view to match the timings of the incident of Gulberg Society on 28.02.2002 to enable

Call records

CJP’s analysis of the Meghaninagar and Naroda police control room records together with the mobile phone records of these two officers were presented as evidence before the SIT. This analysis revealed the following:

CP, PC Pande

Curfew was declared in the Meghaninagar area where Gulberg Society is located at 12:54 p.m. on February 28 (according to the police control room – PCR – records). By then Gulberg Society had already been surrounded by a mob of 4,000-5,000, armed with weapons (12:38 p.m., PCR records). In law, the commissioner of police, PC Pande, had the responsibility of declaring curfew on time.

At 2:09 p.m. the PI, Meghaninagar, KG Erda, even asked for central forces. The decision should have been taken by Pande. But the PCR records show no deployment of paramilitary forces in the area until late in the evening.

Joint CP, MK Tandon
Even after he received a call from his boss, Pande, informing him of the attack on the residents of Gulberg Society in the Meghaninagar area, Tandon preferred to stay put in the Revdi Bazaar area between 2 and 3 p.m. Revdi Bazaar is five kilometres away from Gulberg Society.

When the PCR sent a message to Tandon that Jaffri and other residents of Gulberg society were in great danger, Tandon remained in Revdi Bazaar, an area with no incidents of violence.

In spite of Meghaninagar PI, Erda, desperately seeking additional deployment at Gulberg Society around 2:30 p.m., Tandon left the Revdi Bazaar area only after he was ordered to do so by Pande around 3 p.m. Ironically, Revdi Bazaar, where Tandon appears to have sought asylum, falls under the jurisdiction of his counterpart, Shivanand Jha, who during those crucial minutes remained in the comfort of his own office at Shahibaug.

Tandon to explain his absence from Gulberg Society...” (To state the obvious, manipulating crime records, that too by a senior police officer, is a serious offence.)

“The delay in the registration of these four cases needs explanation. After going through the FIRs, it is found that there is no mention about the presence of Jt CP, Sector II, at the spot... The explanation given by Tandon for his absence from Gulberg Society despite the distress messages received from PI Erda is totally unconvincing and will not cut any ground.

“Last but not the least, Tandon had received two calls on 01.03.2002 at 11:37 hrs for 250 seconds and 12:56 for 161 seconds from accused Jaideep Patel and two calls on 01.03.2002 at 14:58 hrs for 32 seconds and at 19:04 hrs for 61 seconds from accused Smt Mayaben Kodnani, for which he has not been able to give any satisfactory reply” (pp. 44-51, PI Report).

“It is evident that Tandon and Gondia did not visit Gulberg Society under various pretexts. Moreover, both of them were in touch with the main accused persons, namely Mayaben Kodnani and Jaideep Patel. This is suspicious” (pp. 44-51, PI Report).

The SIT concluded in its preliminary report that their role in the Gulberg Society and Naroda Patiya cases needs to be further investigated under section 173(8) of the CrPC (p. 51, PI Report).

SIT closure report

Further investigation was conducted by the SIT after the amicus curiae’s recommendation that Tandon and Gondia be prosecuted under Section 304A of the Indian Penal Code (culpable homicide not amounting to murder). However, after an utterly shoddy subsequent investigation, ignoring the highly incriminating findings of the preliminary inquiry, the SIT concludes that the recommended prosecution “may not be possible”.

The closure report is forced to concede that the actions of Tandon and Gondia were questionable. However, in its view, a simple departmental inquiry was all that was called for. Going back on its own earlier findings, the SIT now also exonerates Tandon and Gondia for being in close telephonic contact with two accused persons: Dr Mayaben Kodnani and Shri Jaideep Patel (p. 496, Closure Report).

Role of Tandon

“In case of Tandon, certain actions on his part suggest his bona fide intentions to control the riots. Initially, he visited Gulberg Society and lobbed tear-gas shells and dispersed the mob. Subsequently, he proceeded to Naroda Patiya and on his advice, curfew was imposed in Naroda Patiya area by the commissioner of police. Further, from Naroda...
Patiya area, he went to Dariapur which was communally very sensitive (p. 496, Closure Report).

“Objective assessment of the situation reveals that Tandon did not appreciate the circumstances professionally and acted in a negligent manner by not taking any appropriate action about the grave situation at Gulberg Society/Naroda Patiya area. It would not be out of place to mention here that Tandon was very well aware about the situation at Gulberg Society inasmuch as he had sent a message to the police control room at 14:05 hrs on 28.02.2002 that late Ahsan Jaffri and others had been surrounded by a mob and were required to be shifted immediately. Despite the fact that he was well aware of the inflammatory situation at Gulberg Society, yet he chose not to go there (p. 497, Closure Report).

Role of Gondia

“Investigation has further revealed that Gondia had left Naroda Patiya at 14:20 hrs despite the fact that a huge mob of Hindu and Muslim rioters had gathered there while the curfew was in force. His leaving the location for Pitaliabamba was totally unjustified, especially when there was no information of any situation being graver there than at Naroda Patiya. In case Gondia realised that he was in a position to leave the location, then he should have gone to Gulberg Society and not to Pitaliabamba” (pp. 498-499, Closure Report).

Conclusion

“The conduct of Tandon and Gondia was unprofessional and unbecoming of senior police officers.” However, “the basic requirements for prosecution under the above Section (304A) are that the acts (including omission) must be rash or negligent... Considering all the circumstances, evidence on record and the defence available with the suspect police officers (Tandon and Gondia), it may not be possible to prosecute them for the offence under Section 304A as proposed by amicus curiae...” (pp. 499-503, Closure Report).

Gujarat 2002; The police under fire

Allegation: Crime and reward

The police officers who did take corrective action against rioting Hindu mobs were shunted out

The SIT report does record how compliant police officers were rewarded by Modi. It also records how upright police officers were punished instantly for doing their job, sending out an unambiguous message. But the SIT finds nothing wrong with this; it says that this is the government’s prerogative.

Upright officers penalised

The upright officers who were penalised for performing their constitutional duty include IPS officers Rahul Sharma, Vivek Srivastava, Himanshu Bhatt and Satishchandra Verma.

“It is true that there were a few such transfers which were in fact questionable, especially because they came immediately after incidents in which the officers concerned had known to have antagonised ruling party men... Neither police officer would however admit he had been victimised (CC: Is this at all surprising, given the fact that a highly vindictive government was in power?)” (pp. 32-36, PI Report, and p. 8, Chairman’s Comments).

Guilty cops rewarded

The SIT preliminary report admits the allegation that police officers who allowed riots to fester were rewarded with lucrative postings.
MK Tandon, who was the joint commissioner of police of Sector II, Ahmedabad, in 2002 and in whose jurisdiction more than 200 Muslims were butchered to death, was given the important post of inspector-general (IG), Surat range, soon after the riots. In July 2005 he was appointed to the post of ADGP (law and order) at the state police headquarters, a position with statewide jurisdiction. Tandon retired from the same position.

PB Gondia, deputy to Tandon, was DCP, Zone IV, at the time. He was promoted to the powerful post of IGP, State CID, and now enjoys the post of joint director, civil defence.

In addition to these police officers, there were other controversial bureaucrats and policemen who have remained high in the favour of the government despite their black track records. Among them are G. Subbarao (then chief secretary); Ashok Narayan (then ACS, home); PK Mishra (then PS to Modi); PC Pande (then CP, Ahmedabad city); Deepak Swaroop (then IGP, Vadodara range); K. Nityanandam (then secretary, home); Rakesh Asthana (then IG and currently CP, Surat city) and DG Vanzara (now in jail for staging encounter killings).

The SIT notes that while conducting the trial of the Best Bakery case, the additional sessions judge of Greater Bombay had made adverse comments and passed strictures against K. Kumaraswamy (then Jt CP, Vadodara city) and Ramjibhai Pargi (then ACP, Vadodara city) for attempting to subvert justice.

Partisan prosecutors appointed

One of the unique aspects of the Gujarat 2002 carnage was the subversion of the post-violence justice process by the very government meant to protect life and punish the perpetrators. As the journey through the famed Best Bakery case, resulting in the hallmark April 2004 judgement of the apex court, demonstrated, a key method that the state employed to achieve this subversion was through the appointment of special prosecutors partisan in their mindset and empathetic to the world view of the accused. While transferring the case to Mumbai, the Supreme Court had berated the prosecutors for “acting like defence counsel”. This phenomenon was not restricted to the Best Bakery case alone. In a brazen and cynical move, the state of Gujarat has continued with its subversion to this day, appointing only those sworn to its malevolent ideology. One of the serious allegations in the complaint is on this score.

Pro-VHP advocates were appointed as public prosecutors (PPs) in riot cases. The appointment of advocates Chetan Shah (district government pleader), VP Atre (special PP in the Gulberg case), Raghuvir Pandya (special PP in the Best Bakery case), Dilip Trivedi (special PP in the Sardarpura case), Rajendra Darji (special PP in the Deepda Darwaza case), Piyush Gandhi (PP in Panchmahal district), was probed.

“It appears that the political affiliation of the advocates did weigh with the government for the appointment of public prosecutors” (p. 77, PI Report). The allegation is partly substantiated” (p. 238, PI Report). Also, “It has been found that a few of the past appointees were in fact politically connected, either to the ruling party or organisations sympathetic to it” (p. 10, Chairman’s Comments).

On page 157 of his preliminary report, Malhotra records that a pro-VHP advocate, Raghuvir Pandya, was appointed as government pleader in the Vadodara district and sessions court in 2002. Pandya conducted the trial of the infamous Best Bakery case which resulted in the acquittal of all of the accused. Malhotra’s remarks: “Supreme Court of India had passed serious strictures on the role played by Pandya in this trial which deserves to be brought to the notice of the Bar Association for suitable action as deemed fit.”
In his report, Malhotra lists five more instances of VHP or RSS leaders being appointed as public prosecutors: “Politi-

The SIT preliminary report admits the allegation that police officers who allowed riots to fester were rewarded with lucrative postings cal consideration and affiliation of the advocates weighed heavily with the government” in these appointments. But he contradicts himself, saying: “No specific allegation of professional misconduct on the part of any of the public prosecutors has come to light” (p. 158, PI Report).

(This observation is despite hasty anticipatory bail being granted to many of the accused in the Sardarpura and Odh cases with special public prosecutors not opposing it. This was a consideration that weighed with the Supreme Court when it ordered further investigation into the cases.)

The SIT also found that Gujarat VHP general secretary Dilip Trivedi was a public prosecutor in Mehsana district between April 2000 and December 2007, with more than a dozen public prosecutors working under him. Mehsana was among the worst riot-affected areas. Two riot cases in Mehsana in particular – the Deepda Darwaza killings in Visnagar town and the Sardarpura massacre – were most horrific. During Tehelka’s sting ‘Operation Kalank’, in a conversation with the undercover reporter, Trivedi had boasted about how he had camped in every district of Gujarat, holding meetings with government prosecutors, VHP workers, police officers and defence advocates to ensure bail and acquittals for the Hindu accused. He had proudly told Tehelka that out of a total of 74 riot-related cases in Mehsana, only two had resulted in conviction.

Special prosecutor Arvind Pandya, who had given a detailed account of the systematic subversion of justice by VHP and RSS-affiliated prosecutors across the state, had also been exposed during the sting operation and he was forced to quit as advocate for the government before the Nanavati Commission.

The SIT found the allegations against many of the other prosecutors to be true: Chetan Shah, a VHP member who, at one point, had faced trial under the Terrorist and Disruptive Activities (Prevention) Act (TADA) for the alleged killing of nine members of a Muslim family, was appointed as public prosecutor in June 2003 for a period of three years (p. 156, PI Report). HM Dhruv, who had defended Chetan Shah in the TADA case, was appointed as special prosecutor in the Gulberg Society and Naroda Patiya cases.

Piyush Gandhi, an Akhil Bharatiya Vidyarthi Parishad (ABVP) and VHP leader, was appointed as public prosecutor in Panchmahal in March 1996 and continued in the same post until September 1, 2009. Gandhi conducted the trial of several riot cases, including the Shabana-Suhang gang rape and murder case (pp. 157-158, PI Report).

The unprofessional conduct of the special public prosecutors ensured that many of the accused in these cases found easy bail. This did not however weigh with the SIT: “...a transparent procedure was followed for the appointment of public prosecutors” (p. 10, Chairman’s Comments).

No action whatsoever has been recommended by the SIT in this matter.

Outstanding officer: RB Sreekumar

The four affidavits initially filed by former DGP, RB Sreekumar, before the Nanavati Commission were crucial in filing the Zakiya Jaffri/CJP criminal complaint. More than the opinions narrated in the affidavits, the mountain of evidence, including vital State Intelligence Bureau records, provide a well-documented account of the state.
government’s refusal to act on the warnings given by its own intelligence wing. The documentary evidence produced by Sreekumar includes:

1. A report titled ‘Current Communal Scenario in Ahmedabad City’ prepared by Sreekumar and sent to the then ACS (home), Ashok Narayan, for appropriate action on April 24, 2002. The report made the following points:
   a) Riot victims had lost faith in the criminal justice system. Police officers were dissuading victims from lodging complaints against BJP and VHP members.
   b) Officers were watering down the charges in complaints and clubbing FIRs.
   c) The VHP and Bajrang Dal were exhorting businesses not to give employment to Muslims.
   d) The VHP was distributing pamphlets with communally inflammatory material.
   e) Inspectors in charge of police stations were ignoring the orders of their superiors and complying instead with direct verbal instructions from BJP leaders.

The SIT not only found this report to be genuine but it also found reports prepared by a few other officers that corroborated Sreekumar’s report. When questioned by the SIT on this, Ashok Narayan confirmed receiving this report but claimed loss of memory on whether he had placed it before the chief minister.

2. Sreekumar also sent another report, dated June 15, 2002, advising against a proposed rath yatra by Modi because communal tension was still simmering in many parts of Gujarat. The Modi administration overruled his recommendation.

3. Sreekumar prepared another report, dated August 20, 2002, highlighting continuing communal tension and emphasising that the minorities continued to complain of unjust police action and shoddy investigations. Ashok Narayan accepted before the SIT that the government did not act upon this report.


5. Sreekumar’s first affidavit before the Nanavati-Shah Commission detailed the failure of the state and central Intelligence Bureaus in preventing the Sabarmati train carnage. The second alleged that the Modi government deliberately did not act on the reports of the State Intelligence Bureau. And in the third, he recorded how he was pressurised by Modi’s officials to give favourable reports on the law and order situation to facilitate an early assembly election.

He also detailed an account of a meeting chaired by the then chief election commissioner JM Lyngdoh on August 9, 2002 in which the latter had castigated home department officials for presenting wrong facts. The CEC’s order dated August 16, 2002 had noted: “Significantly, additional director general of police RB Sreekumar stated before the commission that 151 towns and 993 villages covering 154 out of 182 assembly constituencies in the state were affected by the riots. This falsifies the claims of other authorities.”

Both in the preliminary and the further investigation, the SIT has concentrated all its energies on discrediting the evidence produced by Sreekumar; it has focused solely on a register maintained by him of illegal verbal instructions to him. The SIT concluded that “the register maintained by RB Sreekumar cannot be considered 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 RB Sreekumar by any of the independent witnesses” (p. 28, PI Report).

Ironically, by “independent witnesses”, the SIT meant bureaucrats like Ashok Narayan, K. Chakravarti and PC Pande.

But by the SIT’s own admission, these bureaucrats were rewarded with post-retirement assignments by Modi and thus did not seem to have spoken honestly.

Along with his third affidavit, Sreekumar also produced an audio recording to prove that state secretary (law and order) GC Murmu, home department official Dinesh Kapadia and the state government’s special prosecutor Arvind Pandya had tried to tutor him and intimidate him into not telling the truth before the Nanavati-Shah Commission. The SIT found the audio recording to be genuine but has alleged that Sreekumar produced it as an act of pique only after he was superseded for a promotion (pp. 24-28, PI Report). What the SIT has failed to appreciate is the consistency in Sreekumar’s stand against the Modi government’s communal and political agenda since the filing of his first affidavit in July 2002.

Sreekumar had started preparing the register from April 18, 2002 onwards, just nine days after he was posted as the state intelligence chief that year. He also got the register certified by the then IGP (administration and security), OP Mathur. Sreekumar made regular entries in the register until September 19, 2002, the day he was shunted out from the State Intelligence Bureau. All four of his reports detailed above were consistent and have been found to be based on field intelligence reports. Besides, he had filed his first affidavit before the Nanavati-Shah Commission in July 2002, much before he was denied a promotion. In keeping with its pattern, the Modi government not only penalised Sreekumar for speaking up, by superseding him, but it also held back his post-retirement benefits. Sreekumar however fought against the government and won the case before the Central Administrative Tribunal (CAT).

Despite all this, SIT chairman Raghavan has disregarded Sreekumar’s evidence and commented: ‘It has been clearly established that the register was an unofficial document that Sreekumar was not authorised to maintain,” adding that it has no “evidentiary value whatsoever. The very motive behind him maintaining such a register is suspect’ (p. 7, Chairman’s Comments).

Significantly, Malhotra, Raghavan and the further investigation by the SIT have all failed to investigate or comment on the evidence provided through Sreekumar’s affidavits before the Nanavati-Shah Commission, the numerous reports he prepared in his capacity as state intelligence chief as well as his testimony before the SIT. This despite the fact that the evidence he provided was substantiated. Sreekumar also produced an audio recording to prove that secretary (law & order) Murmu, home department official Kapadia and the government’s special prosecutor Pandya had tried to tutor him and intimidate him into not telling the truth before the Nanavati-Shah Commission.

Accused as defence

Extrajudicial confessions in Tehelka’s sting ‘Operation Kalank’

The SIT both in its preliminary inquiry report and its closure report, discarding the evidence contained in the sting operation conducted by Tehelka, uses the statements of those accused, exposed in the sting, to conclude that the sting is no evidence. No efforts are made to corroborate the issues exposed by the sting operation, especially a) hasty bail granted to the postGodhra accused by the Gujarat high court in 2002 as pointed out by CJP before the apex court between 2004 and 2006; b) appointment of partisan public prosecutors, etc.
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

Excerpts:

“When confronted with the interviews given by Shri Haresh Bhatt, the then MLA, Babu Bajrangi and Rajendra Vyas, president, VHP, Ahmedabad city, to Shri Ashish Khetan, special correspondent, Tehelka, Shri Narendra Modi has stated that the allegations levelled against him were false and incorrect. He has further stated that this issue was raised in November 2007, after about six years of incident and that too at the time of elections in December 2007. Further, these issues were again raked up in April 2008 when the SIT was appointed by the Supreme Court. Shri Modi has also stated that this issue was again raised on 22.02.2010 when he was to appear before the SIT for his examination. According to Shri Modi, the whole episode is motivated and stage-managed and that he had no personal knowledge about the authenticity of the said CD.

“In this connection, it may be added here that Shri Haresh Bhatt, former MLA, and accused Babu Bajrangi in Naroda Patiya case have admitted their voice as also the contents of the CD. Shri Haresh Bhatt has stated that one Shri Ashish had approached him that he wanted to write a thesis on Hindutva and wanted him to contribute some spicy material for the same so that he could succeed in his mission. He has further stated that Ashish visited him at his residence in Ahmedabad city as well as at Godhra at least seven-eight times in a month period and when the reference came to Gujarat riots, he gave an imaginary story, as Ashish wanted some spicy material for his thesis. He has stated that the talks about a CBI inquiry, the fact that he owned a gun factory where diesel bombs and pipe bombs were made and distributed to Hindus, the fact about two truckloads of swords ordered from Punjab and subsequently distributed amongst Hindus, making of a rocket launcher in his gun factory by filling them with gunpowder and lighting a 595 local-made bomb to blast were absolutely false and baseless. He has also mentioned that his talk about Shri Narendra Modi having openly said that we had three days to do whatever we could do and that he would not give us time after that were imaginary story and that Shri Modi never told these things to him.

“Shri Babu Bajrangi has stated that Shri Ashish Khetan had given him a script and he simply read out the same and that none of those facts were correct. After going through the facts stated by these persons during the sting operation, it appears that they were bragging and that most of the facts stated by them are innocent. Further, they were not questioned as to how and when Shri Narendra Modi gave them three days’ time. The facts about a gun factory owned by Shri Haresh Bhatt and changing the judge thrice by Shri Narendra Modi are unacceptable by any stretch of imagination inasmuch as no such gun factory could be unearthed by the police and Shri Modi was not competent to transfer the judges, as the same is the prerogative of the Gujarat high court. There are many factual inaccuracies in the statement of Babu Bajrangi inasmuch as he has stated that there were 700-800 dead bodies in Naroda Patiya and that the commissioner of police had instructed the policemen to throw it at different places in Ahmedabad city, as it would be difficult to explain the same. This is absolutely incorrect inasmuch as only 84 dead bodies were found at Naroda Patiya and 11 persons were reportedly missing. In any case, this evidence has already been adduced in the court and the matter is sub judice and hence no further comments” (pp. 273-274,Closure Report).

14.8 SIT refusal to even report on information that contradicts its view

Source (by
In the past 10 years, the Gujarat government and senior BJP leaders have often said that the riots that broke out in the state in February 2012 were an 'instantaneous reaction' to the carnage at Godhra. The chief minister himself in an interview on March 1, 2002 had said, "What we are witnessing in Gujarat at this time is a chain of action and reaction. We want that there neither be action nor reaction."

But now Headlines Today has uncovered the police control room messages and the state intelligence bureau reports which show that the police had received a constant stream of inputs from its field officers about VHP leaders making provocative speeches, about crowds being mobilised and warnings about the possibility of major riots breaking out. Despite the flurry of ground reports and advance warnings, no curfew was imposed in Ahmedabad till noon the next day. The BJP government supported the VHP called bandhs that, as events turned out, proved to be the pretext under which violent mobs were mobilized. VHP leaders were not warned or put under preventive detention.

But the most intriguing aspect of these messages is that while they have been produced before the court as annexures, they don't find any mention in the 541 page closure report filed by the SIT. No attempt has been made by the SIT to reconstruct the sequence of events as they unfolded immediately after the news of Sabarmati train incident broke. The SIT did not assess the adequacy or appropriateness of the state's response in a chronological fashion as the law and order collapsed in large parts of the state.

Perhaps, that's the reason that the facts that emerge from these messages are hard to reconcile with the conclusions drawn by the SIT.

There were two centralised police control rooms in Ahmedabad in 2002 - Ahmedabad Police Control Room situated at Shahibaug in the heart of the city. Naroda and Gulberg Society, where around 150 people were burnt to death on the 28th of February lay within a radius of 6 KMs from this Police Control Room 9Gulber was 2 to 3 kms from the control room while Naroda was roughly six kilometers).
The second one -- the State Police Control Room -- located at Police Bhawan in Gandhinagar.

The Ahmedabad Police Control Room received messages of the build up taking place in Ahmedabad City. The State Control Room got messages from different districts in the state.

In February 2012 the SIT submitted before an Ahmedabad court, in a sealed cover, only the Ahmedabad City PCR messages... a copy of these are now with Headlines Today. The State Control Room messages are still missing.

There was also a third control room...this was at the State Intelligence Bureau Headquarters situated inside Police Bhawan, Gandhinagar...the same building where the State DGP’s office is located. The SIB Control Room was also flooded with field intelligence reports filed by its intelligence units located across the State including Ahmedabad and Gandhinagar. These SIB reports too have been submitted before the Court by the SIT. A copy of these too is now in the possession of Headlines Today.

By the afternoon of February 27, the Gujarat home department was being bombarded with messages from cops on the ground about mobilisation of VHP and Bajrang Dal cadre.

Rightwing activists across the state were holding public meetings, making provocative speeches and inciting mobs. All this is documented in hundreds of wireless messages sent by policemen to the state intelligence bureau. But the State failed to take any effective steps to prevent the imminent massacres. Within a few hours after the Godhra tragedy, the three senior-most office bearers of Gujarat’s VHP unit - Jaideep Patel, Dilep Trivedi and Kaushik Patel-- issued a statement declaring a state wide bandh and containing remarks that were designed to incite the mobs.

A field level officer faxed this statement to SIB headquarters at 20:38 hours on the 27 Feb 2002.

February 27, 2002
Time: 8:38 pm
State Intelligence Bureau Message No: Page No. 188 (Annexure III, File XVIII)
VHP declares Gujarat bandh to protest killing of kar sevaks.
Statement says Muslims pre-planned Godhra attack.
Innocent ladies were molested and compartments were set on fire and Ramsevaks were burnt alive.
Through out the day on 27th February the SIB control room received messages of provocative sloganeering and mobilisation by the VHP.

February 27, 2002
Time: Not Known
State Intelligence Bureau Message No: Page No. 345, Order No. 24 (Annexure III File XIX)
Sender: D.O, Ahmedabad
Recipient: Intelligence Office, Virangam (Ahmedabad)
75 VHP & Bajrang Dal members gathered at Virangam Town Chali & Golwada area.
Situation in the area very tense.
The PCR messages warned about the tension that was spreading from the moment Sabarmati Express (the same train that was attacked by Muslim mobs at Godhra and later after detaching the burnt bogies made its way to Ahmedabad) arrived at Ahmedabad station.

February 27, 2002
Time: 6:10 pm
State Intelligence Bureau Message: No. 531 Page No. 19 (Annexure III, File XVIII (D-160)
Sabarmati Express arrived at Ahmedabad station from Godhra at 4:30 pm.
Karsevaks armed with rods & sticks, shouting slogans 'khoon ka badla khoon'.
At 10:12 pm, Police Inspector of CID, Intelligence in Bhavnagar sent a fax to Inspector General, Gujarat State Intelligence Bureau in Gandhi Nagar saying that Sadhu Samaj president Gopal Nand and local VHP leaders exhorted crowds at Junagadh to retaliate. The message said that the VHP leaders delivered hate speeches and called on all Hindus to unite.

February 27, 2002
Time: 10:12 pm
State Intelligence Bureau Fax Message: 311/02 Page No.: D-1/ HA/Jaheer Sabha/Junagadh
Sender: CID, Bhavnagar
Recipient: IG, Gujarat & Intelligence Bureau, Gandhi Nagar
Sadhu Samaj president Gopal Nand gave provocative speech at Junagadh Kadva Chowk between 7:30 pm-9 pm.
Gopal Nand questioned lack of response from Hindus even 12 hours after burning of train.
Gopal Nand questioned Muslim patriotism to India and incited mobs to attack them.
By the afternoon of the 27th, the riots had begun.

February 27, 2002
Time 17:45
State Intelligence Bureau Fax Message No 273 File XIX Annexure III
Sender: B M Mohit Anand Centre
Sabarmati Express reached Anand Railway Station at 1500 hrs
Karsevaks from the train stabbed 4 Muslims present at the station.
One victim named Abdul Rashid aged 65 years, resident of Anand, died.
Remaining were hospitalised at Anand government hospital.
Reports of violent attacks by karsevaks came from across the state. A VHP mob was reported as swelling at Vadagam village in Modasa that was to become another epicentre of violence. There were desperate SOS messages seeking reinforcements. Mobs were on rampage through the night, setting ablaze houses and vehicles.

February 27, 2002
Time: 11:59 pm
State Intelligence Bureau Fax Message: Com/HM/550/ Out No. 398
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

Sender: ACP, Gandhinagar Region
Recipient: IG, Gujarat & Intelligence Bureau, Gandhi Nagar

50 kar sevaks on special bus from Ahmedabad reached Modasa, Vadagam village at 6:30 pm.
500-strong mob received kar sevaks.
Karsevaks told mobs about attack on Sabarmati Express.
Crowds swelled to thousands by 9:30 pm.
Police presence insufficient to maintain order.
10 shops owned by Muslims & several vehicles set ablaze by mobs.
Despite these warnings there was no clampdown by the Gujarat government on the mobilisation being carried out by the VHP leadership and neither were VHP and Bajrang Dal members taken under preventive detention.
The Special Investigation Team in its report accepted that the Modi government supported the bandh called by the VHP.

Page 134 of SIT closure report: "Shri Vijay Badheka, Under Secretary to Home Department has stated before the SIT that both Gujarat bandh on 28.02.02 and Bharat bandh on 01.03.02 were supported by the BJP."
The bandh allowed the VHP cadre a free run even as the SIB kept sending signals of impending riots and sought preventive action.

February 28, 2002
Time: 9am-10am
State Intelligence Bureau Message No: 73/02 Page 365 (Annexure III File XXI (D-166)
Sender: ACP (Intelligence) Surat

VHP, BJP leaders gave provocative speeches at Sardar Chowk, Vapi Town.
VHP’s Dinesh Behri, Bajrang Dal’s Acharya Brahmbatt, BJP’s Jawahar Desai & RSS member Vinod Chowdhary present Speakers exhorted crowds to take revenge for Godhra.
When the Ahmedabad police commissioner P.C. Pande and State DGP K. Chakravarty were questioned by the SIT, they were not confronted with these specific SIB reports. P.C. Pande was not asked why curfew was not imposed in Ahmedabad city on the 27th afternoon itself, particularly in the face of such specific intelligence inputs.
Pande told SIT on page 7 of his statement recorded on 24.03.2010: "The circumstances did not exist on the 27.02.02 or even on 28.02.02 to warrant the imposition of curfew and any hasty decision would have led to panic in the city. Even otherwise with limited forces available imposition of curfew becomes a serious problem and large scale breach becomes common."
Pande and Chakravarty were also not asked why VHP and Bajrang Dal leaders were not put under preventive arrest even as they were threatening violence.
But the SIT has not explained what these specific measures were. General and vague claims made by Gujarat State Officials that all possible efforts were made to control the riots have been accepted by the SIT.
The State Intelligence Bureau repeatedly pressed the panic button, sending SOS' to the home department about the possibility of riots. Bodies of kar sevaks in public display and
funeral processions by mobsâ€¦proved to be the trigger. But records show the VHP and its cadres succeeded in stoking mass hysteria.

30 minutes past midnight on the 28th of February 2002, the state intelligence bureau received a fax giving a specific warning about possibility of riots with bodies being brought to Ahmedabad. Then VHP state unit president Jaideep Patel was already on his way escorting the 54 bodies from Godhra to Ahmedabad.

**February 28, 2002**
**Time: 12:30 am**

**State Intelligence Bureau Fax No. 525**
Bodies will be brought to Kalupur Railway station, Ahmedabad.
Dead bodies will be carried in funeral processions VHP gave a bandh call.
High possibility of riots in Ahmedabad. Take preventive action.

**February 28, 2002.**
**Time: Not Known**

**State Intelligence Bureau report to Home Secretary and all Police Commissioner, all SPs**
VHP has given a call for "Gujarat Bandh".
Appropriate vigilance be exercised.

The motorcade carrying bodies finally reached Sola Civil Hospital in Ahmedabad at 3:34 AM. By then there was a already a mob made up of VHP and RSS members outside Sola Hospital.

The PCR Van positioned at Sola Civil Hospital sent a message to City Police Control Room situated at Shalbaug. The distance between Hospital and Control Room was 11 kilometres.

**February 28, 2002**
**Time: 4:00 am**

**Page No. 5790 (Annexure IV, File XIV)**

Mob of 3000 RSS members gathered at Sola Hospital.

**February 28, 2002**
**Time: 7:14 am**

**PCR wireless message (Sola Hospital)**
**Page No. 5796 (Annexure IV, File XIV)**
Mob assembled at Sola Hospital.
The crowds were getting restless. Soon violence sparked off.

**February 28, 2002**
**Time: 7:17 am**

**PCR wireless message (Sola Hospital)**
**Page No. 5797 (Annexure IV, File XIV)**
Mob of 500 people holding up traffic.
At 8:10 there is a message from the Control Room saying that 3 SRP Companies have been sent to Sola Hospital for extra bandobast.

February 28, 2002
Time: 11:55 am
PCR wireless message: Page No 5894(Annexure IV, File XIV)
Mob set vehicle on fire, arson on highway.

February 28, 2002
Time: 11.55 am
PCR message
State Intelligence Bureau: Page No.6162 (Annexure IV File XV)
Riots have started at Sola Hospital & near High Court where bodies were brought.

February 28, 2002
Time: Not known
PCR message (Sola Hospital)
State Intelligence Bureau: Page No.76172
Sola Hospital staff surrounded by 500-strong mob Please provide security at hospital urgently.

These revelations show how mobs were allowed to congregate at the hospital to take out funeral processions. Though violence had erupted, curfew was still not clamped.

Pande claimed in his statement before the SIT that he visited the Hospital at 10 am and found everything to be normal.
"I went to Sola Civil Hospital around 10:00 and found that doctors were under pressure to complete the documentation whereas relatives were in a hurry to take the bodies. However, I didn't find anything alarming and as such returned around 11:00 am."

Pande also claimed there were no funeral processions, a claim accepted by the SIT. But the PCR messages show that there were not only processions but also riots at the hospital, nailing Pande's lies.

February 28, 2002
Time: 11:58 am
PCR message (Sola Hospital)
State Intelligence Bureau: Page No. 5907 & 5925(Annexure IV File XIV)
Funeral procession of 10 bodies taken out from Ramol Jantanagar to Hatkeshwar crematorium 6,000 people accompanied procession.

As funeral processions wound through the city, mobs ran amok at Gulbarg Society, Naroda Patiya and Naroda Gaam in Ahmedabad.

February 28, 2002
Time: Not known
PCR message (Khedbrahma, Sabarkantha) Com/538
State Intelligence Bureau: Page No. 258 (Annexure III File XIX)
Funeral procession allowed at Khedbrahma town in Sabarkantha district
Situation tense, 2 Muslims stabbed at Khedbrahma

February 28, 2002
Time: Not known
PCR message (Khedbrahma, Sabarkantha)

State Intelligence Bureau: Page No. 262 (Annexure File XIX)
150 Bajrang Dal members on way to Khedbrahma.

February 28, 2002
Time: 3:32 pm
PCR message (Khedbrahma, Sabarkantha)

State Intelligence Bureau: Page No. 254 (Annexure File XIX) Com/574

Funeral procession organised for Godhra train victim Babubhai Patel in Sabarkantha. Special Investigation Team in its closure report on pages 59 to 64 had concluded there were no funeral processions and gave a clean-chit to the Gujarat government on this count.

PCR messages detailing incidence of violence in Ahmedabad clearly warned about a brewing unrest. Rioting was reported from Naroda and Meghani Nagar where Gulberg Society is located. The PCR messages of violence in Ahmedabad are contained in Annexure IV File XIV. Here are some samples of the several wireless messages sent by policemen on the ground.

Page No. 5798, 5803, 5804
Date: February 28, 2002
Time: 12:30 am
PCR Message: Factory burnt at Ambikanagar on February 27
Area: Odhav
FIR No.: 80/02
Page No.: 5746
Date: February 28, 2002
Time: 1:10 am
PCR Message: Between 2:30-3:00 pm on Feb 27, mob stoned bus, vandalized shop
Area: Bapunagar
FIR No.: 64/02
Page No.: 5768
Date: February 28, 2002
Time: 2:38 am
PCR Message: Mob torched buses & rickshaws, damaged public property on Feb 27 at 5:15 pm
Area: Odhav
FIR No.: 78/02
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta.
Area: Ellisbridge
FIR No: 116/02
Page No.: 5801
Date: February 28, 2002
Time: 3:50 am
State Intelligence Bureau Message: One critically injured in mob attack near Mahalaxmi Crossroad, Paldi on Feb 27 at 8:30 pm.
Area: Ellisbridge
FIR No.: 114/02
Inspite of all of this, the then Ahmedabad Police Commissioner told the SIT that he didn't find the "circumstances on the 27th and 28th fit for curfew."
PCR and SIB reports show that there were regular inputs of VHP and Bajrang Dal led mobs swelling at Naroda and Gulberg Society.
Pande admitted before the SIT that at both these places curfew was declared only after 12:50 pm ...by then the mob had already swelled to between 10 and 15 thousand people in number. It is no wonder that the curfew that was finally imposed remained only on paper - it had no effect on the ground.
Hundred and fifty men, women and children were burnt and hacked to death at Naroda and Gulberg society in the four hours between 2 and 6 PM on February 28.
Police Headquarters at Shahibaug was only 2 to 3 kilometers from Gulberg Society and around 6 kilometers from Naroda Patiya.
Pande admitted before the SIT that through out the day he didn't move out of his office and visited Naroda Patiya and Gulberg only late in the evening...by that time the massacre was over and done with.
SIB messages show that there were three alerts about the impending massacre at Gulberg.
Date: 28.02.02
Time: 12:15
Sender: Police Inspector CJ Bharwad To: State SIB Control Room
Muslims reside in Gulberg Society.
Mob is surrounding the place.
Strict watch should be kept there.
Date: 28.02.02
Time: 14:50
Sender: Police Inspector CJ Bharwad To: State SIB Control Room
Mob of 3000 rioters has surrounded Gulberg Society, take immediate action.
Date: 28.02.02
Time: 17:00
Sender: Police Inspector CJ Bharwad To: State SIB Control Room
Mob attacked the society from all sides Ehsan Jaffri and women and children burnt alive.
Houses are ablaze. Mob is looting from homes.

In his defence Pande said in his statement: "On 28.2.2002 requests were received from different police stations seeking additional force and SRP and whatever forces were available with me the same were dispatched. However, I found that no feedback had been received by any one of them. This led me to presumption that additional forces reached in time and they were able to control the situation."

SIT accepted Pande’s defence and gave him and the Gujarat Administration a clean chit.

The state government told the SIT that the 2002 riots were a spontaneous reaction to the Godhra tragedy, but documentary evidence tells a different story.

Eleven years after the after the horrific incidents as Narendra Modi aspires for the prime minister’s chair, Headlines Today has tried to throw fresh light on why his ascension remains so contentious.

14.9 Sanjiv Bhatt’s view

Q: But SIT is a Supreme Court appointed body. Then how can it be biased towards someone?

A: SIT is only the creation of Supreme Court. All of us like you, me, Modi, Saddam Hussein, Osama Bin Laden etc are creations of God. Aren’t we different despite being the creations of God? So it does not mean that someone created by the Supreme Court is above board. See, the SC reposed tremendous trust in the SIT but it did not live up to the SC’s trust.

The SC gave it a mandate of inquiring and investigating into the complaint of Zakia Jafri. But the SIT did not do it and confined it only to a particular incident that happened at Gulbarg Society. If you look at the canvas of the complaint of Zakia Jafri then it is very wide. It starts from 27th and it covers incidents that took place across Gujarat for a few months. But what the SIT did was it focused only on the Gulbarg massacre and tried to couple the complaint with the FIR that was registered at Meghaninagar. So they tried to narrow down the canvas of the investigation.

Obviously the SIT has not done what it was asked to do by the SC. And it is doing all this despite of the clear-cut opinion of the SC appointed amicus curiae, Mr. Raju Ramachandran. And after the completion of the investigation the SC asked him to go through all the investigation papers, to meet witnesses including police officers and to give a clear opinion as to what requires to be done. Mr. Ramachandran studied the papers, he came to Ahmedabad and met me and finally submitted the report whereby he said to prosecute Modi. The SIT completely, despite being an SC appointed body, ignored the suggestions of the amicus curiae who is not only appointed by the SC but also empowered, instructed and directed to study the entire investigation process and give his own independent report. This was required because of my affidavit before the SC where I brought out that the SIT is not acting as per its mandate. So that’s why the SC asked the amicus curiae to evaluate the working of the SIT. [Source]

14.10 Raghavan’s cosy relationship with Modi and free flow of funds

the SIT chief and former CBI director R K Raghavan, who has given a report which is very favourable for Gujarat chief minister Narendra Modi in the Zakia Jafri case, was being pampered by the state government. While Raghavan had a salary of Rs 1.5 lakh and was entitled to executive-class travel by air, there were murmurs about personal trips at
Gujarat government expense to London. Besides, Raghavan had no earmarked headquarter so that he could submit all his travel bills across the country even though these visits were not related to the probe.

It now appears that attempts to get information on Raghavan’s travel bills under Right to Information (RTI) are being stone-walled. At least three persons, including the state Congress president Arjun Modhwadia have repeatedly tried to extract these details but even an appeal to the Chief Information Commissioner (CIC) D Rajagopaln four months back has not helped. A Modi confidant, Rajagopaln retired as chief secretary of Gujarat in 2010 after a six-month extension. Post-retirement, the Modi government then made him chairman of the Sardar Sarovar Narmada Nigam and then gave him a three-year term as CIC.

there are strong bonds between Rajagopaln and Raghavan as their wives are closely related. Sources said Modi had in fact met Raghavan for the first time at a wedding in the Rajagopaln family while the SIT probe was still on. [Source]

14.11 Harish Salve’s direct involvement in promoting private companies

[Source]

Harish Salve was appointed amicus curiae in a case which has Narendra Modi as an accused. Instead of working for justice in public interest, he has become a “friend” of Narendra Modi government.

Mr Gohil has disclosed details of the murky business in which Chief Minister’s office and Modi’s close men including his principal secretary K Kailasnathan and his additional principal secretary home Girishchandra Murmu are directly involved. Giving details of the sensational scam, Mr Shaktisin Gohil said. Harish Salve first discussed a project and then wrote to Tushar Mehta, Gujarat’s additional advocate general giving him entire details of the power plant project.

Tushar Mehta forwarded the mails to Chief Minister Narendra Modi’s office. He also gave personal numbers of Kailasnathan and Murmu to Harish Salve.

Harish Salve wrote to them and also to the chief minister’s officer on special duty Sanjay Bhavsar.

Every where that Tushar Mehta wrote, he mentioned that this is the project that Harish Salve has recommended. It must be noted that before Harish Salve’s recommendation, the Eros Energy officials had already met energy department’s D J Pandian and others but were not getting favourable response. However, after Harish Salve got into the picture, the power plant was cleared. This is a clear deal.

Mr Gohil gave word by word details of this shady deal this is how the Eros Energy deal played out. On 27 April 2010, Daniel Coyle, a senior official of Eros Energy, wrote to Harish Salve on his email id harish@hsalve.com: “Dear Harish. As discussed, Please find attached a letter from Eros Energy to Shri Narendra Modi with an expression of interest document outlining our plans for Gujarat. Best Regards. Daniel.”

The mail was copied to Kishore Lulla and Eros Energy Group CEO Sean Hanafin. On 28 April, Harish Salve forwarded Lulla’s project report and his letter to Modi to the Gujarat government’s Additional Advocate General Tushar Mehta on his email id tusharmehta99[@]yahoo.co.in. He wrote: “Dear Tushar. Attached is a note on the solar project. Best wishes.” (This means this issue was already discussed between Tushar...
Mehta and Harish Salve because it does not give any background and the letter goes
directly to the project report: an observation by Shaktisinh Gohil)

On 29 April, Mehta forwarded Salve’s email along with Lulla’s project report and letter to
Girishchandra Murmu, the additional principal secretary to the chief minister, on his email
id gcm1[@r]ediffmail.com. He wrote: “Dear Shri Murmu. Please find enclosed herewith a
letter sent to me by Shri Harish Salve along with the project report of Eros Energy.
Regards. Tushar Mehta.” Mehta wrote this mail at 10. 02 pm. Within four minutes, at
10.06 pm, Mehta emailed back to Salve: “Dear Shri Salve. As discussed, please find the
mobile phone numbers of the following: 1. Shri K Kailashnathan, IAS, principal secretary
to the chief minister, 9978406003. 2. Shri Girish Chandra Murmu, IAS, additional principal
secretary to the chief minister, 9978406119. With Regards. Tushar Mehta. “Further to this
e-mail correspondence, on 4 May 2010, Mehta forwarded Salve’s email along with Lulla’s
project report and letter to Sanjay Bhavsar, officer on special duty to the CM, on
Bhavsar’s email id osd2cm[@]gmail.com. He wrote: “Dear Shri Sanjaybhai. Kindly find
herewith the mail received from Shri Harish Salve. Please do the needful. “The same day,
Bhavsar wrote back to Mehta: “Dear Sir. Received your mail. I will reply you shortly (sic).
Thanks.” Mr Gohil has said that Eros Energy has been given this project just because
Gujarat government viewed it as Harish Salves’s project and Harish Salve had to be
obliged because he is amicus curiae. Mr Gohil said that in public interest the Eros Energy
deal should be scrapped and Harish Salve should resign.
15. The complicity and criminality of the Gujarat State IB

15.1 Sreekumar’s charges

By Sreekumar (email dated 21 June 2013)

Evidence before the Justice Nanavati Commission enquiring to Gujarat riots has a lot of inputs about acts, allegedly intentional omission and commission by this IB Officer. This evidence is in public domain.

These include:

- failure of IB to report about misdeeds of Gujarat contingent of karsevaks on their onward and return journey from Gujarat to Ayodhya;
- not informing in advance about possible attack on Hindus in Godhra railway station;
- (After the train fire incident IB had pressurized Gujarat State Director General of Police on 27-2-2002 forenoon to investigate the train fire incident as an international conspiracy against Hindus hatched in Pakistan);
- refusal to provide information received by IB from its agents who were moving along with karsevaks and had witnessed the actual process of train fire incident;
- failure to give advance intelligence about areas likely to be attacked by anti-Muslim Hindu militants on the bandh day on 28-2-2002;
- failure to report about the unabashed and visible subversion of the Criminal Justice System (CJS) by Gujarat Police and public prosecutors (Gujarat State Intelligence had reported this matter) after the riots, which had delayed and denied justice delivery to riot victim survivors, and so on.

Significantly, though many fake encounters were carried out by Gujarat Police, particularly Ahmedabad City Police Crime branch, headed by DIG Vanjara on IB’s intelligence reports, IB did not come out with any collateral information on the so called Jihadi militants killed by police, particularly on their associates, shelters, finances, communication system, weaponry and so on. Normally, even in case of a thief arrested or killed in police action intelligence agencies and police do trace out all facts and data related to him so that future security/police schemes can be designed suitably. But none of this plethora of delinquent acts by IB personal can be established for want of supervision of IB work by outside agencies in the Central Government. CBI probe in Ishrat Jahan case alone had uncovered IB’s alleged criminal role.

Media reports about assertion by Director, CBI on possession of substantial evidence about reprehensible guilt of IB officers in crimes of fake encounters. To counter this claim by CBI, IB and MHA spoke about terrorist links of those killed in encounters. Refreshingly, Gujarat High Court on 14-6-2002 had categorically directed the CBI to concentrate its probe on the background, course and aftermath of encounter killings and not on the criminal or even anti-national character of victims of fake encounters. Did IB forget that even a person imposed with death penalty could not be killed through extra judicial methods by police or Government? Let us hope that saner wisdom will prevail upon the Government and its executive authorities to give CBI a free hand in the investigation of
fake encounter cases and leave judgment on culpability of accused persons to judiciary. Already considerable sections of riot victim survivors and relations of those killed in fake encounters are highly disillusioned about the reported **lukewarm approach of Central Government towards 2002 riot cases and extra judicial killings**.

Though, there is total protection to all witnesses giving evidence to Judicial Commissions u/s 6 of the Commission of Enquiry Act, **IB had avoided filing affidavit on 2002 Gujarat riots**. But for saving its officers IB had filed an affidavit in the High Court of Gujarat through MHA in Ishrat Jahan case. Similarly, IB had given evidence before the Commissions which probed into Indira Gandhi and Rajiv Gandhi assassinations. Refusal to give evidence on Gujarat riots amounts to opportunistic irresponsibility by IB.

IB’s failure to report on the rise of Hindu militancy due to indoctrination of misguided Hindu youth by Sangh Parivar about Government’s so called soft approach to Jehadis and demonization of Muslim community had resulted in State Police units victimizing Muslim youth in cases of explosions in Malegon, Nanded (Mahashtra), Modasa (Gujarat), Mecca Masjid (Hyderabad), Ajmir Sharif (Rajasthan), and Samachauta Express train (Indo-Pak Border). Spreading of disaffection among personal in Defence forces had led to Army officers arranging explosives for Hindu extremists, to bomb Islamic shrines. This trend had escaped the IB radar, so no preventive action was taken by the local police. The country had witnessed a ping-pong of hurling of blame between IB and RAW soon after 26/11 Mumbai attack, regarding supply of advance intelligence. None can deny that except **general alert notice about Pakistan planning guerilla attack through sea rote in Mumbai, there was no pin pointed real time, preventive advance intelligence and hence police could not secure targeted areas purposefully**. Even while conceding for argument sake about claims of IB and RAW about supply of prior information of intelligence on 26/11 attack, the fact remains that they fail to report about inadequate and near-nil follow up action by police on intelligence warnings. Mere sending an alert report and thereafter going on a state of slumber is not the profile of any professional intelligence body.
16. Rahul Sharma, Sreekumar, Sanjiv Bhatt (senior police officials of Gujarat) are credible witnesses

16.1 Rahul Sharma

One of the things all Indians, including Modi voters, should be ashamed of is the treatment of Rahul Sharma. This brave Indian Police Service officer tracked the movements of the Bharatiya Janata Party (BJP) and Vishwa Hindu Parishad (VHP) thugs who participated in the rioting. He did so by going to the mobile phone operators and securing data from their signal towers tracking cellphone movements. This is how we came to establish the involvement of Modi’s minister for the welfare of women and children, Maya Kodnani, in one of the worst instances of rioting in 2002, in which 97 people, among them 35 children and 32 women, were killed in Naroda Patiya, Ahmedabad. Kodnani was convicted in the case in 2012 by a special court in Ahmedabad. Sharma should have been decorated for his initiative, but instead he is being persecuted even today.

The Gujarat government charged him under the official secrets act for not handing over this data, but instead giving it to a commission of inquiry. Why on earth would Sharma give such vital evidence to the people trying to conceal it? He acted correctly, courageously and patriotically. But Modi sees him as an implacable enemy and thus began the ordeal of Sharma which has continued for over a decade.

This month, it was reported that Sharma “has filed three petitions in the CAT (central administrative tribunal) alleging harassment by the state government and other superior officers to him stating that as he had submitted various crucial evidences before Justice Retd K.G. Nanavati and Akshay Mehta commissions probing 2002 riots indicting the government, he is being targeted.”

“In one of the three petitions, he contended that the state government has issued charge sheet and held back his promotion with malafide intentions.”

“On December 6 last year ahead of December 7 — the day when the promotions were declared— he was charge sheeted for the case of a missing CD, which contains crucial records of 2002 riots,” he said in the petition.

“Charges of fake signature were also made by the state government with malafide intentions to stop his promotion,” he alleged in the petition.

“While serving as Rajkot DIG, Sharma was given six show-cause notices and 52 letters were sent to him alleging his misconduct as an officer.” Some notices, he says, “were issued giving frivolous reasons. One such reasons was ‘giving cash awards’ to driver and other subordinates while another was doing spelling mistakes,” the second petition said. Yes, spelling mistakes. Let it not be said, as I have told you, that Modi is not petty or vindictive. [Source]

16.2 Sreekumar

Blog: Sreekumar was a DILIGENT intelligence officer. G.C. Raiger, who “advised” Modi during riots was devious and political.
As State Inquiry Officer my job was to diligently find out the truth about corrupt officers. The fact that the truth was subverted by crooked officers and politicians through all kinds of subterfuge was merely one of the hurdles I faced. But with diligence I believe the truth can be unearthed.

My job (as senior-most inquiring authority in Assam) was to mainly investigate SENIOR IPS and civil service officials. Unlike Madhu Kishwar whose Modinama seems to be REALLY SUPERFICIAL (I’ve only glanced casually through it yet – so that’s not my final conclusion), I would now like to continue to conduct a diligent inquiry into all aspects of the issues.

The Truth about Modi is too important to be left to India’s ROTTEN administrative and justice system.

==

I wish to report on this blog post my finding that there is a massive difference in the quality of work of Sreekumar (diligent, honest) and GC Raiger, his predecessor who was ADGP intelligence during the riots.

It appears that RAIGER DID NOT PROVIDE ANY WRITTEN INTELLIGENCE WHATSOEVER ABOUT THE SITUATION TO MODI. He used to meet Modi very frequently but NEVER recorded anything.

Modi said one thing in public and other things in private (among his officers), but Raiger seems to have happily obeyed criminal orders, and neither recorded the situation on the ground (he was PAID to do that, being an intelligence officer), nor testified to anyone about what he knew/did during the riots.

Raiger was a highly political. His behaviour reminds me of the DGP who was in charge of my division when I was Deputy Commissioner. That man – a senior IPS officer – was a major HATE mongerer.

I’m slowly beginning to piece the jigsaw together.

By the way, I’m VERY FAMILIAR with the duplicity of politicians and senior officers (that is suggested in this affidavit), being people who say one thing in public and do another thing when it counts.

Sreekumar’s style, approach and diligence rings a bell with me. Here’s an extract from Sreekumar’s 4th affidavit (I’ve converted it into Word doc if you wish to download it).

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9/- It is a fact that I maintained a Register for recording verbal instructions from higher officers, viz. the DGP and above. (Please see Annexure-F of my Third Affidavit). This was not done for submission of the same to any supervisory authority or handing over to my successor. It may kindly be noted that during my tenure as ADGP (Int.) of State Intelligence Bureau (SIB), from the 1st week of my commencement of duty itself, many illegal, unethical and improper verbal directives were given to me in the meetings convened by the higher officers, including the Hon’ble Chief Minister (CM).

10/- No minutes of such meetings were issued by the higher authorities. So, I thought it to be appropriate to record these instructions, though I did not comply with any of these illegal, unethical and improper instructions. Moreover, on the spur of the moment of such instructions itself, I did raise my objections and even advised the authorities to not to deviate from the straight and narrow path, cut corners and enfeeble the statutorily established Govt. machinery.

Many of these instructions were violative of the letter, spirit and ethos of the Constitution of the India, principles of the Rule of Law and the directives of the Hon’ble Supreme Court.
on the Basic Structure of the Constitution i.e. secularism (asserted by the Hon’ble SC in Bommai case).

11/- Secondly, the SIB is tasked to collect intelligence relevant to the developments affecting the law and order, communal situation, etc. brewing at the subterranean level, by adopting suitable trade craft methods and thereafter, send advance, preventive, operational, real-time intelligence reports to relevant authorities. In fact, it is the duty of the SIB to cover every citizen, irrespective of one’s position, in the perspective of equality before law, to find out a person’s deviant behavior adversely affecting or harming the National interests. SIB also has to keep watch on organisations, groups, collection of people, etc. in the perspective of relevant inputs regarding the possible prejudicial posture from targeted people, organisations and groups. I maintained the aforesaid Register primarily and exclusively as a record of information about actions and activities by important Govt. functionaries with whom I had to interact as part of my official duty.

12/- To my utter surprise I had noticed from the first week of my taking over as the ADGP (Int.), on 9/4/2002 that on many occasions the Govt. functionaries including the Hon’ble CM were giving verbal directives, amounting to subversion of the Constitution of India and tampering with the structured administrative apparatus in the State for satisfying the perceived political interests and tactics of the ruling party and particularly the Hon’ble CM, Shri Narendra Modi. The analytical reports dispatched by me to the higher formations had drawn a lot of information and assessment from the contents of the Register. These analytical reports dtd. 24/4/2002, 15/6/2002, 20/8/2002 and 28/8/2002 have been submitted to the Justice Nanavati & Shah Commission, in 3 Affidavits dtd. (1) 15.7.2002, Commission No. 4006, (2) 6.10.2004, Commission No. 9129 / 04 and (3) 11.4.2005, Commission No. 37916. It is very relevant to note that the higher authorities, particularly ACS (Home) and DGP, did not offer any comments rejecting or amending or even asking for deeper probe into the observations and conclusions in the above reports. But, in the case of report dtd. 20/8/2002, ACS (Home) send his comments on certain points.

13/- A scrutiny of the contents of the Register (Annexure-F of my Third Affidavit) will graphically uncover the anti constitutional orientation and illegal posture of the Hon’ble CM, the Chief Secretary (CS), and other bureaucrats in those crucial days of prolonged riots and its aftermath in year 2002. This profile of the Hon’ble CM and other bureaucrats was explicit with duplicity as the same was contrary to their public disposition and written instructions given by them to the jurisdictional officers. The nature and character of ground level situation, the partisan role of the administration, particularly the police, at the cutting edge level, etc., during and subsequent period of the year 2002 communal conflagration have been graphically brought out in the verdicts of the Hon’ble SC, assessment reports of national level bodies like NHRC, etc.

14/- ADGP (Int.) is the head of the State Intelligence Deptt. and in that capacity he can and should device ways and means to achieve higher efficiency in various facets / stages of intelligence work viz. collection, collation, analysis, dissemination, arbitration and adjudication. Functions of SIB are enumerated in Gujarat Police Manual Vol. III, Rule 461. “(a) The collection and collation of information regarding political, industrial and other similar developments or movements in the State; (b) Verification of character and antecedents, protection and security of VIPs, watch over anti-national activities, movements of foreigners and all matters pertaining to internal security, etc.; (c) Collection of intelligence regarding all types of communal activities will be an important work of this Branch (d) To keep the government informed of all the above activities from time to time”. The maintenance of the Register duly sealed and numbered by the then IGP.
(Administration), Shri O.P.Mathur, in SIB was a right step in that direction aiming at qualitative upgradation of intelligence performance and for recording of information on intelligence trends, relevant to the SIB charter of duties. Kindly note that Shri Mathur had confirmed that the Register was certified by him “for official purpose” and that the pages were not of personal nature. It may also kindly be noted that there was no need for an officer certifying any record / diary / Register of personal nature. These solid grounds will establish that the Register was opened for bonafide, authentic and official objectives, as a functional tool for intelligence work and signed by IGP. Kindly see the page 128 of Annexure-F of my Third Affidavit.

15/- Please see statement of imputation, Charge 1, para (ii). The claim of Shri G.C.Raiger (ADGP), immediate predecessor of Shri R.B.Sreekumar, that he did not maintain any such diary be viewed against the self evident truth that Shri Raiger, who headed the SIB during the most violent period of communal disturbances in 2002 (February, 2002 to 9/4/2002) did not send a single analytical report about the communal situation, advising the higher officers, on remedial counter measures.

(There were numerous meetings convened by senior officials including the Hon’ble CM in those days, but there was no record of the same put up to me by SIB office or handed over to me by Shri Raiger). Moreover, Shri Raiger did not care to submit an Affidavit to the Justice Nanavati & Justice Shah Commission, so far, either relating to the first or second terms of reference of the Commission.

16.2.1 Sreekumar’s motives falsely maligned

Source: Sreekumar’s email of 22 June 2013

1. For enfeebling the validity and credibility of evidence presented by me to Judicial & Investigating bodies and to denigrate my image, the publicity managers of the Chief Minister of Gujarat State, Shri Narendra Modi and the Sangh Parivar, are widely propagating many lies about the motive and time frame of submission of evidence by me against authors of 2002 anti-minority bloodbath. A totally blatant falsehood spread about me is that I had brought out incriminating material against those responsible for 2002 carnage and subsequent subversion of the Criminal Justice System (CJS) ONLY after my super-cession in promotion to the rank of Director General of Police (DGP) in February, 2005. This contention is utterly baseless, false, malicious and misleading.

2. The real truth in this matter is given below:-

3. When targeted violence was started against the minorities in the afternoon of 27th February, 2002, I was working as Addl. DGP (ADGP) Armed Units (AU) – a post having no authority to intervene in policing functions relating to maintenance of public order.

4. I was posted as, ADGP (Intelligence) – In-charge of the State Intelligence Bureau (SIB), on 09/04/2002. Within a couple of days I had submitted reports, as per my charter of duties, under Rule-461 of the Gujarat Police Manual (GPM) Vol-III, to the State Government and DGP about involvement of the Sangh Parivar supporters in riots, manipulation of CJS to deny, derail and delay justice delivery to riot victim survivors, plan of communal elements – both Hindu & Muslim – to indulge in violence and so on.

5. A few illustrative cases of data in important reports sent by me about the then prevailing situation, containing analytical, preventive, prognostic advance real time intelligence are given below:
a) On 24/04/2002, an elaborate assessment report delineating maladies in the CJS and deviant actions of Police Officers and other Government Officials like Public Prosecutors, impeding justice delivery to the riot-affected was sent to the State Government and DGP Shri K. Chakravarti with specific suggestions for initiating remedial measures (see Appendix-24 of my First Affidavit dated 15/07/2002).

b) Another situation appraisal report was sent by me on 15/06/2002, to DGP & State Government, insisting upon implementing earlier suggested corrective measures immediately to curb the anti-minority posture of Government servants. (see Appendix-IV of my Second Affidavit dated 06/10/2004).

c) A note captioned “Actionable Points” – listing out corrective measures to counter anti-minority approach of Police was submitted by me to Shri K.P.S. Gill, IPS, Former DGP Punjab, the then Advisor to CM Gujarat on 10/05/2002 (see Appendix-III of my Second Affidavit). One suggestion about transfer of officers from Ahmedabad City in the Note was implemented and this action had accelerated the process of establishment of normalcy in Ahmedabad City.

d) Numerous pin-pointed advance real time preventive intelligence reports about plans of Hindu-Muslim militant elements were provided to DGP and field officers (see para-8 of my Second Affidavit).

e) Numerous proposals for initiating action against those circulating communally inciting literature and publishing similar media reports were sent to State Government through DGP for initiating action against them. But the Government did nothing in this matter so far (see para-36 of my First Affidavit and Exhibits No.5635 & 5636 of my deposition before Justice Nanavati Commission (hear-in-after referred to as JNC) on 31/08/2004).

6. On 15/07/2002, I submitted my First Affidavit to JNC in which I appended all important reports sent by me about anti-minority tactics of police officers and others, despite verbal instructions from superior officers for not including such reports in my Affidavit.

7. On 09/08/2002, I made a presentation to the full bench of the Central Election Commission (CEC) chaired by Shri J.M. Lyngdoh, the Chief Election Commissioner. I had disobeyed the illegal verbal instructions of higher officers to paint a picture of total normalcy in Gujarat State for misleading the CEC, so that, the Commission could order holding of early Assembly Election, perhaps for capitalising on the upswing of Hindu communal mobilisation, to obtain electoral dividends. In fact, I had presented data about tension prevailing in 154 out of 182 Assembly Constituencies and related facts. The CEC had accepted my version and acknowledged it in its order dated 16/08/2002 – para-20, 32, declaring that my presentation had falsified the information provided by the State Government (see Annexure-I to my Representation to the HE Governor of Gujarat on 09/12/2012, under the heading ‘Representation to other Authorities’).

8. From 16/08/2002, the day of issuance of CEC order postponing Gujarat Assembly Election, the State Home Department intensified its move to victimise me by asking explanations and launching enquiries on trivial administrative matters, against me. They are –

1) Seeking explanation on my “slackness” in supervision of SIB Control Room staff who sent a secret message through Fax to field officers (Control Room is manned by Head Constables),

2) Finding fault for my failure to report about an enquiry on an investigation of a spy case during my deputation posting with the Central IB, though officers are debarred from reporting such matters to the State Government as per Government of India, DP AR order No.5/21/52/AIS-III dated 04/12/1972,
9. In September, 2002, during the Gaurav Yatra organised by BJP (to express pride and joy over mass killing of minorities!!!), the CM Shri Narendra Modi delivered speeches wounding feelings of Muslim community in Mehsana district. I had sent a report to DGP and Government in this matter as per Government regulations about hate speeches on 12/09/2002. I had cautioned the authorities in this report that the style of language used by the CM in his speeches would adversely affect the prevailing communal situation and vitiate the social ambience. Meanwhile, The National Commission of Minorities (NCM) asked the State Government for providing the full text of CM speech with English translation and audio recording. DGP then verbally asked me to report falsely that SIB was not having the relevant material on CM speech. I had asked for written orders from DGP as his verbal orders were contrary to regulations in this matter. On 13/09/2002, DGP had sent a vague written order indicating that “we do not have to send any report in this regard”. Nevertheless I did not comply with these illegal written orders as these were in violation of circulars on handling of communal situation issued by Govt. of India, Rules of GPM and booklet on containment of communalism by DGP K.V. Joseph. So I despatched a detailed report about the relevant CM speech with audio cassettes and English translation to DGP and Government on 16/09/2002. I was transferred to the post of ADGP (Police Reforms) – an assignment without any charter of duties on 17/09/2002 night by the Government. My transfer was in violation of the State Government resolution dated 26/02/2002 fixing 03 years as minimum tenure of IPS officers in SIB and I had completed only five months and ten days in SIB at that point of time.

10. In July, 2004, the State Government had enlarged the terms of reference to the JNS by bringing the role of the CM Gujarat, Ministers and Senior officers in the ambit of enquiry. Soon DGP Shri A.K. Bhargava had issued written orders directing all Police officers who filed the First Affidavit to file Second Affidavit in relation to extended terms of reference to JNC. However, in tune with the duplicity of the State Government, DGP verbally instructed all to ignore his written orders and avoid filing Affidavits. But I had complied with DGP’s written orders and filed my Second Affidavit to JNC on 06/10/2004 in which I presented further evidence on the failure of the State Government in not taking remedial measures to correct the anti-riot victim approach of the functionaries in the CJS (see copies of such reports as Appendix-II, IV, V & VII of my Second Affidavit).

11. In August, 2004, I was summoned by JNC for cross examining me on the data in my First Affidavit. Soon senior Police officers, two officials from Home Department – Shri Dinesh Kapadia, Under Secretary and Shri G.C. Murmu, IAS, Home Secretary along with Shri Arvind Pandiya, Advocate representing Government in JNC had persuaded, cajoled, tutored and even intimidated me for speaking in favour of the State Government during my cross examination by JNC on 31/08/2004 (audio records of tutoring interaction is available). However, I did not comply with the illegal directions by Home Department officials. I provided additional information on undesirable and objectionable role of Government officials in the riots along with four documents as exhibits during my cross examination.

12. Submission of my Second Affidavit and non-compliance of instructions by Home Department officials against providing information about culpable actions of Government servants during riots to JNC had further annoyed the State Government. So the Home Department restarted an enquiry against me on the issue of reporting alleged illegal act of planting illicit fire arms on Muslims in Ahmedabad City on Rath Yatra day in July, 2002 by
DIG, D.G. Vanjara. It is relevant to note that my report on this alleged deviant act of Vanjara is the only report against him in the Department at that juncture. Perhaps, had State Government taken notice of my report against Vanjara and taken action against him he would not have dared to indulge in the misadventure of staging fake encounter killings from October, 2002 to the time of his arrest in April, 2007. Considering his extra-hierarchal accessibility to and rapport with senior leaders in the political bureaucracy in the State Government even his senior officers avoided reporting against him and had always turned a Nelson’s eye to his alleged misconduct and illegal deeds. So my act of sending a report against Vanjara was deemed as “misconduct” by the State Government, though he was two ranks junior to me and Government restarted an enquiry against me.

13. I had submitted a detailed reply, on 30th November, 2004, to memo issued to me by the Principal Secretary, Home Department, Shri K.C. Kapoor, informing him that DGP had adjudged my act of sending a report against Vanjara as an action,” done in good faith as part of routine duties”. I also added that Government was victimizing me as I did not comply with illegal instructions regarding submission of Second Affidavit and deposition before JNC. I further submitted that if the State Government continued to persecute me I would be constrained to bring more information about illegal verbal orders given to me and evidence of tutoring and intimidation imposed on me by State Government Home Department officials.

14. The failure of the State Government to take remedial measures suggested in my situation reports had only resulted in the riot victims approaching the Apex Court for ordering corrective action to improve the maladies in CJS of Gujarat State. The Apex Court had passed serious strictures against the State Government since 2004 and issued orders for –

1) Transfer of trial of two cases to Maharashtra State.
2) Investigation of one mass rape case (Bilkis Bano case) by CBI
3) Re-investigation of 2000 odd cases closed by Gujarat Police
4) Entrusting investigation of nine major carnage cases to the Special Investigation Team (SIT) chaired by Dr. R.K. Raghavan, Former CBI Director.
5) Investigation of two fake encounter cases by CBI
6) Appointment of a Special Task Force (STF), headed by Justice Bedi to probe into 17 alleged fake encounters cases in Gujarat from October, 2002 to February 2007.

15. In the judgement of Naroda Patia massacre case (96 killed), the Special Court (Judge Dr. Jyotsna Yagnik) severely criticized Gujarat Police for their anti-minority bias, faulty investigation and acts of favouritism towards Hindu accused persons. Such professional lapses would not have damaged the standard and quality of investigation of riot cases had the State Government implemented corrective measures proposed in my reports to the Government, submitted from April to August, 2002.

16. The State government had not so far questioned the veracity of material in my Nine Affidavits – four submitted while I was in service and five after my retirement in February, 2007.

17. A study of above narrated facts should convince anybody that the false propaganda against me by the Sangh Pariwar that I had come out against Modi Government’s culpable role in riots and subversion of CJS only after my supersession in promotion to the rank of DGP is totally false, baseless and fraudulently malevolent and was fabricated to damage my image and credibility.
18. The purpose of filing my Third Affidavit to JNC on 09/04/2005, as explained in its forwarding letter, was to bring to the notice of JNC, the back ground and reason behind the State Governments unwarranted acts of victimisation inflicted on me. I had expressed my apprehension about the ‘the possibility of the State Government initiating further tormenting action against me, in this Affidavit and requested the Commission to take suitable remedial action in this matter. Unfortunately, JNC did not take any action to protect me, even though all witnesses providing truthful evidence to the Judicial Commission is protected from any criminal or civil proceedings under section 6 of the Commission of Enquiry Act.

19. True to my apprehension the State Government had served me 9 point charge sheet in September, 2005 for dismissing me from service. I brought this to the notice of JNC with my explanation through my Fourth Affidavit.

20. Nevertheless, I could win my case against supersession in a prolonged legal battle up to the Apex Court, though I could get my regular pension and retirement benefits only after 18 months of my retirement. The Central Administrative Tribunal (CAT) Ahmedabad had quashed the charge sheet served on me and the Hon’ble High Court of Gujarat had refused to impose stay orders on CAT judgement.

21. Thus, it may be seen that my supersession in February, 2005 was an outcome of my refusal to comply with illegal verbal orders of the State Government authority and submission of a lot of incriminating evidence about the culpable role of functionaries in Modi Government in the riots and subversion of CJS, to Judicial bodies. Moreover, information and documents provided in my all four affidavits, submitted while I was in service was pertaining to a period from February, 2002 to September, 2002 and I was bypassed in promotion in February, 2005 only.

22. In the career of an IPS officer, the most decisive post of public order maintenance is the duty of Superintendent of Police (SP) of a district. I had served as SP in seven districts of Gujarat – Valsad, Amreli, Bhavnagar, Ahmedabad City, Mehsana, Kheda and Kutch. No prolonged disruption of public order or communal strife was reported during my tenure in these districts. Numerous commendation letters were received from authorities for my appreciable performance and I was also decorated with two President’s Police Medals.

23. In Kutch district, certain persons arrested for preventing escalation of communal disturbance, belonging to Hindus and Muslims, in 1986, had filed false cases against me and other police officers. However, the Court had discharged me and others following the due process of law in 2007. During my tenure in Kutch as SP, in a special drive 118 illegal Pakistani settlers were detected and deported. Five espionage cases were also made out in collaboration with Central IB and four of these cases were convicted. The then Director Intelligence Bureau, Shri H.A. Barari, (later Governor Haryana) had liberally rewarded Gujarat Police for this remarkable work and had taken me on deputation to IB from 1987 to 2000.

24. In January, 2001, I was deputed by the then Gujarat Chief Minister Shri Keshubhai Patel to supervise police work relating to relief and rescue operations, following a major earthquake on 26/01/2001 in Kutch district. Later the CM Shri Narendra Modi, inducted me in December, 2001 as a member in a committee headed by Shri R.C. Mehta, Former Special Director IB, to make proposals for revamping the State Intelligence Branch. So it is clear that I became a persona non grata to Modi Government only after I send reports against involvement of Government officials and Sangh Parivar supporters in the riots, being devoted to my oath of allegiance to the letter and spirit of the Constitution of India.

25. May I request those engaged in vilification campaigns against me, by spreading vicious rumours, to appreciate voluminous evidence against the planners, perpetrators and
facilitators of 2002 anti-minority mass violence and on subsequent subversion CJS, marshalled by me in my Nine Affidavits to JNC (663 pages) and in numerous other reports to SIT, in the perspective of the Rule of Law, rectitude and truthfulness and acted as per the stipulations of the Article-51A of the Constitution of India.

26. The Father of the Nation – Mahatma Gandhi, started his spiritual odyssey on the maxim “God is Truth” and had progressively later realised that “Truth is God”. Speak Truth and move righteously-Satyam vada, Dharmam chara. (Upanishad)

In brief

In an email of 22 June 2013 Sreekumar has vigorously rebutted claims that he has in any way stepped out of his official bounds and responsibilities, or that he provided evidence about the truth to various Commissions AFTER his supercession. That’s a canard. Sreekumar is a TOTAL gem.

If you want to know, then this is why he got booted out – for providing the National Minorities Commission with a copy (including audio) of Modi’s HATE SPEECH of 9 September 2002 – which I’ve already covered in detail here.

1) National Commission for Minorities (NCM) asked the Gujarat home department on September 10, 2002, for a copy of the speech made by the CM at Becharaji, a temple town in Mehsana.

2) DGP, K. Chakravarti, told Sreekumar that the state intelligence department, was not required to provide such a report. (On 13/09/2002, DGP sent a vague written order to Sreekumar indicating that “we do not have to send any report in this regard”). MODI WAS HIDING ONCE AGAIN. HE KNEW HIS SPEECH REEKED OF HATRED.

3) Sreekumar did not comply with these illegal written orders of DGP Chakraverti as these were in violation of circulars on handling of communal situation issued by Govt. of India, Rules of GPM and booklet on containment of communalism by DGP K.V. Joseph. So he despatched a detailed report about the relevant CM speech with audio cassettes and English translation to DGP and Government on 16/09/2002.

4) The NEXT DAY, on 17 September 2002, Sreekumar was transferred to the post of ADGP (Police Reforms) – an assignment without any charter of duties – and with a single peon and no work. Sreekumar went on to take two masters degrees during this ‘sabbatical’. MODI, BEING THE VINDICTIVE MAN HE IS, COULDN’T TOLERATE EVEN HIS OWN SPEECH BEING SENT TO THE COMMISSION.

In sum

I have formed an opinion about Modi that he is a lowly criminally minded person who has excited passions, got hundreds of people killed, punished anyone who came in his way, promoted those who supported his misdeeds and in every way acted like a mafia lord.

16.3 Sanjiv Bhatt

16.3.1 My analysis of the SIT charge that Sanjiv Bhatt forged faxes of 27/28 February 2002

Source

I chanced upon a TOI article today which alleged forgery by Sanjiv Bhatt. I asked him on FB about this and he has sent me a letter he wrote last year (here) with the following comment:
Sanjiv has also published it on scribd, here. The letter was also provided to the press last year so it is in the public domain.

I’m not on top of the details of this case so I’m providing my analysis of Sanjiv’s letter below (in blue, as usual) on the basis of my personal experience as a District Magistrate and knowledge of how the police/administration of an Indian state government works. I’ve largely focused in this analysis on the issue of the fax messages.

**Sanjiv’s account is perfectly plausible**, and SIT’s approach doesn’t make much sense. **There remains an issue**, however, of the reported denial by O P Mathur of the initials in a fax cited in this letter (of 16 May 2012). Sanjiv will need to clarify why O P Mathur is denying his initials. Can’t SIT check with a handwriting expert?

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**Most Urgent**

No. SRB/SIT/120516/01 Sanjiv Rajendra Bhatt IPS Camp: Ahmedabad,
Date: May 16, 2012

Shri. R. K. Raghavan IPS (Retd.) Chairman,
SIT- Godhra Riot Cases,
Gandhinagar.

Sub: Apparent fallacies and cover-up in the Final Report submitted by the SIT

5. My letter No. SRB/SIT/111226/01 dated December 26, 2011

Respected Sir,

1. I have had the occasion to peruse the Report submitted by SIT in compliance of the order passed by the Honourable Supreme Court on September 12, 2011 in Criminal Appeal No. 1765 of 2011 that arose out of SLP (Criminal) No. 1088 of 2008; as well as the Report by the Learned Amicus Curiae dated 25/07/2011, submitted pursuant to the order of the Honourable Supreme Court of India dated 05/05/2011. Copies of both these Reports are now available in the public domain.

2. It is stated at Page 540 of the Report submitted by the SIT, that the SIT was directed by the Honourable Supreme Court of India on 15/03/2011 to carry out further investigation under section 173(8) of the Cr.P.C. into the complaint of Smt. Jakia Nasim Ahesan Jafri dated 08/06/2006. Accordingly further investigation was carried out and a Report was submitted to the Honourable Supreme Court of India on 25/04/2011. The Honourable
Supreme Court of India on 05/05/2011 thought it fit to hand over the said Report to the Learned Amicus Curiae and directed him to examine the report; analyse and have his own independent assessment of the statements of the witnesses recorded by the SIT and submit his comments thereon. It was also left open to the Learned Amicus Curiae to interact with any of the witnesses, who had been examined by the SIT, including the Police Officers, as he may deem fit. The Learned Amicus Curiae accordingly examined the SIT report and also interacted with some of the witnesses including some Police Officers; and submitted his independent report to the Honourable Supreme Court of India on 25/07/2011. The Honourable Supreme Court of India held the investigation to have been conducted and completed by the SIT, in terms of the orders passed by itself from time to time and passed an order on 12/09/2011 directing you to forward a Final Report, along with the entire material collected by the SIT, to the Court which had taken cognizance of C.R. No. 67 of 2002 of Mehaninagar Police Station, as required under section 173(2) of the Code of Criminal Procedure.

3. It is quite apparent from your above referred Report that the SIT has carried out substantial further investigation even after the Honourable Supreme Court of India directed the SIT to submit the Final Report u/s 173(2) of the Cr.P.C., along with the entire material collected by the SIT, while disposing of Criminal Appeal No. 1765 of 2011 that arose out of SLP (Criminal) No. 1088 of 2008, on September 12, 2011. It is also very apparent from the report that the said further investigation has been carried out after 12/09/2011 with the sole purpose and motive of shielding Mr. Narendra Modi and other powerful accused persons from legal punishment. [Sanjeev: I think no implication can be drawn about motives, and that should not be Sanjeev's concern. Just the facts. Let the Supreme Court comment on any delay or additional investigation.]

4. Your learned attention is drawn to my Fax Message No. D-2/2-COM/ALERT/174/2002 dated 28.2.2002, reproduced by the SIT at Page 523 of the above referred Final Report as well as my Fax Message No. D2/2-COM/ALERT/100/2002 dated 27.2.2002, reproduced by the SIT at Page 524 of the above referred Final Report. It is once again averred, that as repeatedly communicated to you on earlier occasions, authenticated copies of the said two Fax Messages along with other relevant documents were handed over to Mr. A. K. Malhotra in 2009 and once again to Mr. Himanshu Shukla in 2011. Copies of the said two Fax Messages along with other relevant documents were also personally handed over to the Honourable Justice Nanavati-Mehta Commission in 2011. It may also be noted that along with other relevant material issues, the contents of the said two Fax Messages were also brought to the notice of and discussed with the Learned Amicus Curiae on 18/06/2011. The mendacity on the part of the SIT with respect to the said two messages only confirms my genuine apprehension and oft-stated grievance that the SIT under your stewardship has been actively supressing evidence which could implicate Mr. Narendra Modi and other powerful accused persons in the genocidal crimes perpetrated during the Gujarat Carnage of 2002. [Sanjeev: This is a very strong statement. One hopes Sanjeev has provided sufficient evidence elsewhere.]

5. I am once again submitting copies of certain documents that have already been submitted to the SIT and the Honourable Justice Nanavati and Mehta Commission of Inquiry on earlier occasions, for the sole purpose of ensuring that the said documents are not supressed with a mala fide intent by the SIT or the Honourable Justice Nanavati and Mehta Commission of Inquiry.

6. Your kind attention is drawn to my Fax Message No. D-2/2-COM/ALERT/100/2002 dated 27.2.2002. As already stated in my deposition before the SIT, the said Fax Message was sent by me at around 11:00 pm of 27/02/2002, from the State Intelligence Bureau.
Control Room after attending the meeting at the residence of the Chief Minister Mr. Narendra Modi from 10:20 pm to 10:40 pm on the night of 27/02/2002.

7. It is evident from the observations at Page 527 of the SIT Report that the SIT has made overzealous efforts to undermine the credibility of Fax Message No. D-2/2-COM/ALERT/100/2002 dated 27.2.2002 on the below listed specious grounds:

a. Ground: The said message did not bear any Security Classification.

Clarification: All Fax Messages need not have Security Classification by default. The Security Classification is decided on the basis of the nature of the contents of the message. The said Fax Message did not contain any information of Confidential or Secret nature. The Fax Message requested the Commissioner of Police Ahmedabad to take immediate appropriate preventive action in view of the anticipated communal violence and accordingly **the Fax Message was accorded the Highest Transmission Priority: CRASH.**

Copies of Fax Message No. SCR/609/02 dated 27/02/2002 and Fax Message No. SCR/640/2002 dated 28/02/2002 sent by the DG&IGP Shri. K Chakravarthi through the State Control Room; as well as the Fax Message No. C/HM/100/2002 dated 28/02/2002, Fax Message No. C/D-2/SMASHAN YATRA/176/2002 dated 28/02/2002, Fax Message No. C/D-2/TAKEDARI/177/2002 dated 28/02/2002, Fax Message C/D-2/BANAO/178/2002 dated 28/02/2002 etc. sent by the State Intelligence Bureau Control Room on behalf of the ADGP (Intelligence) are once again enclosed for your perusal and record. It may kindly be noted that the fact that none of these messages bear any Security Classification, exposes the maliciously specious logic of the SIT. [Sanjeev: SIT is being silly here. SIT should not have used such a vexatious ground in its report.]

b. Ground: The Dispatch Number of D-2 Branch on the said date was under Serial No. 90.

Clarification: Mere perusal of Fax Message No. C/D2/KARSEWAK/172/02 dated 27/02/2002 and Fax Message No. C/D-2/TAKEDARI/173/02 dated 27/02/2002 would immediately belie the deliberately fallacious averment of the SIT that the Dispatch Number of D-2 Branch on 27/02/2002 was under Serial No. 90 [Sanjeev: The fact that 'Karsewak', etc. were used as part of numbering, and sl. nos. like 172/173 were used invalidate SIT's ground. The mere numbering of a fax is irrelevant in a system where registration/numbering is done manually based on a wide range of local practices. The key is to cross-check with the despatch register - which I gather was destroyed by someone but SIT did not bother to investigate.]

c. Ground: That “Investigation revealed that actually a letter No. D2/2-COM/BANAO/100/2002 dated 02.03.2002 was sent on behalf of Addl. DG (Int.) to ACS (Home), Govt. of Gujarat, PS to CM and PS to MoS (Home) and the same related to I Cr. No. 9/02 u/s 302, 114 etc. of Khanpur P.S., Distt. Panchmahals.”

Clarification: As you ought to be well aware by now, it is a matter of common practice in Gujarat Police to assign Serial No. 100 for urgently numbering out-of-sequence communication in emergent situations, whenever it is inexpedient to obtain the specific number of the dispatch sequencing.

This factual position is further confirmed by the letter No. D-2/2-COM/BANAO/100/2002 dated 02.03.2002 cited by the SIT itself, as the said letter pertains to urgent information regarding the emergent situation and contemporaneous carnage in Khanpur Police Station area of Panchmahals District on 02/03/2002. It is equally pertinent to note that another Fax Message No. C/HM/100/2002 dated 28.2.2002 pertaining to the killing of Mr. Ehsan Jafri and the beheading of a 10 year old girl in the on-going emergent violence on 28/02/2002 also bears the also bears the Serial Number 100. [Sanjeev: Sanjiv's clarification]
d. Ground: The said message bears a typed dispatch number instead of a handwritten dispatch number.

Clarification: The concerned branches of the State Intelligence Bureau resorted to typewritten or handwritten dispatch numbering depending entirely upon the convenience and personal choice of the person typing the text of the concerned communication. Fax Messages bearing typewritten dispatch numbers are not uncommon in the State Intelligence Bureau.

Copies of State Intelligence Bureau Fax Message No. D-2/2- COM/447/2001 dated 15/11/2001 as well as the Fax Message No. Security/G/Alert/0306/2002 dated 07/03/2002 are once again enclosed for your perusal and record. These Fax Messages will make it amply clear that typewritten dispatch numbers were not unusual in the communications sent out from the State Intelligence Bureau and will expose the defective logic of the faulty premise relied upon by the SIT. [Sanjeev: Sanjiv's clarification is perfectly plausible. This is not at all a good reason to suggest that the fax was forged.]

e. Ground: The said message was unnecessarily addressed to persons who were even otherwise present in the meeting held at the CM’s residence.

Clarification: The purpose of the said Fax Message was to advice the Commissioner of Police Ahmedabad to take immediate appropriate preventive action to deal with the anticipated communal violence in view of the Chief Minister’s insistence on sticking to the decision of bringing the dead bodies of Karsewaks to Ahmedabad and the Intelligence Reports indicating massive mobilization of BJP/Bajrang Dal cadres for enforcing the VHP/BJP supported Gujarat Bandh on 28/02/2002. Moreover, it is very pertinent that the SIT has chosen to ignore the fact that one of the addressees, the Minister of State (Home), Mr. Gordhan Zadaphiya was not present in the meeting held at the residence of the Chief Minister and hence was required to be kept informed about the said developments. [Sanjeev: Whom the fax is addressed to does not make it a forgery. SIT is trying to second-guess the work of a person in the field. This is a really stupid reason. God knows how many times people send off a message to those present in meeting - after all, these messages also serve as a minute or record of the meeting, and confirm to the recipient that agreed action was taken.]

f. Ground: The said message was not marked to the Addl. DG (Int.)

Clarification: As already conveyed to the SIT, a copy of the said Fax Message was put up for the perusal of the IGP (Intelligence) Mr. O.P. Mathur, as the ADGP (Intelligence) Mr. G.C. Raiger was on leave. Accordingly, the copy of the said message bears the initials of Mr. O.P. Mathur. As per the prevalent office procedure and practice it was incumbent upon the IGP (Intelligence) to further mark the said message to the ADGP (Intelligence). [Sanjeev: Is this one of those that OP Mathur has purportedly denied were his initials? Well - this is one that Sanjiv will need to now discuss. Can that not be cross-checked by a handwriting expert?]

8. Your kind attention is drawn to my Fax Message No. D-2/2- COM/ALERT/174/2002 dated 28.2.2002. The said Fax Message was sent in the early afternoon of 28/02/2002, after telephonically informing the Chief Minister Mr. Narendra Modi about the deteriorating Law and Order situation across Ahmedabad City, in general; and the imminent threat to the life of Ex-MP Mr. Ehsan Jafri and his family members, in particular.
9. It is evident from the observations at Page 528 of the SIT Report that the SIT has made overzealous efforts to undermine the credibility of Fax Message No. D-2/2-COM/ALERT/174/2002 dated 28.2.2002 on the below listed specious grounds:

a. Ground: The said message did not bear any Security Classification.

Clarification: All Fax Messages need not have Security Classification by default. The Security Classification is decided on the basis of the nature of the contents of the message. The said Fax Message did not contain any information of Confidential or Secret nature. The Fax Message apprised the CM and MOS (Home) about the developing situation at Gulmarg (as it was erroneously perceived to be named then) Society, Chamanpura and imminent danger to the lives of Ex-MP Mr. Ehsan Jafri and his family members; and requested the Commissioner of Police Ahmedabad to take immediate effective action and provide a Situation Report to the State Control Room. Looking at the highly emergent nature of the situation, the Fax Message was accorded the Highest Transmission Priority: CRASH.


b. Ground: The Dispatch Number of D-2 Branch on the said date was under Serial No. 100.


c. Ground: That “Investigation revealed that O. No. D-2/2-COM/174/2002 dated 16.03.2002 was sent by Addl. DG (Int.) to Shri. B. K. Haldar, Jt. Secretary (NI), MHA, New Delhi and related to the daily report about the communal incidents up to 16.03.2002 (1800 hrs) in Gujarat State”.

Clarification: The SIT, despite being fully aware of the fact that the Serial Number sequencing of the Messages sent by the Control Room is specific to a particular given day, is making a deliberate and mala fide attempt to mislead the Court. As clarified vis-à-vis point 9 b. above, it is very clear from the perusal of Fax Message No. C/D-2/SMASHAN YATRA/176/2002 dated 28/02/2002, Fax Message No. C/D-2/TAKEDARI/177/2002 dated 28/02/2002 and Fax Message No. C/D-2/BANAO/178/2002 dated 28/02/2002 that the Dispatch Number of D-2 Branch was already above 178 by the afternoon of 28/02/2002. This clearly establishes that the Serial Numbering 174 as mentioned in the above referred O. No. D-2/2-COM/174/2002 dated 16.03.2002, sent by Addl. DG (Int.) to Shri. B. K. Haldar, Jt. Secretary (NI), MHA, New Delhi was specific to that particular day and exposes the intentional prevarication on the part of the SIT. [Sanjeev: I agree with Sanjiv. This seems to be a particularly spurious and vexatious 'reason'.]

d. Ground: That “Interestingly the message in question had been addressed to PS to CM and PS to MoS (Home), whereas the same was actually actionable by Commissioner of Police, Ahmedabad City.”
Clarification: The purpose of the said Fax Message was to officially apprise the CM as well as the MOS (Home), about the developing emergent situation at Gulmarg (as it was erroneously perceived by me at that point of time) Society, Chamanpura and imminent danger to the lives of Ex-MP Mr. Ehsan Jafri and his family members; as also to request the Commissioner of Police Ahmedabad City to take immediate effective action and provide a Situation Report to the State Control Room. **Sanjeev:** The fact that Sanjiv used ‘Gulmarg’ in place of ‘Gulbarg’ is actually a VERY STRONG sign of authenticity. People can mis-spell what they hear. Further, it is not uncommon for senior officials to send messages to senior ministers (where other officers decipher/provide reports upwards) in serious situations - to ensure that the highest levels of the administration are kept informed. I don't see how informing a CM etc. (through his PS) can lead to questions about authenticity of an official fax. The situation was grim, so senior people needed to be informed.

It is pertinent that as mentioned in the said Fax Message itself, I had telephonically apprised the Chief Minister Mr. Narendra Modi about the threat to the life of Mr. Ehsan Jafri and his family members. As already conveyed to the SIT, I had not telephonically apprised the Minister of State (Home) Mr. Gordhan Zadaphia and therefore a copy of the said Fax Message was addressed to the MOS (Home).

It may be noted that as admitted by SIT itself at Page 535 of the Final Report, that:

"However, Shri Raiger has stated that, on 28.02.2002 afternoon, Shri Sanjiv Bhatt came to his chamber and conveyed a message based on a report from local IB unit, Ahmedabad City about the collection of a mob outside Gulberg Society, where late Ahesan Jafri, Ex-MP was residing and also about the inadequate presence of the police on the spot. Shri. Raiger has stated that the said message was passed on to the Ahmedabad City Police Control Room. Further, according to Shri. Raiger, he along with Shri. Sanjiv Bhatt, met the DGP immediately and informed him about the developing situation at Gulberg Society. Shri. Raiger further stated that the DGP was requested to impress upon the CP, Ahmedabad City to declare curfew in the area. To this, DGP immediately responded by telephonically speaking to Shri P.C. Pande the then CP, Ahmedabad City to ascertain the factual position. CP, Ahmedabad, Shri Pande informed the DGP over phone that a curfew had already been imposed." **Sanjeev:** it is clear that Sanjiv Bhatt was playing the normal role of a senior police officer in which communication with all senior people is common and routine. I find nothing particularly questionable about the fax.

The Fax Message under reference was sent to the Commissioner of Police Ahmedabad City prior to the above referred meeting, in order to ensure that immediate effective action was taken and a Situation Report was sent by the Commissioner of Police Ahmedabad to the State Control Room and the State Intelligence Bureau.


Clarification: The SIT has maliciously ignored the fact that the said Fax Messages were intended for real-time sharing of actionable intelligence with the executive formations of the Police and State Administration during an emergent Law and Order situation of colossal proportions and unprecedented diabolism. The SIT in its overenthusiastic imbecility has also ignored the fact that the Fax Message No. C/D-2/BANAO/178/2002 dated 28/02/2002 whose veracity is not questioned, also did not carry any reference to the earlier Fax Message No. C/HM/100/2002 dated 28.2.2002 pertaining to the killing of
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

The SIT has conveniently failed to appreciate that in view of the then developing Law and Order situation, the immediate transmission and sharing of actionable intelligence gained primacy over the formal niceties of routine communication.

10. It has been my longstanding apprehension that the Government of Gujarat has been selectively destroying potentially incriminating documents with the tacit blessings of the SIT. Despite repeated requests and reminders, you have not deemed it necessary and fit to issue any timely directions for preservation or production of vital contemporaneous documents and records. It is outrageously shocking that the SIT has chosen to perfunctorily deal with the issue of non-preservation or destruction of material documents and records in one sentence on Page 529 of the Final Report: 

"Efforts were made to locate the dispatch register and fax register of State IB Control Room, but the same had been reportedly destroyed." [Sanjeev: So, after cooking up lots of vexatious and silly reasons to try to refute the authenticity of these faxes, SIT coolly ignored the fact that key dispatch registers had been destroyed? SIT’s investigative skills were clearly shoddy and it did not point out who destroyed records, and why. Is that not an important question? Indeed, such registers could presumably have instantly confirmed the authenticity or otherwise of these faxes. Why has SIT not applied its mind to this question?]

It has now become increasingly clear that agencies and offices working under the control of the State Government of Gujarat have conspired to selectively destroy potentially incriminating documents and records pertaining to the Gujarat Carnage of 2002. It is also apparent that despite repeated requests, the SIT did not make any fruitful efforts for the production and/or preservation of crucial and relevant records; and thereby indirectly facilitated the process of destruction of very vital evidence. The SIT under your stewardship has conveniently chosen to ignore the fact that such acts on the part of the State Government or its agents would amount to offences under Sections 120-B, 201 and 204 of the Indian Penal Code.

11. A retired Indian Police Service Officer of your calibre and experience would require no elaboration to appreciate that the State of Gujarat is the Prosecutor in the on-going Criminal Trial that has ensued from the investigation of Meghaninagar Police Station C.R.No. 67 of 2002. That the SIT had carried out further investigations u/s 173(8) of the Cr.P.C. in Meghaninagar Police Station C.R.No. 67 of 2002 under orders of the Honourable Supreme Court of India. That I was constrained to file an affidavit before the Honourable Supreme Court of India on 14/04/2011 in order to bring out the inadequacies and certain disquieting aspects about the further investigation being carried out by the SIT. That the SIT submitted its Report to the Honourable Supreme Court of India on 25/04/2011. That pursuant to the order of the Honourable Supreme Court of India dated 05/05/2011, the said Report of the SIT was handed over to the Learned Amicus Curiae for independent analysis, assessment and opinion as stated in paragraph no. 2 above.

In view of the above conspectus, your attention is drawn to Paragraph 21 of the Report dated 25/07/2011, submitted by the Learned Amicus Curiae where he states that:

I have also received a copy of a letter (marked confidential) dated 22.06.2011 from the Under Secretary, Home Department to the Chairman, SIT. In the said letter, the Government of Gujarat has stated that it has "retrieved" several emails of Shri Sanjiv
"It leaves no room for doubt that it is a systematic and larger conspiracy, through Shri Sanjiv Bhatt, involving top leaders of Congress Party in Gujarat, vested interest groups surviving on anti-Gujarat campaign and electronic and print media reporters all of whom have started final efforts to keep the Godhra riot issue live based on concocted facts and Shri Sanjiv Bhatt, through all of them, is trying to build up a story at a stage when after almost 10 long years the Hon'ble Supreme Court has virtually concluded the judicial proceedings after undertaking tremendous judicial exercise as elaborately pointed out in the affidavit of the State Government."

As you are well aware, I had met the Learned Amicus Curiae at the BSF Mess, Gandhinagar on 18/06/2011 along with another witness, Driver Constable Tarachand Yadav. It is now clear from the Report of the Learned Amicus Curiae that on 22/06/2011, viz. within four days of my meeting with the Learned Amicus Curiae, the State of Gujarat (the Prosecutor in the on-going Criminal Trial that has ensued from the investigation of Meghaninagar Police Station C.R.No. 67 of 2002) in a brazen reversal of its constitutionally obligated role and duty, wrote a Confidential Letter to you as the Chairman of SIT (the Investigator in the further investigations u/s 173(8) of the Cr.P.C. in Meghaninagar Police Station C.R.No. 67 of 2002), with the apparent intention of influencing the on-going investigation and shielding the accused persons including the Chief Minister Mr. Narendra Modi and others from legal punishment. The Janus-faced policies, as well as the collaborative machinations of the State of Gujarat and the SIT under your stewardship, once again stand exposed in this overt attempt at influencing the on-going investigation against the Chief Minister Mr. Narendra Modi and other powerful persons.

Yours sincerely,

(Sanjiv Bhatt)

16.3.2 Different opinions re: Mathur’s handwriting in the Sanjiv Bhatt – OP Mathur matter

Source

I woke up today to find that I’ve got two different answers to the question I raised last night here about the use (or lack thereof) of a handwriting expert by SIT.

1) Sanjiv Bhatt informed me on FB that SIT did not use an handwriting expert. [see image at the end of this post]

   Dear Sanjeev,

   Very well analysed. You have raised a very valid issue: The

   SIT should have sought the opinion of an Handwriting Expert. They did not do it for obvious reasons.

   Moreover, this is the same Mr. O.P.Mathur who has been charge-sheeted in the Sohrabuddin-Tulsi Prajapati triple murder conspiracy. He continues to enjoy post-retirement benefits as the Director General of Raksha Shakti University. Additionally,
all my correspondences with the SIT have been incorporated in my Aafidavit before the National Commission for Minorities; meaning thereby that, they have been sworn and affirmed to be true and correct on oath.

I can share the said Affidavit with you, if so desired.

So basically Sanjiv is VERY clear on this. He has, on oath, sworn to the veracity of the attachments to his 16 May 2012 letter, and SIT, while raising a number of spurious issues and failing to investigate key missing documents, did not bother to check with a handwriting expert – a matter which would have been the first step (I'd imagine) by a professional investigating team when the question of authenticity of a signature arose.

2) A commentator who calls himself "A" also wrote last night:

"handwriting experts have looked at the signatures in the allegedly sent FAX D-2/2-COM/ALERT/100/2002 comparing it with another of the same date. Please also review cell tower information given there for the date in question. http://www.niticentral.com/2013/09/06/sanjiv-bhatts-lies-nailed-129664.html "

In that blog post I don't find any evidence of the SIT having used any handwriting expert but we do find analysis by Kartikeya Tanna on two different initials by O P Mathur contained in the attachments to Sanjiv Bhatt’s letter of 16 May 2012.

Kartikeya concludes:

"Mathur’s initial ('M' with 27/2 at the left bottom) look markedly different from his initials on another message dated that very night, i.e., February 27, 2002. there is a very notable difference between the style of Mathur’s initials in both. The small loop in the beginning of the M initial in the English version is not there in the M initial in the Gujarati version. Moreover, the initial in Gujarati version is markedly more circular than the straightly toned M in the English version."

So what’s the truth?

Before I comment further, I need to give Sanjiv Bhatt an opportunity to comment.
Yes, it seems clear that SIT did not use a handwriting expert – a clear gap in their investigative skills. However, from his own experience as a senior police officer, I'd like to ask Sanjiv Bhatt to comment on the seemingly different signatures of O P Mathur on the two documents. If he had two documents provided to him with these two different signatures, what would he conclude as a professionally trained senior IPS officer?

It does seem odd that the fax was not endorsed to ADGP.

Now that I've look through the Niticentral analysis (I had not reviewed the attached faxes/letters last night – just the main letter, also because many of these attachments were in Gujarati), I'm no longer comfortable that the fax was not endorsed by Mathur to ADGP (Intelligence).

Although Sanjiv Bhatt is not responsible Mathur’s actions (and so this has no bearing on my analysis of the authenticity of the fax message) it is unusual in a high pressure operational situation for such an important message from one senior officer to another to NOT be marked to the next junior officer for his/her knowledge/action. Only messages intended purely for filing are initialled without being marked to an appropriate subordinate officer. To initial something without a comment/endorsement usually means the information was not significant or has otherwise been noted and needs no further action. Since Mathur’s actions were not within Sanjiv’s control, I don’t wish to let this matter contaminate my analysis of the authenticity of the documents.

The only focus now is on the handwriting of the initials. I trust Sanjiv will be able to provide a professional opinion (as an IPS officer surely trained on handwriting analysis) on this this matter.

In the meanwhile Sanjiv has also sent me some further documents which I'll go through on the weekend – time permitting (I’m focused on many other issues this weekend – although this particular one is quite important).

[The FB conversation for the record]
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Suraj Dasgupta
16.3.3 There is GROSSLY INSUFFICIENT evidence to suggest that Sanjiv Bhatt’s faxes were forged

Source

Thanks to "A" for raising analytical questions and to Sanjiv Bhatt for responding.

I’ve now revisited FAX D-2/2-COM/ALERT/100/2002 [click here for copy] and have the following observations/ questions:

<table>
<thead>
<tr>
<th>Observations:</th>
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<tr>
<td>1a) I deduce from the high quality of the photocopy (in comparison to others) that the copy was made on a newer photocopier. Hence this particular fax must have been received separately (and likely later) from other copies.</td>
</tr>
<tr>
<td>1b) I deduce that this was not prepared/vetted by any other junior official since the notation &quot;o/c&quot; has been made in parallel with Sanjiv Bhatt’s signature, not below it (as is normal practice), nor initialed by a junior official (as done for another faxes). This indicates to me that the office was not manned late in the night of 27 February 2002 (which seems possible but requires confirmation). It is not the business of Sanjiv to explain this. In any event, this doesn't prove the fax is forged or that it was not sent.</td>
</tr>
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Questions for Sanjiv Bhatt:

1a) When did you obtain this copy of the copy of the office copy, and if obtained after you had left your DC(S) role (as seems evident from the higher quality photocopy), from whom?

1b) Sanjiv, are you able to confirm that your office was not fully manned on the night of 27 February 2002? If not, what could explain the absence of the typing clerk’s signature on the bottom of the signature block?

2) "Copies of Important Messages were put-up to the Officers in Dak-Folders."

That's fine. That is entirely consistent with the way things work. So that indicates that sometime on the next day, the ADGP Mathur was provided this o/c in his dak file and noted it – after which the message was presumably filed for many years till its copy was made.

The fact that the initial is a "little discrepant" is not the business of Sanjiv Bhatt to explain – but of the system which managed the dak.
It is possible, for instance, that the person (on duty the next day) tasked with providing the dak file to the ADGP misplaced the fax and forgot to put it up the next day, and upon discovering it after many days he/she decided to initial it himself/herself, and quietly file it. So this signature could be of the person on duty the next day. But there could be other such scenarios. SIT should investigate.

KEY ISSUES NOW

The fax should have been received in the offices of CP Ahmedabad, PS to CM, PS to MOS (Home), Home Secretary and DGP’s offices.

I agree ENTIRELY with Sanjiv that "The Transmission/Receipt of the said Fax cab be verified from the Fax Outward of the State Intelligence Bureau as well as the Fax Inward Registers of the stated recipients. The Gujarat High Court has directed the State Government of Gujarat to provide me access to these Register in December 2012."

Copies of the fax should be readily available in the normal files of these offices even today. That would DEMOLISH the claim that the fax is forged. Sanjiv Bhatt is ADAMANT that these copies would be readily available.

Sanjiv Bhatt has been INSISTING that this line of inquiry be followed, but that has not been done.

So my third question – for SIT – is: Why has SIT not bothered to ask these offices for the received copy of the fax dated 27 February 2002? Why is Modi’s government REFUSING to provide copies to these registers/file records?

Instead, on the basis of the MOST FLIMSY arguments, Sanjiv Bhatt has been presented as a forgerer.

I am NOT at all convinced (even remotely) that Sanjiv Bhatt has forged this fax. I need to know why its MULTIPLE copies at the receiving end are NOT being disproven?

If no such copy exists, then one could start asking

Sanjiv further questions. But if received copies of this fax are sitting in 5 different files, and if there are records in 6 different registers, then HOW can this fax be a forgery?

ADDENDUM

14 september 2013: 2002 riots: Produce original registers that contained crucial records, HC tells govt. Clearly, the Gujarat Government has been hiding key documents. Now it can’t do so any more.

16.3.4 Sanjiv Bhatt agrees Mathur initials are “a little discrepant”. But I still don’t have proof that the SENT faxes were forged.

Sanjiv Bhatt has responded (by email) to my last blog post. He is open to being asked questions.
His response:

Dear Sanjeev,

The two initials of Mr. Mathur in the scan of the photo-stat copies do appear a little discrepant. One will need to actually get the original document examined by a qualified professional. Surprisingly, the SIT seems to have made no efforts in this direction.

Regards,
Sanjiv

I noted earlier that the fax messages per se were not discrepant in any way. SIT focused on raising irrelevant discrepancies that did nothing to prove that the faxes were forged.

They had many issues to investigate during this process which perhaps they failed to follow up:

a) The signature – why was a handwriting expert not asked to provide an opinion?

b) If some initials were not of O P Mathur, whose were they? That person ought to have been identified.

c) The missing registers to be investigated.

NORMAL PROCESS OF INVESTIGATING FAX MESSAGES

I'm assuming that Sanjiv obtained the photocopies of these faxes through official channels. Now think about how a fax is sent and how it is received. There are MANY steps involved.

A fax sent to multiple recipients leaves many copies in its trail. One (the original copy signed by the officer who sends the fax) is kept at the point of its despatch (after recording in the desptach register – which is missing but SIT was not bothered). Copies are received and filed at each point of receipt.

So these questions arise:

1) Who retained the original fax/es signed by Sanjiv Bhatt? Who has them? Where are they now?

2) Who received the copies of the fax/es?

3) What happened to each of them? Where were these copies filed?

4) Who has access to the fax received in O P Mathur's office – for that's the one he would presumably have initialed. And if he did not see it (as he claims is the case) then who initialed it (it is not normal official practice for someone else to initial as the intended recipient – and if someone had signed on his behalf it should have had "for" etc. below the signature).

5) Who gave Sanjiv Bhatt a copy of this copy (received in O P Mathur's office)?

These are the kinds of questions SIT should have pursued. Instead, there seems to have been a strange emasiiis on irrelevant matters. A fax is not something that somehow
disappears. An original fax message can be **easily** traced. Why were all aspects of the faxes' trail not examined?

From Sanjiv Bhatt's **fearless** responses to me so far I have no reason to believe that the faxes are forged.

Let me add that I have very little personal knowledge of the details of the case/s and SIT inquiry/ies. I'm commenting based on the limited information that I have seen, or received from Sanjiv.

Common sense questions/interpretations of the sort I've raised should naturally arise if someone is investigating such matters (these questions are just the beginning). It appears that SIT either didn't bother to ask KEY questions, or many original records were destroyed (or can't be found) – so SIT has put a lot of focus on the one copy of the fax that it **has** somehow found. One can't deduce things from one copy of the fax. Where are the other copies?

As mentioned in the morning today, Sanjiv has sent me some further documents/affidavits which I propose to review this weekend, time permitting.

**16.3.5 Analysis of Sanjiv Bhatt’s credibility as witness to Modi’s role in the 2002 riots #1**

**Source**

After having found enough material to refute/question SIT allegations that Sanjiv Bhatt has forged faxes, I've started pursuing other documents that Sanjiv Bhatt has sent me.

One of them is this Affidavit, also found [here](#).

**Question 1: Was Sanjiv well placed to observe what happened in February 2002?**

It appears that his official role put him in the heart of the situation in February 2002

3. I was posted, as the Deputy Commissioner of Intelligence, State Intelligence Bureau, Gandhinagar, from December 1999 to September 2002. As the Deputy Commissioner of Intelligence with the State Intelligence Bureau, I used to look after all the matters pertaining to the Internal Security of Gujarat; including matters pertaining to the Border Security, Coastal Security, and Security of Vital Installations in Gujarat as also matters pertaining to VVIP Security, including the security of the Chief Minister. I was also designated as the Nodal Officer for sharing of intelligence with various Central Agencies and the Armed Forces of the Union of India. This was the post I was occupying at the time when the 2002 Gujarat Riots took place.

**My comment:**

Sanjiv held a key position in the SIB. An IPS officer with over 13 years of seniority would definitely be relied upon by all concerned as a key person and he would have had access to everyone and everything that mattered in the state government. It is absolutely clear therefore that Sanjiv DOES know a lot about what happened during February 2002.
Question 2: Why did he not raise issues before November 2009?

4. I respectfully state that owing to the post I was occupying in the State Intelligence Bureau, I came across huge amounts of intelligence and information pertaining to the events that had transpired prior to, as well as during the Gujarat Riots of 2002. By virtue of the office held by me during the said period, I had the occasion to frequently interact with various high-level functionaries of the State and the Union of India and was therefore, privy to a plethora of information including some very sensitive information pertaining to the various acts of commission and omission attributable to certain high-ranking functionaries of the State. The information and documentary evidence, which I have already shared with the SIT, can throw light on the real nature of events that led to the incident of burning of the S-6 Coach of the Sabarmati Express at Godhra on 27th February 2002 and the larger conspiracy and official orchestration behind the subsequent Gujarat Riots of 2002.

5. It may kindly be appreciated that I was privy to the said information in my capacity as an officer serving with the Intelligence Bureau; therefore, I was constrained to maintain confidentiality and could not have disclosed information of such sensitive nature, unless called upon to do so under a binding legal obligation. Accordingly, on being summoned by SIT for the first time in November 2009, I had provided the SIT with, certain relevant information and documents, including original floppy discs containing the entire cell phone/cell-site records of Godhra Town for 26th and 27th February 2002; as well as the original print-outs of very important call records of certain high-ranking functionaries of the State for 27th and 28th February 2002. It may kindly be noted that I have deposed before the SIT on several occasions and have endeavored to assist the SIT to the best of my ability.

My comment:

As part of one’s job in IAS/IPS one is privy to ENORMOUS amounts of confidential information on a daily basis. It is against conduct rules to disclose this information (while in service) in a manner that can identify anyone specifically or compromise the government. I appreciate Sanjiv Bhatt’s stance of upholding the integrity of his office and not disclosing any information until he was summoned to be asked specific questions by SIT. That indicates probity and compliance with service rules.

Now the next question I will take up relates to his meeting with Modi. I’ll explore this separately since this is far more complex.

16.3.6 Analysis of Sanjiv Bhatt’s credibility as witness to Modi’s role in the 2002 riots #2

Source

Following from the analysis in post #1, I now turn to the credibility of Sanjiv Bhatt's assertion that he was present in the meeting with Modi on 27 February 2002. But first let us review the way the Gujarat government directly tried to influence Bhatt's deposition.

These are the facts from different sources:

1) Sanjiv Bhatt’s affidavit:
As conveyed to the SIT in November 2009, and even during subsequent interactions, I was present at the meeting called by the Chief Minister on the late night of 27.2.2002 [Sanjeev: I’ll deal with this next] and was personally aware about the instructions given thereat and the events that transpired thereafter. I had also provided the SIT with verifiable details regarding the on-going cover up operation; including the contemporaneous efforts made by high officials of the State administration to undermine the proceedings of Writ Petition (Civil) No. 221 of 2002., which was pending before this Hon'ble Court in 2002. I have time and again tried to bring these facts to the notice of the Special Investigation Team.

6. I respectfully submit that I was contacted by the office of Special Investigation Team in the month of November, 2009 and was asked to meet Shri A.K. Malhotra- SIT on particular date. I was subsequently contacted once again by the office of the SIT and informed that the appointed date had been changed and postponed. In the meantime, despite my having maintained complete confidentiality regarding the telephonic summons received from SIT, I was approached by a very high level functionary in the Government of Gujarat and was sought to be appropriately briefed prior to my scheduled interaction with SIT. [Sanjeev: this is an extremely shocking charge - and implicates the Gujarat government in a big way] When I first met Shri A. K. Malhotra-Member SIT, at the very outset, I had appraised him about the leak from his office and the consequential attempt to appropriately brief me for the deposition before SIT. During the course of my deposition before SIT, there were certain other occurrences which were highly indicative of real-time leakage of information from within the SIT. These occurrences were brought to the notice of Shri A. K. Malhotra - Member SIT, at that point of time itself. Despite my well founded apprehensions regarding the confidentiality of my deposition, I had truthfully and fearlessly responded to all the queries put forth to me. I had also provided Shri A. K. Malhotra-Member SIT, with certain relevant documents and records pertaining to the Godhra Riots of 2002. All the documentary evidence tendered by me was verified and received-on-record by Shri A.K. Malhotra-Member SIT. It needs to be mentioned that during the first phase of my interaction with SIT in 2009 and 2010, my statements were recorded in connection with the enquiry into the complaint made by Mrs. Zakia Jafri and not in connection with any investigation under the Code of Criminal Procedure. My signed statements should be available with the SIT.

Despite my professional constraints as an Intelligence Officer, I shared substantial information with the SIT and informed them that I would be duty-bound and willing to reveal all the information within my knowledge, as and when I was under a binding legal obligation to do so. [Sanjeev: it is clear that Sanjiv was doing his best to provide information IN CONFIDENCE to SIT]

7. It may kindly be noted that my fears regarding the confidentiality of my deposition before SIT were eventually confirmed as the contents of my signed deposition as well as the details of my interaction with Shri. A. K. Malhotra and Shri Paramveer Singh-Members SIT, were somehow available to the highest echelons of the Government of Gujarat. [Sanjeev: if true, then this is the smoking gun which FIRMLY implicates Modi. It is IMPOSSIBLE for a Supreme Court commissioned inquiry to have such a provision - of providing raw data to the party being prosecuted/investigated]

As a result and consequence of the said breach of confidentiality, I was visited and continue to be visited with unpleasant consequences. The leakage of details regarding my earlier deposition and interaction with SIT have eventually found their way to the media and have further jeopardized my safety and the safety and security of my family members. [Sanjeev: there seems to be a hue and cry in the press re; Sanjiv’s credibility]
but it is clear that whatever he is now doing (such as putting out this affidavit in the public domain, or allowing me to discuss this matter) is to DEFEND himself from a situation not of his creation). To the best of my knowledge and belief, the details regarding my testimony before the Special Investigation Team, were first reported in the issue of Tehelka Magazine Volume 8 Issue 06 dated 12th February 2011, and once again in Tehelka Magazine Volume 8 Issue 07 dated 19th February 2011; which I crave leave to refer to and rely upon. I sate that, prior to the publication of the said articles in Tehelka Magazine, I had never disclosed the details of my interaction with the Special Investigation Team to anybody. In view of the sensitive nature of the information, as also the situation prevalent in Gujarat, I had exercised utmost discretion and chosen to maintain complete confidentiality regarding the contents of my deposition and the details of my interaction with the Special Investigation Team.

8. In view of the leakage of my confidential deposition as well as the leakage of the details pertaining to my interaction with the SIT to the highest echelons of the Government of Gujarat and the subsequent publication of the said details by some sections of the media, I became highly apprehensive about my security and safety and security of my family members. In view of the perceived, security threat, I requested the Government of Gujarat to provide me and my family members with adequate and fool-proof security cover. Unfortunately, the Government of Gujarat has chosen not only to disregard my repeated requests, but has time and again, sought to jeopardize my security by withdrawing even the existing make-shift and minimal security arrangement, worked out from within the meagre resources at my disposal. Copies of my letters dated 14.2.2011, 5.3.2011 and 13.4.2011; addressed to the Government of Gujarat are annexed at Annexure 1, Annexure 2 and Annexure 3 respectively. [Sanjeev: This would indicate that Modi is likely to be pleased to get rid of Sanjiv, if he could - like he seems to have gotten rid of so many other 'inconvenient' people, and key witnesses killed.]

9. I respectfully state and submit that on 16.3.2011 I received a summons dated 15.3.2011 from the SIT, calling upon me to remain present before them on 21.3.2011 at 11.30 a.m. for the purpose of giving my statement in Meghaninagar Police station I C.R. No. 67 of 2002. On the copy of said summons, I made a written endorsement, requesting the SIT to provide me with a copy of the FIR pertaining to meghaninagar Police Station 1 CR. No. 67 of 2002 as well as copies of my earlier statements before SIT, as copies of the same had not been provided to me. Subsequently, a copy of the FIR was provided to me, but copies of my earlier statements have not been provided to me till date. A copy of the Summons dated 15.3.2011 along with my endorsement thereupon is annexed at Annexure 4. [Sanjeev: why did SIT not providing copies of Sanjiv's statements to him - did they DESTROY these statements?]

10. I respectfully submit on 18th March, 2011 I wrote a detailed letter to the Chairman of SIT, placing the above facts on record and reiterated my request for the provision of certain in necessary documents. I further requested the Chairman to kindly ensure that all the officers as well as support staff, working under the control or in the employ of the Government of Gujarat, be, completely dissociated from the tasks of recording, processing or safekeeping of my forthcoming deposition. I further expressed willingness to have my statement recorded under Section 164(1) of the Code of Criminal Procedure. A copy of my letter dated 18th March, 2011 is annexed at Annexure 5.

11. In accordance with the Summons, I reported to office of the SIT at Gandhinagar, on 21th March 2011, for the purpose of getting my statement recorded in connection with the further investigation of Meghaninagar Police Station I C.R. No. 67 of 2002. Despite my repeated written request, I was not provided with a copy my earlier deposition before SIT and was informed that it would not be possible to provide me with a copy of my earlier
statement or any of the contemporaneous documents and records requested for, vide my Letter dated 18th March 2011. The said facts were put on record by way of my letter dated 22.3.2011, addressed to Chairman SIT. The said letter is annexed at Annexure 6.

12. My statement was recorded by the SIT on 21st, 22nd, 23rd and 25th March, 2011. Thereafter I was informed that I was required to remain available as I would be called for further clarifications during the course of the ongoing investigation, as also for the purpose of confronting me with other witnesses, if necessary, During the course of my deposition before SIT, I time and again sought to bring out the relevant information pertaining the facts, and circumstances; including the directions given by the Chief Minister, during the course of the crucial meeting held at his residence on the late night of 27th February 2002; that led to and facilitated the communal carnage of 2002. In my opinion, this was evidently a very important aspect of the investigation, since the events that transpired in my presence, at the said meeting had a huge impact and bearing on the conduct of the Police force and the State administration while dealing with the violence that started on 28th February 2002. It was submitted to the SIT that the course of subsequent incidents of communal violence could be fully appreciated only in the light of the directions given by the Chief Minister, during the said meeting.

However, I was informed by the SIT that all these aspects could not be gone into, as my statement was being recorded in the further investigation of Meghaninagar Police Station I C.R. No. 67 of 2002 and therefore had to be confined to the scope of the FIR pertaining to the events at Gulberg Society on is 28.2.2002. [Sanjeev: First the SIT leaks Sanjiv’s statements, then it denies copies to him, then refuses to even ENTERTAIN the key question of the role of Modi - and yet Modi has apparently got a clean chit from SIT!]

13. I submitted to the members of the SIT that this procedural constraint on their part defeated the very purpose of ascertaining the existence of any larger conspiracy or official orchestration behind the Gujarat Riots of 2002. At my insistence, the SIT finally agreed to record the details of the events that had transpired in my presence, during the meeting with the Chief Minister on the late night of 27.2.2002. Upon my request, the SIT provided me with a relevant portion of the transcript of my testimony, pertaining to the instructions given by the Chief Minister, at the conclusion of meeting held on 27-02-2002, where it was tried to impress upon him that the decision to bring the dead bodies to Ahmedabad and the BJP announcement of supporting the VHP Bandh Call would definitely lead to outbreak of communal violence in Ahmedabad and across the State; and the Gujarat police did not have the manpower resources to deal with such a situation. The relevant portion of the transcript of my testimony, as recorded and provided to me by SIT, reads as follows:

"The Chief Minister Shri Narendra Modi said that the bandh call had already been given and the party had decided to support the same, as incidents like the burning of Kar-Sevaks at Godhra could not be tolerated. He further impressed upon the gathering 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"

The effects of these directions given by the Chief Minister were widely manifested in the half-hearted approach and the evident lack of determination on the part of the Police while dealing with the widespread incidents of orchestrated violence during the State
sponsored Gujarat Bandh on 28th February 2002 and also during the weeks that followed. [Sanjeev: I'll revert to this issue later]

15. I submit that on 25th March 2011, when I again tried to bring up the issue of a larger conspiracy or official orchestration behind the Gujarat Riots of 2002, as also the ongoing attempts at cover-up, I faced unconcealed hostility from the members of SIT. This was even more obvious when I gave names of witnesses who could corroborate the fact of my having attended the said meeting with the Chief Minister on 27.2.2002.

16. Despite the strong reluctance of the SIT to record inconvenient details, I stated before them the names of witnesses who could substantiate the fact that I had accompanied the DG&IGP to the meeting with the Chief Minister on 27.2.2002. I was hopeful that this information would be gone into thoroughly by the SIT, to unravel the true nature of events that transpired. However, the SIT has chosen to intimidate certain witnesses and coerce them in to refraining from stating the true facts and thereby has created an impression that the SIT is becoming a party to the ongoing cover-up operation in Gujarat. My apprehensions were substantiated when one of the witnesses I had named, Shri K.D. Panth, (Assistant Intelligence Officer with the State Intelligence Bureau in 2002) informed me that he had been called before the Special Investigative Team on 5.4.2011 and was virtually treated like an accused and was threatened with arrest and other dire consequences. It appears that other witnesses may have been similarly coerced into submission. I have put these facts on record by way of a letter addressed to Chairman SIT. My said letter dated 6.4.2011 is annexed at Annexure 7.

My overall comment

From a reading of the points above, it is TOTALLY clear that SIT has acted in an extremely perverse manner.

Here is an officer of significant mental ability (an IIT graduate) who clearly held a KEY role during February 2002. He ensured total decorum by retaining all information with him, confidentially. Even when summoned by SIT he ensured confidentiality.

But SIT leaked it – perhaps with a well-orchestrated plan to snuff out Sanjiv Bhatt's credibility in the public eye.

WHY DID A DEPOSITION GIVEN CONFIDENTIALLY TO SIT GET LEAKED TO THE MEDIA?

This to me is the smoking gun that points to culpability and guilt in Modi's government.

First innocents are killed, then witnesses are killed, then key documents are declared to be lost, then confidential depositions are leaked and all kinds of claims (such as 'forgery' of the faxes) put out in the media.

I'm afraid this smacks of a cover up. It doesn't smack of an investigation conducted with INTEGRITY.

I'll revert to the key question – re: Sanjiv Bhatt's presence in the meeting of 27 February, separately.

16.3.7 The alleged differences of opinion between Sreekumar and Sanjiv Bhatt

The inside story of war of words between R B Sreekumar and Sanjiv Bhatt

On one hand is the simple, down to earth, three-time President’s Award winner, retired IPS officer R B Sreekumar. He is the first police officer, who openly came out against Gujarat Chief Minister Narendra Modi and his “wrong doings” during Gujarat riots. He is widely known for his principles, simplicity besides tireless crusade for justice.
On the other hand, is IPS officer Sanjiv Bhatt, a relatively new entrant who has jumped onto the anti-Modi bandwagon. He is an officer known to be media-savvy, good at networking and an inspiration for the youth with his fitness adding on to his glam value.

Both of them are fighting against the Modi government but over the last few days they seem to be fighting more with each other. Mirror attempts to find out the inside story.

BACKGROUND

R B Sreekumar: An IPS officer of the 1972 batch, Sreekumar headed the state intelligence in 2002. He was the first officer to openly come out to expose how the Modi government reportedly did not perform its duty of protecting all citizens without bias and how the police were told to go slow on Hindu rioters. His deposition before the Nanavati Commission saw an embarrassed state government first trying to pressure him and then deny him a promotion. To the government’s chagrin, Sreekumar even came out with his personal diary notings exposing how the government was not being fair towards all irrespective of caste and creed. His fight with Gujarat government for justice for riot victims which began soon after Godhra riots in 2002 continues.

Sanjiv Bhatt: An IPS officer of the 1988 batch, he joined the anti-Modi bandwagon in November 2009, claiming that he was present in a controversial meeting chaired by Modi in Gandhinagar where instructions were given to target Muslims and to go slow on Hindus. He became a superhero after he was arrested by Gujarat government on September 13. His fight continues.

To the amusement of the government and shock of all those human rights activists out to seek justice or as Modi supporters put it, “malign Gujarat”, Sreekumar and Bhatt got embroiled in a war of words which became public knowledge on Christmas eve. The contention between the two is an affidavit that

Bhatt filed.

RBS, as Sreekumar is known, was not happy with the affidavit. RBS says Bhatt’s affidavit distorts truth. Bhatt says he has never said anything but the truth. Then began an exchange of letters. The war of words has seen five letters being exchanged between the two.

WHAT SREEKUMAR SAYS

I have nothing personal against Sanjiv Bhatt. But the affidavit that he has filed with Nanavati Commission where he has described himself as Staff Officer with State Intelligence Department is a lie. Bhatt has said that he was privy to several confidential meetings because he was a Staff Officer with IB. I was heading the state IB then and yes, there was no such post as a Staff Officer. When I came to IB department, Sanjiv was already there. My predecessor G C Raigar never informed me that there was one such post of Staff Officer. Because such a post did not exist.

As the head of the IB department, of course I went to a lot of meetings with top bosses or organised meetings. Whether it was a meeting I went to or one I organised, I never ever have taken Sanjiv Bhatt anywhere with me. His lie and this deposition of him before the Nanavati Commission has created wrong legal implications. This would, in the long run, damage my credibility. I do not know why Sanjiv Bhatt is lying because in the end a lie is always exposed.

Sanjiv Bhatt has also claimed that he drafted one of my affidavits! This is another white lie!

Such lies would not only dent my credibility but even hurt the cause that we are so tirelessly fighting for. Hence I have come out and clarified. Well, I am a simple man and
truth and honesty are my only weapons. Even for a right cause, I would not resort to a lie or expose anyone who lies.

I have received his letter today also asking for a reconciliation. I have no personal grievance against him. I will reply to this letter of his also tonight.

WHAT SANJIV BHATT SAYS

I am shocked at R B Sreekumar’s timing, tone, tenor and sheer hostility that he has been repeatedly displaying of late.

I am completely clueless at to why is he doing this. We met at a Christmas party at Fr Cedric’s place at Prashant and I went to meet him and exchange courtesies. But his behaviour was odd. His cold attitude towards me was marked by my wife and children too but I had no inkling. About 48 hours later, I got his letter. I am a responsible officer. I was in IB for two-and-a-half years before Sreekumar got into it. I was often sent for important meetings. And of course, it goes without saying, I was a Staff Officer.

Even when KPS Gill came to Gujarat soon after the riots, I was sent to brief him. Even R B Sreekumar, Radhakrishnan, O P Mathur and other officers were there. In fact, in the past he has even congratulated me on the strong stand I took. I am shocked why he is now doing this.

I greatly respect R B Sreekumar. I think there is someone instigating him against me.

I want to end this war of words. I have written a letter today evening clearly stating that “it is my firm belief that this internecine fratricide will not only provide the much needed succour to the diabolical ghouls in power but will also irreparably subvert the cause of Justice in Gujarat… a lofty cause that is indubitably very dear to many of us.”

I am ready to organise a press conference and face him in front of media to clarify issues he has raised.

Our cause is the same and such acts will damage our common cause.

WHAT IS THE BUZZ

All human rights activists echo that both officers should sort out their differences and stop maligning each other. All human rights activists Mirror spoke to said on conditions of anonymity that Sreekumar is a very honest and principled man. They described Bhatt as “very committed but slightly ambitious and jumpy”.

According to an activist, it is wonderful that Bhatt is waging this battle against the Modi government. However, another activist said it is common knowledge that Bhatt in the past has had close relations with former minister of state for home Amit Shah through his then best friend Tushar Mehta. Mehta, the additional advocate general who is now representing the state in Sohrabuddin and Tulsi Prajapati fake encounter cases and Godhra case in Supreme Court, and Bhatt were best of buddies who travelled to the US, Goa and other places before breaking up. It is being discussed that through Mehta, Bhatt got close to Shah. This explains his silence from 2002 to 2010.

Bhatt says all these allegations as baseless.

“For once let us not play Indians and defeat our own cause as we have done through most of our history. All the victims of injustice who have pinned their hopes on the crusaders would be shattered if such unwarranted bickering continues, not to speak of the prospect of snatching defeat from the jaws of victory. We need to put all petty differences and squabbles aside and brace ourselves for a just conclusion to our historic odyssey,” Bhatt said.
Facts of the case:
Sanjiv was definitely in IB well before Sreekumar came in. Sreekumar joined IB after Sanjiv, and left in just about six months. It is impossible to believe Sreekumar that he and Sanjiv did not attend joint meetings with others. The world of the civil service does not run this way. There are numerous joint meetings attended by boss and 2 i/c.

16.3.8 Sanjiv Bhatt’s proclivity to go outside the bounds of law
There is no doubt that Sanjiv Bhatt tends to exceed his boundaries as an officer.

- **Case 1:** Sanjiv Bhatt asked to pay Rs.1 lakh to Gujarat treasury
- **Case 2:** Sanjiv went outside the Code of Conduct by sharing official information with Congress party, and also took a Blackberry.

It does appear that Sanjiv Bhatt tends to exceed some of his boundaries as an officer. It is clear that Sanjiv Bhatt tends to deviate a bit from the role he is authorised to play. It should be realised, however, that that is precisely how most IPS officers behave. Most tend to turn a blind eye towards some “minor” deviations. Very few IPS officers strictly follow the law in each case.

The more pliable ones of these have been employed in SIT and such bodies. The less pliable ones are fighting Modi.

I think none of these incidents are cause for outright rejection of statements made by these officers. If corroborating evidence is available, their evidence should be considered as part of the overall story.

16.3.9 Why did Sanjiv Bhatt provide his evidence in 2009 – seven years after the event?
I’ve come across a person on FB who insists that by Sanjiv Bhatt not providing evidence to the justice system "in time", his intent is now in question:

"**No sane person, unless motivated by his own vested reasons, would keep secrecy just to follow the rules, particularly when he became fully privy to such information divulging and/or acting on which promptly would have potentially saved hundreds of lives. Or at least brought the guilty to book without such unacceptable lapse of time. Justice delayed is justice denied, and he could have easily gone to the court with the information he had without sitting silent until called to provide evidence**"

I pointed out to this person the DRACONIAN limitations imposed on public servants in India, but clearly the public in India are not aware of these limitations and how public servants are basically sworn to SECRECY right through their life – and even after retirement.

The fact that I talk openly about Hiteswar Saikia’s corruption now (and can readily talk about many other senior officers and ministers) is because I not only resigned from the IAS but LEFT INDIA. Public servants live in constant fear in India – that disclosing the truth about the government can and them in trouble.

Here is the rule that applies to Sanjiv Bhatt regarding what he can say or not say in the case of a matter that might implicate the government:
8. Evidence before committees, etc.—
8(1) Save as provided in sub-rule (3), no member of the Service shall except with the previous sanction of the Government, give evidence in connection with any inquiry conducted by any person, committee or other authority.
8(2) Where any sanction has been accorded under sub-rule (1) no member of the Service giving such evidence shall criticize the policy or any action of the Central Government or of a State Government.
8(3) Nothing in this rule shall apply to—
8(3) (a) evidence given at any inquiry before an authority appointed by the Government, or by Parliament or by a State Legislature; or
8(3) (b) evidence given in any judicial inquiry; or
8(3) (c) evidence given at departmental inquiry ordered by any authority subordinate to the Government.
8(4) No member of the Service giving any evidence referred to in sub-rule (3) shall give publicity to such evidence.

This is a highly constraining rule. The Official Secrets Act is even more constraining. The laws are EXTREMELY constraining regarding ANY matter that may be deemed to be a criticism of government.

Now, read the following from an affidavit filed by Sanjiv Bhatt on 25 April 2012 with the National Commission for Minorities.

I was posted as the Deputy Commissioner of Intelligence, State Intelligence Bureau, Gandhinagar, from December 1999 to September 2002. As the Deputy Commissioner of Intelligence with the State Intelligence-Bureau, I used to look after all the matters pertaining to the Internal Security of Gujarat; including matters pertaining to the Border Security, Coastal Security, and Security of Vital Installations in Gujarat as also matters pertaining to VVIP Security, including the security of the Chief Minister. I was also designated as the Nodal Officer for sharing of intelligence with various Central Agencies and the Armed Forces of the Union of India. This was the post I was occupying at the time when the 2002 Gujarat Riots took place.

I respectfully state that owing to the post I was occupying in the State Intelligence Bureau, I came across huge amounts of intelligence and information pertaining to the events that had transpired prior to, as well as during the Gujarat Riots of 2002. By virtue of the office held by me during the said period, I had the occasion to frequently interact with various high-level functionaries of the State and the Union of India and was therefore, privy to a plethora of information including some very sensitive information pertaining to the various acts of commission and omission attributable to certain high ranking functionaries of the State. The information and documentary evidence, which I have already shared with the SIT, can throw light on the real nature of events that led to the incident of burning of the S6 Coach of the Sabarmati Express at Godhra on 27th February 2002 and the larger conspiracy and official orchestration behind the subsequent Gujarat Riots of 2002.

It may kindly be appreciated that I was privy to the said information in my capacity as an officer serving with the Intelligence Bureau, therefore, I was constrained to maintain
confidentiality and could not have disclosed information of such sensitive nature, unless, called upon to do so under a binding legal obligation. Accordingly, on being summoned by SIT for the first time in November 2009, I had provided the SIT with certain relevant information and documents, including original floppy discs containing the entire cell phone/cell-site records of Godhra Town for 26th and 27th February 2002; as well as the original print-outs of very important call records of certain high-ranking functionaries of the State for 27th and 28th February 2002. It may kindly be noted that I have deposed before the SIT on several occasions and have endeavored to assist the SIT to the best of my ability. As conveyed to the SIT in November 2009, and even during subsequent interactions, I was present at the meeting called by the Chief Minister on the late night of 27.2.2002 and was personally aware about the instructions given in the meeting and the events that transpired thereafter. I had also provided the SIT with verifiable details regarding the on-going cover up operation; including the contemporaneous efforts made by high officials of the State administration to undermine the proceedings of Writ Petition (Civil) No. 221 of 2002., which was pending before the Hon’ble Supreme Court in 2002. I have time and again tried to bring these facts to the notice of the Special Investigation Team but they seem to be disinclined to follow-up these important leads in the course of the enquiry/investigation being carried out by them.

I have no doubt that Sanjiv Bhatt was following the REQUIREMENTS imposed on all public servants, by not going out of the way to raise matters with the judicial system or media.

On the other hand, he did provide a lot of information within the government to his seniors regarding Modi’s crimes. For example, a CRITICAL report that Modi is blocking from public release. Modi is also not releasing KEY REGISTERS of despatch of faxes that would readily confirm the authenticity of Sanjiv Bhatt’s fax message/s.

So Sanjiv Bhatt, who was totally keeping all information secret TILL SUMMONED BY SIT, is now facing the wrath of Modi. The entire machinery of government has been set upon him.

In brief, I have NO ISSUES whatsoever with delayed reporting by Sanjiv Bhatt about key information that he was privy to, as part of his role, to various public inquiries/judicial system.

That thereafter SIT has done nothing with that evidence is a separate matter – strongly indicative of the destruction of the justice system by Modi.

I believe the Conduct Rules need to be reformed to allow for proper whistleblowing in such cases.

16.3.10 The other way Sanjiv Bhatt is being maligned: that his wife got a Congress ticket

Modi’s machine has been working full time to malign Sanjiv Bhatt, given the MASSIVE threat he represents to Modi’s entire career (and his continued chances of staying out of jail).

The other method to malign him is that he is a "member of Congress" because his wife got a Congress ticket. Well, I know of MANY politicians who are married to public servants. Being
married to a public servant is not a crime. It is NOT violative of any conduct rules or any such matter.

I don’t know about Congress’s methods in giving tickets, but if they choose to give a ticket to Sanjiv’s wife, so be it. His wife – by supporting the gang of thugs known as Congress – has lost my support, but does that mean Sanjiv’s testimony as a professional is contaminated? NO.

Then there is this allegation: that Sanjiv Bhatt canvassed for his wife during the elections. Now, this is probably violative of the AIS Conduct Rules but given the circumstances (he was under suspension – and angry with Modi) I would imagine this misdemeanour would not rank anything more than a small warning. It does not IN ANY WAY take away one bit from Sanjiv Bhatt’s testimony.

Further, in my view, such a rule is wrong, anyway. I’ve written against such a rule in BFN, and advocated LIBERTY even for public servants. Public servants in Australia have full freedom to both be members of political parties and canvass for their preferred candidates – being, after all, citizens; they can even take leave of absence, contest elections and return to their post if unsuccessful in becoming MPs.

I DON’T see any problem with Sanjiv Bhatt canvassing for his wife’s election during his suspension. The mere technical violation of a stupid conduct rule doesn’t mean anything to me.

I would like the Conduct Rules to be modified to ensure LIBERTY to public servants, and proper whistleblowing provisions included to protect the public from CRIMINALS like Hiteswar Saikia and Modi.
17. Officials, journalists, lawyers who do not accept Modi’s criminality punished

17.1 Good officers punished

**Blast from the past**

Cops refusing to toe government line often pay a price for it. But, defiant IPS officers in Gujarat are increasingly becoming wary of the past. Many of those who raised heads against the government find themselves embroiled in legal cases which are decades old, says Ajay Umat.
Kuldeep Sharma | Addl DGP, on deputation in Delhi

ATTACK
Sharma was shunted to an insignificant posting in 2007 after he tried to build a case against a minister in a Madhavpura co-operative bank scam. He upset political masters by refusing to implicate danseuse Mallika Sarabhai who had filed a petition in the Supreme Court against Modi for his role in the 2002 riots. Senior BJP leaders believe he has been indirectly helping CBI in Sohrabuddin Shaikh fake encounter probe.

COUNTER ATTACK
His promotions were stonewalled. State government tried to re-open an encounter case of 1984 involving him. However, the Gujarat High Court quashed the matter.

SANJIV BHATT | Suspended DIG

ATTACK
The cop raised a storm by telling R K Raghavan-led SIT, Supreme Court and the Nanavati Commission, which is probing Godhra riots cases that he was present in the meeting on February 27, 2002 where chief minister Narendra Modi ordered senior cops to go soft on marauding mobs.

COUNTER ATTACK
After suspending him, two cases, a 21-year-old alleged custodial torture case and a 15-yearold NDPS cases against Bhatt have suddenly resurfaced. Last month, Ahmedabad police arrested the cop on charges of influencing his constable to file an affidavit supporting Bhatt’s claim that he was present at CM residence for the controversial meeting.

RAHUL SHARMA | DIG, SRP (Gondal)

ATTACK
As a government witness, he submitted a valuable piece of evidence in post-Godhra riots case in the form of a CD to Nanavati and Banerjee Commissions and R K Raghavan-led SIT.
The CD contains call records of police officers, BJP leaders and VHP office bearers that proved connivance during the riots.

**COUNTER ATTACK**

Nine years after he submitted the CD, Sharma was charge-sheeted for indiscipline and slapped case under Official Secrets Act for providing call records to the inquiry commissions and investigating agency.

![RAJNISH RAI | DIG (On sabbatical)](image)

**ATTACK**

As DIG in state CID (Crime) in 2007, he arrested three IPS officers including DG Vanzara and Rajkumar Pandian for allegedly killing Sohrabuddin Shaikh and the disappearance of his wife Kausarbi. Rai also filed an affidavit in Central Administrative Tribunal against his seniors OP Mathur and PC Pande for botching up investigations in the case.

**COUNTER ATTACK**

His promotion was blocked for insubordination by not informing his bosses regarding the arrests in Sohrabuddin encounter case. His annual confidential report was downgraded to deprive him for further promotions. Rai was also implicated in a copy case while he was taking first year law exams. The HC however quashed the Gujarat University decision.

### 17.2 Good journalists punished

My friend, **Prashant Dayal**, is one of those brave-hearts who is amongst the few journalists in Gujarat who has never taken a step back in reporting the truth. As a crime reporter and now a Chief Reporter for Divya Bhaskar (the Gujarati edition of the Bhaskar Group), this man has no parallel within the State. He has continuously upheld the highest traditions of the fourth estate by being the voice of the people whilst keeping his ear to the ground. Political pressure hasn’t been able to buy him out (he literally put his life on the line by exposing the Sohrabuddin encounter story amongst many others), and he has never gone easy on a story because A or B wouldn’t allow or hear of it.

When in 2011, the government asked media houses to implement the Majithia Commission Report (formed in 2009) on wage structures, most of the large media houses instantly took legal recourse against its implementation. At long last in April 2014, the Supreme Court bench constituted of 3 judges compelled them to accept the report. They also asked the managements to compensate the entire staff retrospectively through the year, with the total sum divided in 4 parts.

While most media houses (who as Urvish mentions correctly have no qualms about crying wolf on freedom of expression and suppression of rights, the moment something slightest is afoot) are dragging their feet even after two months on the implementation, the Bhaskar Group decided to proceed on this matter with breathless ingenuity.

They prepared an 'undated' draft on behalf of each of their employees stating that '...they are very happy with their present salary and hence wouldn’t want the Majithia
Commission recommendations to be implemented. They then compelled their entire staff to sign on the dotted line. 'Undated', so that they can use these submissions anytime they so desire.

Prashant, being the man he is (as a prized catch from TOI already with a good salary, he had little to worry about the new recommendations and could have easily signed up in this age of persistent cynicism), refused to be a part of this cosy racket, while every other departmental head quietly acquiesced. With him, his entire team refused to lie down and be rolled over.

Instead of calling him over and having a mature chat, what does the Group do? They transfer him from Ahmedabad to Dhanbad! Just like that!

So Gujarat's finest investigative journalist, one whose work should make everyone in the state very proud, is told to basically take a walk because he refuses to do what on the face of it is downright absurd and unethical. Prashant Dayal has not yet accepted the transfer orders and this might turn into a long legal battle pitting a lone ranger against the might of a very strong media corporation armed with a battery of lawyers. [Source]

17.3 A man of Gopal Subramaniam’s integrity scares the wits out of Narendra Modi and Amit Shah

See my blog post here.
18. Lack of credibility of Modi’s henchmen

18.1 Amit Shah the thug (extortionist)

Source

Even as the CBI told the Supreme Court on Wednesday that former Gujarat minister Amit Shah was heading an extortion racket having politician-police-criminal nexus, his counsel Ram Jethmalani said this was an attempt to target Chief Minister Narendra Modi’s government.

"Amit Shah was the head of the extortion racket involving politicians, police and criminals," the Central Bureau of Investigation (CBI) told the apex court bench of Justice P. Sathasivam and Justice BS Chauhan.

Taking umbrage to Shah being described as the head of an extortion gang, senior counsel Jethmalani said: "It hurts my client (Amit Shah). He is democratically elected."

Jethmalani said that the targeting of Shah was part of a conspiracy between the CBI and politicians.

"The conspiracy came into existence between the CBI and certain politicians and the target is the democratically elected government of Gujarat which is the thorn in the flesh of the centre. The idea was first to get the home minister Amit Shah and then reach for Chief Minister Modi."

The court was hearing a petition by Narmada Bai seeking investigation by the CBI into the allegedly staged shootout killing of her son Tulsiram Prajapati. She has also pleaded the transfer of trial in the case to Mumbai.

The court was told that the 2005 staged shootout killing of Sohrabuddin Sheikh, the subsequent mysterious disappearance of his wife Kausarbi and the killing of Prajapati were part of the conspiracy and the same transaction (crime). Thus, there could not be two separate investigations and trials in the case.

The court was told that Gujarat Police were trying to project them as two independent cases, unrelated to each other.

"Two conflicting reports and charge sheets of the same transaction (crime) will destroy each other," Tulsi told the court.

"The truth or otherwise of the investigation (in Tulsiram Prajapati case) will be found out in the course of the trial," he said.

Tulsi told the court that the acquittal of the accused in Tulsiram Prajapati case would ensure that there was no conviction in the Sohrabuddin Sheikh case.

"If Tulsiram Prajapati case ends in acquittal, then there is no way that Sohrabuddin Sheikh case would end in conviction," the court was told.

Prajapati’s killing was a "deliberate attempt to destroy human witness", Tulsi told the court.

Rebutting the CBI plea, Jethmalani told the court that there was no evidence in the possession of the investigating agency against Shah and this was evident from June 29,
2010 letter of the investigating officer to CBI director which said that unless Shah was arrested it would be difficult to garner evidence against him.

The senior counsel said that the CBI has lied to the apex court about the identity of the third person who allegedly travelled with Sohrabuddin and Kausarbi Nov 23, 2005 from Hyderabad to Sangli in Maharashtra.

Pointing to the criminal background of Sohrabuddin and Prajapati, Jethmalani told the court that he was not suggesting that those who can’t be, otherwise, brought to law should be done away with.

Appearing for Narmada Bai, counsel Huzefa Ahmadi told the court that the cold-blooded staged shootout killing of Prajapati and Sohrabuddin and disappearance of Kausarbi were inter-connected and its investigation should be handed over to the CBI.

Ahmadi said "my genuine desire is that there should be a fair trial and investigation" and the same can happen only if the investigation was taken over by the CBI and the trial was held in Mumbai.

He said that besides Shah some senior officers of Gujarat Police were involved in the case.

18.2 Girish Chandra Murmu, IAS

Girish Chandra Murmu IAS 1985 batch – Modi’s right hand man – caught TWICE on tape sabotaging justice

I have many good friends in the 1985 batch but I have not met Murmu. Unlike most IAS officers, I notice Murmu has NEVER had a central deputation. This raises questions – which I'll not touch upon for now.

G.C. MURMU, IAS 1985 BATCH

It seems that Murmu developed strong links with Modi over time and has occupied two key roles in Modi’s government since 1 October 2004. He is both Secretary to Modi and the Secretary of the Home department. It is through Murmu that Modi operates.

MURMU (ON BEHALF OF MODI) HAS BEEN CAUGHT TWICE ON TAPE SABOTAGING THE JUSTICE SYSTEM:
1) The first tape relates to his THREATS and bullying of Sreekumar that I've discussed here.

2) The second tape relates to his attempt to sabotage the justice system in the case of the Ishrat Jahan fake encounter case.

"The CBI team probing the Ishrat Jahan fake encounter case on Saturday questioned G C Murmu, the Principal Secretary to Chief Minister, and Ahmedabad Crime Branch Joint Commissioner of Police A K Sharma in connection with the voice recordings submitted by suspended SP Girish Singhal. The voice recordings, now part of the chargesheet, contained alleged details of a meeting held at Advocate General Kamal Trivedi's office where a group of officers reportedly discussed ways to sabotage investigation in the case.

Singhal, who was arrested in the case and is now out on bail, had submitted to the CBI two pen drives containing discussions reportedly held between government officials, lawyers, ministers and police officers that he had secretly recorded in November 2011. According to the alleged voice recordings, Murmu, Sharma, former minister of state (Home) Praful Patel and former Law minister Pradeepsinh Jadeja discussed the case with Trivedi."

He is denying but CAN'T THE CBI DO A VOICE TEST????

So now we have TWO SMOKING GUNS just related to Murmu. And of course there are MANY MORE smoking guns everywhere. The trigger was pulled by the same man in each case: Modi. He is clearly the mastermind.

It is amazing that India's smartest Investigators can't piece the events together. Either they are incompetent or they are biased or they are under pressure. We know that during Vajpayee's era that could have happened. But what about the last 10 years of Congress? Is there still pressure on SIT/CBI?

The bumbling idiots of SIT/CBI are still struggling to piece together evidence. Reminds me of the two detectives in Tintin. Only, the bumbling in the Modi case is not funny. He should have by now been prosecuted for MANY cases. Being the Godfather, all roads lead to him.

18.2.1 Here’s detailed evidence of his tutoring key witnesses to protect Modi


And here’s how Murmu has been involved in bribing Harish Salve.

More details here.

18.3 Mohan Jha, IPS

Mr. Pillai, in his petition, had sought action against SIT member Mohan Jha for allegedly influencing the witnesses in the case.

His petition claimed that the list of witnesses submitted by the CBI along with the charge sheet indicated that senior Gujarat police officer Jha had pressured witnesses to retract from their statements.

The CBI had filed its charge sheet against Gujarat’s suspended Deputy Superintendent of Police N K Amin and six other police officers, alleging that 19-year-old Mumbai-based girl...
Ishrat Jahan, Javed Sheikh alias Pranesh Pillai, Zeeshan Johar and Amjad Ali Rana were killed in a fake encounter in 2004. The six other police officers include IPS officer G L Singhal, retired DSP J G Parmar, Mehsana Deputy SP Tarun Barot and commando Anaju Chaudhary. [Source]

18.4 Modi’s excessive rewards for officers who supported his carnage

18.4.1 Extract from Sreekumar’s letter of November 2011.

3. As the head of the State Govt., many feel that, you have visibly followed your hidden agenda of “malice to the upright and the honest govt. officers and charity to the sycophants and collaborators in your unholy designs”. Facts in support of this testimony are plenty. **You have rewarded practically, all those govt. officers, who actively participated through their acts of commission and omission, in violation of their oath of allegiance to the Constitution of India, in the planning and execution of anti-minority genocide in 2002, after the most condemnable Godhra train burning incident. This genocide will remain an inerasable sinful blot on our country, particularly to the practitioners of Hinduism of Upanishad and Bhagvadgeeta.**


5. As you know among the govt. officials, who were victims of unwarranted punishments by your govt., myself lead the list. Ever since I presented facts about riots “falsifying” the State Govt. version to the Central Election Commission on 9.8.2002, I was issued with memos on trivial matters like Control Room Head Constable sending a secret message by fax to field officers, without my knowledge, by ACS (Home) Sh.Ashok Narayanan. Further the Govt. started an inquiry against me for writing to CP Ahmedabad Sh.K.R.Kaushik, about the alleged planting of weapons (fire arms) by DIG Sh.D.G.Vanzara, the then i/c of Ahmedabad City Crime Branch on a few Muslims of Dariapur on 2002 Rathyatra day. You may please note that this was the only adverse report about alleged illegal acts of Vanzara, in Gujarat Police records before his arrest for alleged fake encounter in April, 2007. Instead of probing into my information about Sh.Vanzara, the Chief Secretary started an inquiry against me, for punishing me even though the then DGP Sh.K.Chakravarthi reported that my act of reporting against Sh.Vanzara was part of my normal duties and so could not me treated as misconduct. Sir, had you checked Sh.Vanzara and monitored his work, accepting my report, he would not have indulged in alleged extra judicial killings of innocent people. Now these cases have brought bad name for your administration and Gujarat Police. This was an instance of saving a thief (chor) and punishing the policeman (kotwal), who pointed a finger at the thief.

6. Later, I was superseded on Feb 2005 and was served with a 9 point chargesheet (Sep 2005)- for dismissing me from service – **for the alleged fault of telling truth before the judicial commission, in my three affidavits at that juncture.** Thanks to the high standards
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

7. Others, who have been facing the unwarranted wrath of your govt. for their good work include, (1) Sh.Rahul Sharma, (2) Sh.Vivek Srivastava, (3) Sh.Himanshu Bhatt, (4) Sh.M.D.Antani, (5) Sh.Satish Verma, (6) Sh.H.R.Gehlot, (7) Sh.P.C.Thakur, (8) Sh.Kuldeep Sharma and (9) Sh.A.K.Surolia – all IPS officers and Sh.J.S.Rana an IAS officer, who is even denied pension. (see the details of their punishment in my 6th affidavit)

8. A lesser known information of about the 2002 riots is about excellent performance of officers in charge of certain areas and their alleged ill-treatment by your govt.

subsequently for their non collaboration in anti minority action and subversion of the Criminal Justice System, (CJS) against the riot victim survivors. The classic case was that of Sh.V.K.Gupta, the then CP Surat city, which had reported only seven deaths during the riots (from 27/2/2002 to 31/7/2002 ), unlike many rural areas like Anand, Dahod, Mehsana, S.K. districts, etc. He had to go on Central deputation being unhappy with the State Govt. Alleged harassment was given to police officers, who contained the riots effectively in Rajkot city, Bhavnagar , Jamnagar , Valsad, Surendranagar, Bharuch and Kachchh district.

9. Modi sir, if you are really keen to generate goodwill among the riot victims, their community and bureaucrats, who are aggrieved by atrocious acts on them by your govt. you may kindly initiate the following action, besides your fast for goodwill – Sadbhav Upavas yagna.

(A) Ask your police, who has concurrent jurisdiction, like SIT, to investigate and prosecute the planners and perpetrators of violence during riots, those accused of subversion of CJS and persons responsible for obstruction of witnesses in giving evidence to judicial bodies. Unfortunately, so far, even SIT had arrested only one Inspector for his culpable role in the riots, from the executive side. Can a few Inspectors organize such prolonged riots and arrange to delay and deny delivery of justice to the victims ?

(B) Kindly order unilateral withdrawal of all disciplinary proceeding and acts of victimization against officers like, Sh.Sanjiv Bhatt, Sh.Rahul Sharma, Sh.Rajnish Rai, Sh.Kuldeep Sharma, etc.

(C) Announce a genuine scheme of relief, reconciliation, rehabilitation and resettlement of thousands of riots victims, who are now living in sub human conditions in their ghettos.

If agreeable kindly announce the above decisions at the venue of your fast itself on the last day of the fast and perhaps one of the riot victims can offer you fruit juice for ending your token sacrifice of food for generation of goodwill among people.

18.5 Vanzara

In addition to being involved in numerous fake encounters, he totally messed up the Akshardham investigation:

This was all thanks to a "verbal instruction" from the controversial police officer DG Vanzara, who has been in jail since 2007 in connection with a series of fake encounters allegedly conducted when he was heading ATS. It was apparently on Vanzara's tip-off that the crime branch, within hours of being entrusted the Akshardham case on August 28, 2003, unraveled the conspiracy behind it by recording the statement of one Asfaq Bhavnagari.
The very next day, on August 29, 2003, five of the six accused persons were arrested in Gujarat. A day later, on August 30, 2003, POTA was finally applied to the shootout in which there were 33 fatal casualties, including both the fidayeen. After another day, the last accused person was arrested in Kashmir.

Yet, despite the critical role attributed to him, Vanzara was not produced as a witness during the trial. "This shrouds our minds with suspicion as to why such a vital witness — DG Vanzara, who discovered the link to the accused persons, was not examined by the special court (POTA)," the Supreme Court said. [Source]

18.6 Public dossier on Narendra Modi. Is he guilty of mass murder or not?

[This is from my blog post – entirely unsorted]

Further update

14 September 2013: A retired Supreme Court judge disagreed with SIT's findings [P.B. Satwant]

14 September 2013:

Now this video (above) is not for children. But all voting adults in India should watch this. Given the evidence being presented by Sanjiv Bhatt to me, and these kinds of videos, I'm not sure India will do well to support Modi. Polices are one thing but murder is another.

He gave his party MLAs three days to do whatever they wanted. And he personally abused Jafri and refused to send timely help despite his being a former MP from Gujarat. What do you say to this Madhu Purnima Kishwar? I think it is facile to say that the courts have not convicted him so he is innocent. From what Sanjiv has been saying (and form the High Court order today to produce evidence that seems to have been deliberately destroyed), the legal system has been badly subverted.

24 August 2013:

Modi PRAISED newspapers which inflamed the community through false reports.

"Mr. Desai cited one story in a mass-circulated Gujarat daily that claimed that a posse of Hajis were returning from the Gulf with arms and ammunition to Gujarat to “avenge” the post-Godhra incidents. “Nothing of this sort was attributed to anyone, neither did any such thing happen,” he said, and wondered why the Chief Minister would write a letter “selectively to those papers” that fanned such incendiary stories. The Editors Guild's findings, he said, were completely ignored by the SIT. "  [http://www.thehindu.com/news/national/sit-ignored-evidence-of-police-inaction-says-zakias-counsel/article5053744.ece]

No regrets?

Karan Thapar: Why can't you say that you regret the killings that happened. Why can't you say may be the government should have done more to protect them?
Narendra Modi: What I had to say I have said at that time and you can find out my statements.

This is what he actually said in 2002 "The communal riots in Gujarat were unfortunate and we are sad they took place." and "Are we not supposed to soul-search ourselves? Whether it is Godhra incident or post-Godhra it does not enhance the prestige of any decent society. The riots are a stigma on humanity and do not help anyone to hold his head high."

Aug 29, 2012: Narendra Modi rules out apology for 2002 Gujarat riots

Modi Apologised for the 2002 post-Godhra riots "apology to the people of Gujarat for what he called mistakes on his part"

Gurarat riots: SIT acting as an alibi for Modi govt?

Gurarat riots: SIT acting as an alibi for Modi govt?

Govt, SIT could destroy evidence: Sanjiv Bhatt

2002 riots: HC pulls up Modi govt for 'inaction'

Gujarat riots: Sanjiv Bhatt submits 'proof' of police inaction

Probe all 22 fake encounters between 2002 and 2006, SC tells Gujarat panel

Modi, Shah may be behind Pandya murder: Bhatt

Double blow to Modi govt in fake encounter cases

[Bhatt] had attended a meeting on February 27, 2002, in which Modi had told senior officers to allow Hindus to vent their anger at the Godhra carnage. [Source]


A blog post by Atanu Dey (and my comment) re: my questions about Modi: http://www.deeshaa.org/2011/10/23/modi-will-rescue-india-from-its-enemies/comment-page-1/#comment-164537

Systematic liquidation of witnesses by Narendra Modi?

Ishrat Jahan encounter fake, probe team tells Gujarat HC

Hang policemen who killed our daughter: Ishrat's kin

Update

Modi case decision by the Supreme Court
In BJP, celebration time: Modi has passed test by fire, says Sushma

Charges against me are false: Modi

After the 2002 riots, Modi JUSTIFIED them. He suggested that this was “reaction to an action” echoing Chief Minister Narendra Modi’s comment invoking Newton’s third law in 2002 soon after the riots. [Source]

Earlier

A few days ago I published this blog post: "If Narendra Modi has destroyed potentially incriminating records, then he MUST go – and now!" wherein I had suggested that I’m happy to build a public dossier on Modi to confirm whether he is indeed a criminal, or – if it turns out that he is indeed innocent – to allow the public to see for themselves the data that underpins his innocence. I had requested that people could send me all information they can find (any public report/article) about his involvement (otherwise) in the murder of hundreds of innocents.

Few responded with any substantive comment, but I think the issue needs further investigation, if for nothing else but to assure ourselves that this man is indeed innocent, as his followers claim.

Two comments received are worth noting, to begin the dossier:

1) Varun wrote:

Why is that u talk about muslims killed in the riots and not about hindus or that stupid Banerjee committee which declared the karsevaks killed themselves just to appease the muslims...Sir please wakeup.Modi called in the army and controlled riots.He resigned and won the confidence of the people again.The SIT report also claims Modi to be innocent.

2) Supratim replied:

The problem with Modi is that he failed in his fundamental duty to the people of Gujarat. The state’s first function is to ensure the defence of people from external threats and internal goons. He failed this miserably, and not just for one or two days, but for 10-12 days, when goons ran amok in the state of Gujarat killing and maiming and raping and torturing innocent people.

Now, back to one of my earlier comments: how could hundreds of innocent Muslims have been killed under his regime and driven out of their homes in the tens of thousands? I worked in the bureaucracy for a long time and know that such things are IMPOSSIBLE without direct political control. The local administration can undertake a few excesses, but widescale carnage whereby Hindu fanatics are allowed to run amuck under shelter provided by the police (as is alleged to have occurred in this case) can’t be done without direct political orders. That’s why Harsh Mander got agitated and spent time investigating this carnage. We teach how to control communal riots at the academy (e.g. see case studies at: http://www.liberalpartyofindia.sabhlokcity.com/communal/lbs-comm-notes.doc).
Immediate stringent action is taught. Strong curfews and shoot at sight orders. The army must be called out immediately.

Such immediate stringent action would have significantly reduced the carnage. That it was allowed to run its “natural” course under the ‘protection’ of the police is a diabolical crime that can only come from shelter provided by the government.

Such things (verbal orders/ phone calls/ gestures) can’t be “proven” just like most corruption can’t be proven – being under the table, hidden. However, you and I know that criminals don’t leave traces of their crime. This inquiry which is dragging on for years might unearth such evidence, but there is in my mind no doubt that Modi is very likely to have been directly involved in the killings. However, it is one thing to have such suspicion and such questions, but another thing to prove them.

I’m happy to be provided with evidence of the circumstances why Modi allowed riots to go on for many days. I admit I have not had the time to read all the new items and reports issued on this topic, so it will be useful to have a compilation on both sides (for and against) – as a layman, to learn more about this issue. Note that I’m not trying to judge anyone in public, but do admit to a strong suspicion of his direct involvement. It will be good if this suspicion can be put to rest with appropriate proof.

Btw, does anyone know about the dossier that the Congress supposedly released? Where is it located? Also, is there any blog post that investigates and discusses both sides of the story? - something you can recommend that I read?

Addendum

Point out Modi’s complicity in Godhra and get suspended:http://t.co/V9nMdIM

Gujarat cop spills the bean on Narendra Modi’s aide

Gujarat cop names Narendra Modi’s aide in Prajapati ‘fake’ encounter case

Murder charges dropped against accused in Gujarat minister Haren Pandya killing

Narendra Modi and Justice Delivery on Gujarat 2002 (Offstumped)

Modi told me to give Rs 10 lakh to Bhatt: Ex-DGP - Sep 19 2011

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18.6.1 Modi’s socio-economic views

18.6.1.1 Dalits

Modi on reservation and caste politics – https://www.youtube.com/watch?v=1bHzEez7Q0I
19. The Mansi Soni saga

19.1 My blog

I have extensive posts on my blog re: Modi’s Mansi Soni saga. He was directly involved in this case (as in all others).

Key blog posts:

- Modi and Madhuri. Mansi Soni is “Madhuri”. So is THIS Mansi the one?
- Modi wants us to believe there is a thing called “DISCREET SECURITY”. Ha ha!! What a crook!
- Pranlal Soni’s testimony about Mansi Soni is contaminated by Modi-worship
- So, Modi, why did you pay Mansi Soni Rs. 5,153 on October 25, 2005?
- Modi, why did you “trap” Mansi Soni and send someone on a plane to spy on her?
- Prima facie there is NO case against Modi for supporting Mansi Soni’s Ecolibrium (“Equilibrium Energy” – Gohil) company
- BJP, Congress may “stop” chasing Modi in the Mansi Soni case but citizens won’t
- Modi, why did you give “terrorist” Mansi Soni “discreet security”? Please release all your Soni spying documents.
- Why Mansi Soni (not her father) must speak out: an IAS officer is in prison, and Modi has been spying on her
- Modi, Mansi Soni visited her mother in your unsafe city only on 11 and 12 August 2009. So why did you spy on her for over 35 days?
- Madhu Kishwar, please provide proof of your STRONG claims against Mansi Soni
- Modi has to go. Two out of three criminal charges against him in the Mansi Soni case are now proven BEYOND ANY DOUBT.
- A simple way to test Pradeep Sharma’s claim. Did Modi own 9909923400?
- Modi and Madhuri – more details of the alleged relationship. And no, this is not a father-daughter relationship.
- Modi and Madhuri – Modi and Amit Shah had no business to use TAXPAYER FUNDS to stalk Madhuri
- One more IPS officer (JS Mohapatra) hammers a nail into Modi’s coffin
- Modi, you must get up and walk into jail. Don’t hide behind an “inquiry commission”
- The alleged “Justice” Suganya Bhatt and CROOK Modi have successfully taken India for a ride

19.2 A booklet

On 1 June 2014 I’ve compiled some more information and published a booklet. Download from here.
20. False affidavit re: wife: ACCEPTED to be false by the court

20.1 Court agrees that Modi was guilty of a criminal offence

Modi’s marital status: Court finds him guilty, but says FIR can’t be lodged
21. Modi’s apologists

21.1 Madhu Kishwar’s Modinama

Madhu Kishwar’s assumption about Godhra is wrong. So all her further analysis is problematic.

I checked good friend Madhu Kishwar’s *Modinama* for any detailed analysis of the Godhra train burning incident. This is ALL I could find:

"58 train passengers, including women and little children, were charred to death on 27th February 2002 when their compartments were set on fire just as the train moved out of Godhra railway station."

"the massacre at Godhra railway station".

In her analysis, Madhu Kishwar has ignored the possibility that the Godhra incident was NOT a massacre, that compartments were NOT "set on fire", that, therefore, it was entirely accidental. She has bought into Modi’s story, hook, line and sinker.

Had she cared to read the Godhra train case judgement with a critical mind, and read more widely about the HUGE evidence of Modi’s mischief and criminality, she would have realised that Modi has gotten innocent people "convicted" through a fake judgement, and that there is NO PROOF of the train being set on fire by the accused using the methodology described in the judgement.

The cause of the Godhra train burning is NOT known. But it DEFINITELY did not happen the way portrayed by Nanawati Commission and Judge PR Patel.

What we DO know is that:

a) Modi alleged that the "train burning" was caused by ISI.

b) That it was pre-planned.

c) That he *ACTIVELY* engaged with VHP over phone that day

d) That he *met* VHP/BJP in which he conspired with the VHP bandh, agreed to allow VHP/Bajrang Dal to go free for practically three days (as noted by his own MLA) with minimal checks and balances, and directed his administration to lay their hands off while the "retaliation" occurred.

e) And in ALL WAYS POSSIBLE, he has sabotaged the justice system to protect murderers and imprison the innocent.

Madhu has also made another fundamental blunder. She has assumed that JUST BECAUSE a train is burnt, it gives a Chief Minister the natural right to support VHP, to declare a bandh, the natural right to declare a State Government bandh, and to let loose violent mobs all over the state.

Not being trained either in the basics of law or the administrative system, Madhu thinks that it is *OK* for a Chief Minister to provoke and INCITE VIOLENCE. Well, she had better read the law. **Modi is clearly guilty of MAJOR offences under the IPC.** And this assumes that ISI actually set the train on fire (which is FALSE).
21.2 KPS Gill

Gill went about exonerating Modi (e.g. here). But WHO IS GILL TO EXONERATE MODI!!!!

Gill was appointed by Modi in May, 2002. 90 per cent of the direct criminality of Modi occurred on 27 February. Gill’s testimony is meaningless. The facts I have compiled elsewhere in this book are 100 per cent clear about Modi’s criminal actions on 27 and 28 February.

Her entire analysis is flawed. She needs to go back to the drawing board.
22. “Development” by Modi and anti-corruption credentials

22.1 Modi the socialist

Is it really true that Modi’s economic policies in Gujarat were free market policies? The best way to tackle this question is to first see the true definition of the free market, and then contrast Modi’s actual policies with this definition.

Now, contrast these characteristics of a free market economy with Modi’s policies in Gujarat. Do Gujarat has any private property rights regime - which is secured by the State itself - in the means of production? Not at all. In fact, Modi has robbed many farmers of their land during his 13 years stint in power. Do we have different prices like wages, rents etc., being regulated by the free market forces of demand and supply in Gujarat without any interference from Modi’s state? No. Just like any other state we have myriad of legislative acts interfering the free exchange between a buyer and a seller. Modi’s government taxed like any other government. Modi’s government gave subsidies to farmers and industrialists like any other government. Modi’s government gave monopoly powers to business tycoons like Tata, Adani etc., like any other government. Modi government has put the people of Gujarat under a heavy burden of public debt like any other state government in India (see this). In fact, Narendra Modi dictated every policy in Gujarat from the get go.

If someone truly understands the system of free market, then, he can immediately see the logical fallacy of the term 'Narendra Modi’s Free Market Policy'. If there is a free market, then, there is no Narendra Modi because, as Ludwig von Mises explained:

> The market economy [capitalism] was not devised by a master mind; it was not first planned as an utopian scheme and then put to work. Spontaneous actions of individuals, aiming at nothing else than at the improvement of their own state of satisfaction, undermined the prestige of the coercive status system step by step. (The Ultimate Foundation of Economic Science, p. 109)

And, if there is Narendra Modi’s free market policy, then, there is no free market. It is Modi’s whatever vision that is forced on people!

Actually, Narendra Modi is a fascist leader. There is no free market in Gujarat. It is only socialism where, in reality, government owns the means of production. It is fascism where the state and big corporations loot the hapless public. It is crony capitalism. There ain’t any free market in Gujarat, and there won’t be any in India now that Modi is the PM of India.  

[Source]
22.2 Modi’s brother Prahlad Modi speaks out against him

See this video: http://indiatoday.intoday.in/video/gujarat-narendra-modi-prahlad-modi-government-fudged-reports/1/262066.html

Narendra Modi’s brother Prahlad Modi said that large scale fraud is being carried out in the government’s fair price shops at the cost of the poor.

22.3 Where is the development?

This is a very clear and fine article on the subject.

Why the so-called achievement of Narendra Modi don’t impress me. By Raghav Gakhar

22.3.1 Gujarat’s development has little to do with Modi

Source

In 1991, a full 10 years before Modi arrived, as many as 17,940 out of 18,028 villages were already electrified. The Ukai plant, which uses washed coal to generate power, was also pre-Modi as was the asphalting of 87.5% of Gujarat roads. In 1980-81, Gujarat’s share in manufacturing at the national level was only 16.29%, but by 2000-01 it rose to an impressive 28.71%. Not surprising then that between 1994-2001, well before Modi, Gujarat’s state domestic product grew at 10%-13%, way higher than the all-India average.

Since 1980, Gujarat has been India’s poster state. Modi had nothing to do with the world’s largest ship-breaking yard coming up in Bhavnagar, nor with the setting up of the Ambani refinery in Jamnagar. Well before Modi, Gujarat accounted for 45% of India’s petroleum products, roughly 18% of the country’s cargo handling, 23% of our total requirement for crude oil and 30% of our natural gas needs from offshore basins.

In addition, Gujarat, since the 1990s, produces as much as 78% of the country’s salt, 98% of soda ash and 26% of India’s pharmaceutical products. Because of chief minister Chimanbhai Patel’s intervention in 1993, port traffic in this state jumped from a mere 3.18 million tonnes in 1981 to 86.17 million tonnes in 2001. In the same period, Gujarat’s share of national port traffic increased from 45.36% to above 76% and has stayed there ever since. Modi’s decade has not made that percentage grow.

During the eventful 1990s, Gujarat successfully augmented 35% of its power generation capacity. It also closed down five major loss-making public sector units, initiating instead a variety of public-private partnerships. In fact, an early short-lived BJP government under Keshubhai Patel in 1995-96 did some good work too. In particular, he was instrumental in setting up Gujarat’s Industrial Development Board, but Modi has blanked him out from public memory as well.

If Gujarat’s agriculture is prospering today, it is because the state has begun to receive Sardar Sarovar waters from 2002. Once again, Modi had little to do with the inauguration of this project, but he was at the right place at the right time to
take the credit for it. If there was ever a person who reaped what somebody else had sown, then that is Modi.

Gujarat also is not alone in posting agricultural growth rates above the national average; even backward Chhattisgarh and Madhya Pradesh handsomely beat the all-India figure. Finally, it is not as if Gujarat is overall the richest state either; Haryana, Punjab, Maharashtra and Kerala are all much better off, primarily because they have lower rural poverty rates.

At the same time, to round off this number, it must be acknowledged Gujarat was never poor. True, it was a lowly eighth in terms of prosperity in 1960, but it has been at number three since 1990 and continues to hold that spot. Modi may not have self-started Gujarat's development, but he certainly kept the engine running.

In line with this, Modi should be credited for taking a few initiatives of his own. For example, while Gujarat's villages were all lit, it is also a fact that the state's electricity board was bankrupt in 2002. Loans were arranged to overcome this shortfall and power thefts too were curtailed by police monitoring. Gujarat also did well in making the central government's 'Sarva Shiksha Abhiyan' work, especially in connection with the girl child. Yet, the percentage fall in Gujarat’s infant mortality and poverty rates are well below the national average.

Modi, by driving even elite Muslims into this place out of fear. If Modi creates ghettos, and can’t do ANYTHING substantial to address poverty or corruption (his governrment is renowned for corruption in allocation of mines), plus he has made a total mockery of the justice system, then he should be classified as an all-round failure.

Read Transparency International’s findings re: corruption in Gujarat. All data point to one thing: Modi’s “success” is more spin than substance. And don’t forget this. In brief, Modi is NOT the solution for India’s many problems. And almost certainly criminally involved.

22.3.2 A critical video (possibly by Congress?)
Voices From Gujarat – 3 (Youtube)

22.3.3 FinMin panel rates Gujarat 12th most developed state
Source.

22.3.4 Sanjiv Bhatt’s view

Q: Today you are wearing a whistle blower’s cap. Lot of water has passed under the Sabarmati. Where do you stand today in the scheme of a new Gujarat having come up?
A: I would not know whether a new Gujarat has come up. But yes there are few changes I see in mindsets of the people of Gujarat. I feel pained to see people falling hook, line and sinker for a conjurer and a fraudster as I would call Modi. All he did in last 12 years is to
create imageries trying to sell only him. He has somehow marketed himself in a way that people believe all that Gujarat today is because of him. Whereas the fact is Gujarat is not what it is because of Modi but rather what it is despite him. **Gujarat would have been where it is today or maybe a bit ahead had anyone being the chief minister of Gujarat.** This is all because of Modi’s clever marketing, packaging and use of mass-media coupled with the general level of ignorance amongst youth. So this is a very sad change happening in Gujarat in recent years. At times I am forced to think whether it is really the land of Gandhi or of his killers? I really don’t know...it’s a big question that troubles me at times.  

I agree. There is no evidence of exceptional development in Gujarat.

### 22.3.5 Further analysis by Sanjiv Bhatt

In 1991, a full 10 years before Modi arrived, as many as 17,940 out of 18,028 villages were already electrified. The Ukai Thermal Power Station, which uses washed coal to generate power, was also pre-Modi, as was the asphalting of 87.5% of Gujarat roads. In 1980-81, Gujarat’s share in manufacturing at the national level was only 16.29%, but by 2000-01 it rose to an impressive 28.71%. Not surprising then that between 1994-2001, well before Modi, Gujarat’s state domestic product grew at 10%-13%, way higher than the all-India average.

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During the eventful 1990s, Gujarat successfully augmented 35% of its power generation capacity. It also closed down five major loss-making public sector units, initiating instead a variety of public-private partnerships. In fact, an early short-lived BJP government under Keshubhai Patel in 1995-96 did some good work too. In particular, he was instrumental in setting up Gujarat’s Industrial Development Board, but Modi has blanked him out from public memory as well.

If Gujarat’s agriculture is prospering today, it is because the State has begun to receive Sardar Sarovar waters from 2002. Once again, this project was conceived by Shri. Jawaharlal Nehru and made substantial progress during the tenures of Chimanbhai Patel and Keshubhai Patel. In fact, Modi had nothing to do this project, but he was at the right place at the right time to take the credit for it. If there was ever a person who reaped what somebody else had sown, then that is Modi.

Gujarat also is not alone in posting agricultural growth rates above the national average; even backward Chhattisgarh and Madhya Pradesh handsomely beat the all-India figure. Finally, it is not as if Gujarat is overall the richest state either; Haryana, Punjab,
Maharashtra and Kerala are all much better off, primarily because they have lower rural poverty rates.

At the same time, to round off this number, it must be acknowledged Gujarat was never poor. True, it was a lowly eighth in terms of prosperity in 1960, but it has been at number three since 1990 and continues to hold that spot. Modi did not jump-start Gujarat's development engine, he just kept the engine running. [Source: from Sanjiv’s Facebook page]

22.4 Muslims forced into ghettos

In Gujarat people left homes where they were living for decades to other parts of the same city leading to formation of ghettos, Mumbra in Mumbai and Juhapura in Ahmedabad being two major ones [Source].

22.4.1 The Juhapura ghetto

[Source: Commentator Rick on my blog]

A. Juhapura was a slum and yes due to riots rich muslims have migrated to Juhapura. Quoting “The paradox of 2002 riots of Gujarat – the SLUM CALLED as JUHAPURA has been converted into a ghetto with the rich migrating here. It has nonetheless brought in partial development in the region” source – http://www.dnaindia.com/india/1773771/report-juhapura-could-soon-be-a-city-within-a-city

B. Source 2 Juhapura is a slum. In book “Inside the Transforming Urban Asia: Processes, Policies, and Public Actions”, 5 slums of Ahmedabad are mentioned 1. Sabarmati, 2. Danilimda, 3. Maninagar, 4. Vasna and 5. Juhapura. They also have some data so below is % of households with “No” access to Laterine:
Note that some BJP supporters promised to rebut this book but have comprehensively failed to provide even the SMALLEST refutation of this material despite THEIR BOGUS AND TALL CLAIMS that they would do so: 1) Anuj Gupta 2) Surajit Dasgupta

Based on above data you see Modi has failed to deliver not only to Muslim Majority slums but also Hindu majority. Frankly failed to deliver even more to Hindu areas.

22.5  Corruption

22.5.1  Arvind Kejriwal’s allegations

https://www.youtube.com/watch?feature=player_embedded&v=uiYDNe-m7KM

Article:


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Tehelka sting records on Youtube:

Uploaded on Oct 27, 2007: Spurred on by Modi’s statement in Godhra, Dave and other VHP men set about picking out targets and killing them one by one. VHP’s point man who planned attacks on Muslims in Kalupur and Dariapur

Bajrangi etc.

Call data connecting VHP/BJP/ police officers [from 5:30 minutes]

False testimony

We had also nailed the real story of the Godhra train burning. The star police witnesses were caught on camera telling how police had tutored them to give false testimonies and framed a spontaneous communal riot into a cold-blooded conspiracy. They confessed they were party to a police conspiracy, in which respected Muslim leaders of Godhra were falsely implicated to justify Narendra Modi’s “action-reaction” theory.


22.5.2  Ashish Khetan’s findings

Over the past seven years the Narendra Modi government has entered into several dubious agreements in the realm of the energy sector which were tailor-made to provide astonishingly high profits to the Gautam Adani promoted power producing companies. This story analyses one such decision that will impose a heavy financial burden on the people of Gujarat even as Adani will walk away with an excess profit of Rs 23,625 crores over the next 25 years.  [Source]
MODI Makeover

Adolf Hitler was a brilliant propagandist. Narendra Modi too believes in the power of image. This is probably why the chief minister hired a US lobbying firm which has serviced clients like former Nigerian dictator Sani Abacha and President-for-life of Kazakhstan Nursultan Abishuly Nazarbayev.

This Washington-based firm, Apco Worldwide, was hired by Modi sometime in August 2007, in the run-up to an important Assembly election, to improve his image before the world community. Among its recent clients are Mikhail Khodorkovsky, a former Communist youth leader-turned-Russian billionaire with mafia links.

The firm has a distinction of taking contracts of boosting images of leaders who fell out of favour of their followers.

On the face of it Apco Worldwide’s brief is to build and sell Brand Gujarat to the international community. APCO, through its 32 offices across the globe, has been promoting Gujarat as a great investment destination. APCO has also been managing Modi’s own behaviour and projection, for which the cost has been over $25,000 per month since 2007.

[Source]
23. Modi’s opposition to religious freedom and freedom of speech

23.1 Modi’s opposition to conversion of one’s religion

In 2002, Modi raised the ‘bogey of conversion’ during his election campaign in Gujarat and in 2003, he brought in the Gujarat Freedom of Religion Act which must be easily ranked as one of the most draconian laws in the history of any democracy anywhere in the world. The law very blatantly says that “if one wants to change his/her religion, one must first seek the permission of the civil authority (the Collector)”. This law clearly violates Article 25 of the Constitution of India [Source]

23.2 Modi’s banning of a book

Narendra Modi loses all credibility

Through his action of banning the book, Great Soul; Mahatma Gandhi and His Struggle with India, by Joseph Lelyveld, Narendra Modi is now exposed as a fundamentalist, on the lines of the socialists who have governed India and ruined it totally for 60 years.

Shame on this man who aspires to lead India one day. He is one with the socialists in their delusion that their role is to CONTROL the people.

Gandhi wanted freedom: to get freedom, not crazy control freaks like Modi.

Modi, you don’t know what Gandhi stood for. Please step down and go home. No one needs you to tell Indians what to read and what not to read. YOU ARE NOT GOD.

And VHP goons have been running around destroying paintings and obstructing freedom of speech in Ahmedabad.

23.3 Converting Gujarat into Hindu-Muslim ghettos

the polarisation during Mr Modi’s 12 years as chief minister has increased. The disturbed areas act – initially introduced in 1991 to protect minorities from distress sales in the wake of violence – is now in place in 40 per cent of Ahmedabad. Last summer India’s Supreme Court questioned whether, 12 years after the 2002 killings, so many parts of Ahmedabad remained sensitive areas.

The Indian Express newspaper commented: “More Muslims and Hindus have moved into separate spaces in Gujar, finding trust and assurance only among neighbours of their own community, and it has ended up entrenching segregation and shutting Muslims out of the mainstream.” [Source]
24. Turncoats (who first criticised Modi then suck up to him)

24.1 Kiran Bedi
Within no time this SHAMELESS woman was drooling over Modi. Not the SLIGHTEST change in facts.

24.2 Smriti Irani
See called for Modi’s resignation, but without any known reason has been working for Modi.
25. Summary by Sreekumar

25.1 Extract from “Emasculation of the Bureaucracy”

Modi punished officers who protected innocents, but rewarded those who killed innocents. This is an extract from a chapter of a book entitled “Emasculation of the Bureaucracy” by R B Sreekumar

A critical study of the pattern of riots in 2002 would indicate that wherever police and executive magistracy enforced law effectively, total normalcy with negligible violence was ensured. An analysis of the spread and depth of the violence would be in order. Out of the 30 police administrative units (4 commissionerates and 26 districts) high voltage violence was seen in 2 commissionerates (Ahmedabad city and Vadodara city) and 9 districts, while violence was negligible in 2 commissionerates (Rajkot and Surat cities) and 6 districts.

In eleven districts no murders due to communal disturbances, were reported. The officers had achieved this through strict enforcement of the standard operating procedure (SOP), laid down in the Gujarat Police Manual, and numerous other codified Governmental regulations for scrupulous compliance, during any challenge to normalcy namely communal violence/riots, disasters and public order disturbances.

Even while the violence raged in several parts of the state, i.e. in mid-March 2002, the Superintendent of Police (SP) from districts where they had been effective and the mobs had been checked were inexplicably, transferred to non-executive and unimportant assignments.

The transfers of

(1) Rahul Sharma, SP of Bhavnagar district in March 2002, for his "default" of securing an Yatimkhana (orphanage) cum madrassah housing 450 students, by opening fire on belligerent Hindu mobs;

(2) Vivek Srivastava, SP, Kutch district for booking district home guard commandant for the latter’s criminal role in riots in 2002;

(3) Himanshu Bhatt, SP, Banaskantha, for punishing a police sub-inspector for his collaboration with rioters;

(4) M D Antani, SP, Bharuch district for saving Muslim colonies form attacking Hindu crowds, through purposeful administrative and police measures;

(5) Satish Verma, DIG, Border Range for ordering action against a BJP MLA of Banaskantha district for the latter’s complicity in riots and so on are clear and illustrative instances.

Officers who submitted valuable and truthful evidence to judicial and probe bodies about the illegal role of the chief minister Narendra Modi and the sangh parivar and their compliant officers within the police and administration aiding the anti-minority carnage and related crimes have also been systematically victimised.

This technique of punishing those men and women who had functioned lawfully, was followed scrupulously and vindictively to send an unequivocal message down the rungs of
the bureaucracy and police; that by choosing the path of Pax Modiyana (Law enforcement as per the diktats of Narendra Modi for achieving Hindu communal consolidation), by violating the fundamentals of the rule of law, rewards would follow.

R B Sreekumar, additional director general of police (Intelligence) of Gujarat state from April to September 2002 was superseded in promotion to the rank of DGP, served with a charge sheet for dismissal, and further victimised through petty inquiries. Emerging victorious at the Central Administrative Tribunal (CAT), Sreekumar’s post retirement benefits were finally protected by the Gujarat high court though his pensionary benefits were not released for 2 years.

Sreekumar angered the high and mighty by filing four affidavits (between 15-7-2002 and 6-10-2005) that revealed illegal actions of state authorities during and after the violence of 2002, especially with relation to subverting justice delivery to riot-victim survivors, His other lawful acts like (1) providing truthful information on precarious law and order situation in Gujarat in August 2002 to the full bench session of the Central Election Commission (CEC) this resulted in the CEC not accepting the time schedule of election suggested by the state government and (2) reporting details of public speeches by Narendra Modi during the Gaurav yatra in the state in September 2002 (Prestige procession to celebrate killing of 2000 odd Indian citizens during the riots) ignoring illegal written orders by the then DGP, K Chakravarthi for not reporting about CM speech to higher authorities, and so on.

Rahul Sharma, who gave evidence against the collaborators in the state government in the riots, particularly providing the CD with 5 lakh phone call between 28.2.2002 and 2.3.2002 (this had established the guilty actions of many accused in riots) was harassed by serving of charge sheets for departmental action and by also superseding him in promotion to the rank of IGP. The last straw for the vindictive Modi-driven government was when Sharma provided the phone call records of Sanjiv Bhatt to amicus curiae, Raju Ramachandran appointed by the Supreme Court of India in the Zakia Jafri and Citizens for Justice and Peace (CJP) case against Narendra Modi and 59 others.

Another IPS officer who has had to bear the brunt of the state government’s wrath, is Sanjiv Bhatt, on account of his giving evidence about the chief minister directing government officials to allow a freehand to Hindu rioters. Bhatt spoke of this first to the Supreme Court-appointed Special Investigation Team (SIT) in 2009, then filed an affidavit before the Supreme Court of India in April 2011. He was arrested in fabricated cases and departmental action was also initiated against him.

The only IAS officer to be similarly victimised was J S Rana, the then managing director of Gujarat State Road Transport Corporation (GSRTC) who was penalised for his fault of adhering to the rules regarding releasing of buses of GSRTC for the additional Gaurav yatra of Narendra Modi in September 2002, and was superseded in promotion to the rank of additional chief secretary. Needless to say, departmental action was also taken against him.

But all other IAS officers who collaborated with Modi in implementing his unholy anti-minority pogrom were rewarded with out of turn promotions and lucrative post-retirement assignments. The chief secretary G Subha Rao, the additional chief secretary (home) ACS Home Ashok Narayan, commissioner of police (CP) Ahmedabad, P C Pande and others were given out of turn promotion and post-retirement assignments. P K Mishra, the principal secretary to the chief minister, Modi was also given 5 years semi-judicial placement after his retirement. In the interim the central UPA government gave him an important posting in New Delhi under union agricultural minister Sharad Pawar.
The administrative bureaucracy run by the IAS, particularly, those in the executive magistracy and police personnel guided by the IPS cadres had, deliberately, in pursuant of a plan, avoided taking cognizance of their offences and delinquencies, with the tacit approval of Narendra Modi, the state home minister and chief minister.

The catalogue of intentional lapses is long. The blatantly objectionable acts include,

1. Inaction on specific intelligence inputs suggesting curative actions during the preparation, perpetration and post-riot period relating to destabilizing tendencies of government functionaries:-

(a) In an analytical report on the communal scenario in Ahmedabad city submitted to the additional chief secretary by R B Sreekumar, then additional director general of police (intelligence) on April 2002, the prevailing disquieting dimension of the situation was portrayed, namely

(i) the perception of the Muslim community about themselves as a separate section of population, left at the mercy of rabid communal elements led by organisations like Bajrang Dal and VHP,

(ii) Loss of faith in the CJS among the Muslims on account of alleged partisan role by police and other government officials; faulty recording of FIRs presented by the Muslims, by police, in avoiding inclusion of names of the Hindu accused; combining different transaction of offences in a single FIR; reluctance of the investigating officers to arrest powerful leaders, whose names were figuring in the FIR; hesitation in taking these accused persons on remand; partisan role by government public prosecutors not opposing the bail applications of these accused; VHP and Bajrang Dal activists extorting protection money and warning merchants against employing members of the minority community in any vocation; intimidation of Muslims by Hindu radical elements from restarting their businesses; efforts by Hindu fundamentalists in filling up the commercial and economic vacuum created by migration of the Muslims; plan of radical elements to drive away their rivals from certain localities; trend towards ghetto formation and such ghettos becoming veritable source of recruitment of extremists/terrorists to the ranks of pan-Islamic and pro-Pakistani organisations and so on.

(b) Remedial measures suggested included; replacement of officers at cutting edge level, numerous measures for restoration of faith of the public, and particularly, the minorities in CJS, campaigns by non-political religious leaders to expose the politicised pseudo-religious leaders, improvement in security ambience for facilitating rehabilitation of riot victims, purposeful legal action against publication and distribution of pamphlets inflaming communal passions so on. The state government did not initiate any action on reports by the State Intelligence Bureau (SIB) though SIB had send 3 more reports on June 15, 2002, August 20, 2002 and August 28, 2002, requesting the government to implement suggested curative measures. The additional chief secretary, Ashok Narayan had verbally admitted (audio recording available) that though the SIB reports were shown to the chief minister, no instructions were given by him about necessary follow up action.

2. Avoidance to initiate pro-active, pre-emptive and responsible action, as delineated in legal statutes, Gujarat police manual etc.

3. Entrusting dead bodies of 54 (out of 59) Hindus killed in Godhra train, to VHP leaders, while government officials should have taken these bodies to the relatives of the deceased.

4. Placing two state cabinet ministers, not having jurisdiction ever Home and Police departments to interfere in police operations, to sit in the DGP office at Gandhinagar and Police Control Room of Ahmedabad city (where maximum violence in the form of mass
murders, gang rapes, arson and destruction of minority monuments from the 16th century was reported, in violation of stipulation in the rules of business.

5. Deliberate inaction to implement the Kerala High Court verdict on the banning of bandhs (later confirmed by the Supreme Court) and destruction of public property.

6. Appointment of pro sangh parivar advocates and even office bearers of VHP as special public prosecutors to present cases against accused belonging to supremacist organisations.

7. Intentional delay in imposition of curfew in Ahmedabad city, the most communally sensitive area in Gujarat state. (i) Non-implementation of curfew and non-arrest and prosecution of curfew violators. Consequently 96 people were killed in Naroda Patia in Ahmedabad city and many killed in attack on Best bakery in Vadodara city.

8. Non-maintenance of the minutes of law and order review meetings convened by the director general of police (DGP) to the chief minister.

9. Serious unprofessional omissions in the investigation of riot cases and failure of supervising officers from deputy superintendent of police (DYSP) to DGP in performing their monitoring and overviewing duties, as narrated in the Gujarat Police Manual Vol III (GPM).

10. Issuing illegal verbal orders by DGP to additional DGP (Intelligence) for not providing information to the national body, of National Commission of Minorities (NCM).

11. Illegal and unethical acts of tutoring, pressurising and intimidating a senior police officer, a witness summoned by the Nanavati-Shah Commission for speaking in favour of the government, during the cross-examination and so on.

Many of these blatantly evident and professional flaws by government functionaries have been criticised and censured by the special (trial) courts right up to the Supreme Court in numerous judgements.

**Judicial Reprimand**

1. Supreme Court (SC) order that transferred the investigation of the Bilkis Bano gang rape case to CBI and the trial itself to Maharashtra

2. SC order ordering re-trial and transfer of trial of the Best Bakery case to Maharashtra. In both cases, accused were thereafter convicted

3. SC Order directing re-opening and re-investigation of 2000 odd riot cases (closed by the Gujarat police for favouring the accused drawn from the sangh parivar, without even issuing statutory notice to the complainants before closing the cases). This was an unprecedented move by the Supreme Court in the judicial history of India,

4. SC order directing the constitution of the Special Investigation Team (SIT) to investigate major riot related genocide cases and to probe the complaint of Mrs. Zakia Jafri widow of former Congress member of Parliament brutally killed by rioters on the VHP sponsored bandh day on February 28, 2002

5. SC order entrusting investigation of a few fake encounter cases to the CBI

6. SC order directing the appointment of a Special Task Force (STF) under Justice Bedi to probe into 17 cases of extra judicial killings by Gujarat police,
7. Order of the Gujarat High Court, in February 2012, censuring the inaction of Gujarat state government in protecting historical monuments and religions centres of the Muslim community during 2002 riots and so on.

8. Significantly the special court hearing cases investigated by SIT, reportedly passed severe strictures against Gujarat police. The court passed adverse comments on the investigatory officer, Police Inspector Patel, who investigated Deepda Darwaza case of Mehsana district.

9. Another special court in its 2000- page long judgement of the Naroda Patiya massacre, dated August 29, 2012, condemned the Gujarat police for its bias against riot victim survivors from the time of the registration of their FIR against those responsible for mass violence, by neglecting the mandatory duties of the police. The Judge had pointed out professional lapses of the police and these echo the concerns reflected in the reports of the SiB sent to State Home Department from April to August 2002, Had the authorities acted upon these reports the judiciary would not have passed adverse remarks on a series of actions constituting the dereliction of duties committed by both the IAS and IPS officials of the state who were in charge of both the police and state home departments.

The utter insensitivity of both the IAS and IPS officials to departmental regulations is obvious in their failure to take follow up action on the censures and strictures by the courts against relevant officers by complying with Rule 271 and 272 of the Gujarat Police Manual Volume III. Since the comforts for the IAS and IPS (incentives and facilities) are provided by the political executive in the state, who have, in Gujarat, also unabashedly ignored the specific instructions that are in tune with the Constitution of India, these All India Service officers have, following suit also ignoring these mandatory directives.

Another instance of the bureaucracy dancing to the tunes of the illegal directives of political executive was in the presentation of misleading false reports on the law and order situation and rehabilitation of riot victims before the full bench of the CEC in August 2002.

The chief secretary and the additional chief secretary (home department) were personally responsible for these subversive actions of misleading the CEC to ensure acceptance of the time schedule of early elections as being pushed by the Modi-led state government to brazenly take electoral advantage of the majoritarian Hindu communal consolidation that resulted after the mass violence. The Modi government had prematurely dissolved the state assembly and was keen on holding early elections. The CEC in its order dated August 16, 2002 expressed its displeasure about the officials providing misleading inputs to a constitutional body like the Election Commission. The same report relied heavily upon the evidence provided by then ADGP (intelligence), RB Sreekumar. The CEC had announced the assembly election schedule only after the state government had complied with some of the conditions outlined by the CEC.

Another illustration of the state government’s crippling of redressal and corrective mechanisms is how it has dealt with the Nanavati-Shah-Mehta Commission and how senior government functionaries have followed suit. In the first set of terms of reference (March 2002), with a sympathetic government at the Centre, the conduct of the chief minister and cabinet of ministers was kept out of the purview of investigation/inquiry, In 2004, following the change of regime in New Delhi, suddenly the terms of reference were expanded.

Though the state government through a notification directed all officials to be helpful and cooperative to the Commission, the chief secretary, who acts as a bridge between the administrative bureaucracy and political bureaucracy, as the secretary of the state cabinet, avoided filing any affidavit on the two major terms of reference to the
Commission by the government. In fact, except three IPS officials, R B Sreekumar, Rahul Sharma and Sanjeev Bhatt, others had submitted affidavits prepared by advocates of the Modi regime, defending the actions of the government and bureaucracy.

The IAS officers close to Narendra Modi acted as collaborators in various corrupt deals. The scandals regarding land scams and the providing of government land to corporate houses like Adani, Ambani brothers and the Tatas, causing a loss of Rs 1 lakh, 2000 crores to the state exchequer is well known. Corruption in the Sujalam Sufalam project as pointed out by Public Accounts Committee (PAC) has been kept a secret, despite demands from the opposition to investigate.

Dereliction of mandatory duties by IAS/IPS officers at senior levels has also resulted in the creation/existence of a mafia collective of officers enjoying extra hierarchical accessibility to the political executive namely the chief minister Narendra Modi and the minister of state for home — Amit Shah etc. It is this mafia of officers within the police that had carried out the extra judicial killings between September 2002 and April 2007, for creating political capital and electoral dividends for Narendra Modi and the BJP. As a quid pro quo the chief minister has allowed these officers to indulge in unchecked corruption by ignoring the seniors, who have conveniently suspended their statutory supervisory responsibility.

Only recently, DIG, DG Vanzara who has been in jail since April 2007 for his culpable role in the planning and the execution of fake encounters in the state, has admitted in his resignation letter to the state government and the CBI investigating fake encounter cases, that he and his team had carried out fake encounters in pursuit of government policy. He has further lamented that Narendra Modi whom Vanzara deemed to be a God had not protected him, though a lot of legal help (including hiring top notch and highly paid lawyers like Ram Jethmalani) was provided to Amit Shah, Modi’s close friend and his man Friday in politics. Before the law caught up with him, IPS officers, senior, to DG Vanzara did not perform their mandatory duties, (specified in GPM Vol III) regarding custodial deaths and extra judicial killings.

It was only judicial intervention that set the criminal law in motion against conspirators and those accused guilty of fake encounters. As of today six IPS officers — 1 of the rank of ADG, one DIG and four SPs and 28 other ranking Gujarat police officers are in jail for their alleged complicity in fake encounters. The silver lining in the whole affair is that with the arrest of these officers in 2007, the elimination of so called ‘potential assassins’ of Narendra Modi and sangh parivar lelders, has come to an abrupt end. This has fully exposed the Goebellian propaganda that most of the victims of fake encounters were sent by “Islamic Jihadi” organisation like Lashkar-e-Toiba etc.

An equally reprehensible omission by the state civil administration namely the IAS officers in Gujarat, is in the area of inadequate and unempathetic relief, rehabilitation and re-settlement of riot victim in their pre-riot habitats and vocations. As many as 9,000 riot victim survivors are dwelling in sub-human settlements without basic amenities of life. Regulations on rehabilitation of the disaster affected have been violated. Often officers have used relief and rehabilitation as a bargaining/blackmail point, demanding that survivors withdraw their cases against the rioters or turn hostile against the prosecution case in return for fit rehabilitation. It is no wonder that many cases investigated by the Gujarat police have ended in acquittal of the law breakers as witnesses and even complainants have turned hostile.

The IPS officer heading the state police is the villain of peace in this matter. Nonetheless, due to close monitoring of cases investigated by SIT by the Supreme Court and legal rights groups like the Citizens for Justice and Peace (CJP) headed by Teesta Setalvad practically
no witness had turned hostile in key 15 cases resulting in the conviction to life imprisonment of 117 key accused. This is an unprecedented achievement in the history of anti-minority violence since 1947, in India.

The deliberate destruction of relevant records related to the police and administrative response during riots (police control room records, vehicle log books of police functionaries), adherence to the SOP and the integrity and performance of public prosecutors deputed for conducting riot cases, was another delinquent act by officials, who are unethically committed to the political strategy and undercover tactics of immunising powerful accused responsible for multiple crimes during the protracted communal violence in 2002. The guilty officials had violated rules about the compulsory maintenance of all records relating to cases under trial or investigation till final closure of the cases by the Supreme Court.

The tragedy is that the Gujarat police, and probe bodies like SIT and the Nanavati-Shah-Mehta Commission, even the judiciary have not yet penalised any senior officer from the post of deputy superintendents to DGP and chief secretary for their criminal negligence of duties, punishable under section 186, 217 and 218 of the Indian Penal Code (IPC). Only two police inspectors have been arrested for their crimes of negligence of duties relating to the 2002 violence. The real planners and facilitators of crimes in the police and bureaucracy are even today enjoying self-contrived and state government ensured immunity from legal action, prosecution and penalisation.

The SOP has to be recast making it compulsory for competent authorities in the Union and state governments to take cognisance of all acts of criminal negligence and violation of SOP from chief secretary to police constable. No scope should be provided for the authorities to immunize their sycophants and blue-eyed boys from accountability for their defaults. The enactment of the proposed Prevention of Communal Violence Bill, 2014 could narrow, if not eliminate the scope of officers from escaping their command responsibility and pin-point accountability.
26. His cabinet is a rogues gallery

26.1 New York Times

On the campaign trail earlier this year, India’s prime minister, Narendra Modi, appealed to voters by promising to combat corruption and clean up politics. He was rewarded with a huge national electoral victory as well as success in state elections last month.

Yet on Monday, Mr. Modi substantially reneged on these commitments when he named 21 new members to his cabinet. According to Reuters, the appointees include at least five people charged with such serious offenses as rape and rioting; a total of seven are facing prosecution. Ram Shankar Katheria, who was named junior...
accused of more than 20 criminal offenses including attempted murder and the promotion of religious or racial hostility.

Finance Minister Arun Jaitley dismissed suggestions that there are criminals in the cabinet as “completely baseless.” He drew an odd distinction, telling reporters “these are cases arising out of criminal accusations, not cases of a crime.” Meanwhile, a spokesman for Mr. Modi’s ruling Bharatiya Janata Party said it was up to the courts to decide such cases and attributed many of the charges to political rivalries.

He’s right that the courts should decide guilt or innocence. And it may not be unusual for political rivals to make accusations against one another. It is also true that the over-taxed Indian system often drags prosecutions out for years, delaying justice.

But none of the above means that allegations of criminal wrongdoings should be ignored.

Source: http://takingnote.blogs.nytimes.com/2014/11/10/narendra-modis-cabinet-is-a-rogues-gallery/?_r=0

26.2 Hindustan Times

Crime slur on nearly a third of Modi cabinet
27. Conclusion

27.1 Illustrative offences (under the Indian Penal Code) likely committed by Modi

The SIT, constituted mainly of senior Gujarat cadre IPS officers, concluded in its report:

"Interpretations made on alleged illegal instructions given by the Chief Minister by RB Shreekumar and Sanjiv Bhatt, appear to be without any basis. Further, even if such allegations are believed for the sake of argument, mere statement of alleged words in the four walls of a room does not constitute any offence," says the report by the SIT, headed by RK Raghavan. [Source]

I disagree with this fatalistic and pessimistic approach towards justice.

In his private capacity Modi is NOBODY to ask senior officers to come for a meeting, It is only in his official capacity that Mr Modi had the opportunity to invite senior officials. And while his speech during such a meeting will necessarily occur within four walls of a room, his words and sentiments are not less official because of that.

It is usually through verbal directions that the administration operates. There is neither time nor capacity to keep writing everything down. And while it is never OK for an official to follow illegal/unconstitutional orders, it is crucial to remember that illegal directions of a Chief Minister do carry a lot of weight and do constitute a directive. The fact that someone may or may follow the directive is irrelevant to the discussion.

One can't be CM of a state and not be liable for statements made within four walls of a room DURING AN OFFICIAL MEETING.

Also, given the EXTENSIVE proof against Modi's involvement, I believe the police should be able to take cognisance of at least the following crimes:

a) Criminal conspiracy [This occurred in numerous ways: through phone calls to VHP on 27 February, meeting/s with VHP, meetings with senior officials, directives to BJP MLAs that the government would be 'hands off' for three days, etc.]

b) s153A: promoting enmity on grounds of religion and doing acts prejudicial to maintenance of harmony [This he did through his direct hate speeches and support for people like Togadia who went about provoking hatred and violence].

c) s153B: Impuations, assertions prejudicial to national integration [By repeatedly restricting his nationalism to "Hindu" nationalism]

d) Abetment of murder and rioting [This is the key offence, since he ENTIRELY FAILED to discharge his duties, and instead incited violence in every possible way. Also, he asked his police to go slow and allow the 'reaction' to occur.]
Mr Raghavan is an IPS officer. How could he spend such a long time studying the Modi case and still not recommend criminal prosecution? I’ve spent merely two weeks of my spare time, and I’m confident that there is overwhelming evidence – and extensive grounds – to prosecute Modi. I’ve only listed a few and compiled only a short summary (about 200 pages) on Modi. But this material contains enough leads should anyone be interested in justice and accountability in India.

**Question: Statute of Limitations**

I'm forgetting whether this applies to criminal cases. I suspect not (or at least not to all of them). Would appreciate any thoughts you might have on this issue.

### 27.2 Criminal charges against Modi by the Supreme Court Amicus Curiae

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<td>Section 505</td>
<td>lays down the punishment for making statements that promote enmity, hatred or ill-will between classes and prescribes punishment that may extend to imprisonment of three years.</td>
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<td>Section 166</td>
<td>prescribes a maximum imprisonment of one year for those public servants who knowingly disobey any direction of law, intending to cause injury to any person. The SIT itself has chronicled several instances where Modi’s conduct was divisive and prejudiced against the minorities and thus was in violation of his constitutional duty of protecting the life and property of every citizen of the state.</td>
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<td>Section 153A</td>
<td>lays down maximum imprisonment of three years for promoting enmity between different groups on grounds of religion, race, etc. and doing acts prejudicial to the maintenance of harmony.</td>
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<tr>
<td>Section 153B</td>
<td>lays down a maximum imprisonment of three years for making imputations or assertions prejudicial to national integration.</td>
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### 27.3 15 criminal charges against Modi

According to Zakia Jafri (supported by Citizens for Justice & Peace) Criminal Complaint against Narendra Modi and 59 Others:

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<td>1</td>
<td>Willfully Ignoring Messages from State Intelligence about the Violent Repercussions of the RSS-VHP called ‘Mahayajna’ before the tragic Godhra incident on 27.2.2002 and deliberately not initiating precautionary measures that are imperative under Standard Operational Procedure; messages from 7.2.2002 to 25.2.2002, including specific ones that stated that batches of 2,800...</td>
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and 1,900 kar sevaks had left for Faizabad-Ayodhya and had been behaving provocatively and aggressively against minorities on the way. As cabinet minister for home and chief minister, he is directly responsible MOS Home Gordhan Zadaphiya is a constant Co-Conspirator. Co-accused, ACS Home Ashok Narayan has admitted these messages were received by the GOG Home department.

(Evidence of this :- Official Documents Including over one dozen messages of the State Intelligence Bureau to the political head of the home department, Narendra Modi, other senior bureaucrats named as co-conspirators in the Zakia Jafri Complaint including accused former Director General of Police, K Chakravarthi; Tehelka’s Operation Kalank that was authenticated by the CBI following an Order of the NHRC dated 5.3.2008 also contained direct evidence of collection of arms, ammunition including dynamite by several VHP and RSS men before 27.2.2002. All these messages are part of the SIT Investigation Papers at Annexure III, File XXXIV D-176)

Ø 2. Deliberately concealing knowledge of the provocative, anti-Muslim sloganeering by kar sevaks at the Godhra station when the Sabarmati Express reached five hours late on 27.2.2002, which information had been sent to him directly by DM/Collector Jayanti Ravi and willfully failing to take stern action and allowing violent incidents to escalate after the train left Godhra by about 1.15 p.m. especially at Vadodara station where a Muslim was attacked and killed and at Anand where the train stopped hereafter ensuring that the state allowed a hate-filled and threatening atmosphere against Muslims build right up to Ahmedabad where the train finally reached around 4 p.m. and where bloodthirsty slogans were being shouted. FIRs in 19 brutal incidents against Muslims are recorded on 27.2.2002 in Ahmedabad itself. Curfew was not imposed despite these incidents resulting in deaths breaking out.

(Evidence of this :- Fax Message Sent by DM Jayanti Ravi and Message of the SIB are available @ Annexure III, File XLI at Serial Nos 1 and Annexure IV, File IX, Serial Nos 241-in the SIT record)

Ø 3. Conspiring with the Vishwa Hindu Parishad to plot and allow reprisal killings all over Gujarat. The first phone call that Modi makes after DM Ravi’s fax reaches him is, not to appeal for peace and calm, but phone secretary VHP, Gujarat, Dr Jaideep Patel and direct him to Godhra. The Conspiracy between Modi and the VHP is hatched and unfurled to cynically ensure state-wide reprisal killings. Phone call records show these phone calls between PA to Modi AP Patel and Jaideep Patel immediately after the chief minister receives news of the Godhra tragedy. Phone call records made available by Rahul Sharma (IPS, Gujarat) also show that Powerful Accused were in touch with the chief minister’s office (CMO) and the landline numbers of the chief minister.

(Evidence of this :- Page 5-6,Annexure Volume IV to Protest Petition contains AP Patel’s Phone Records and at Annexure IV, File V and VI in SIT Papers; Conspicuously, the SIT records statements of all officials of the chief minister’s
office (CMO) following CJP’s submission of the phone records to the Supreme Court but does not record A.P. Patel’s).

Ø 4. Brazenly supporting the Bandh call called by the VHP and allowing the streets and public spaces of Gujarat to be used for mass attacks and violence. By 12 noon on 27.2.2002, state intelligence and the police were aware of the Bandh call; Yet deliberately no preventive steps were taken; the bandh was used by the police machinery to clear the streets of ordinary citizens so that aggressive mobs could target minority populations and their establishments. The first message directing preventive measures that comes from the GOG home department against Modi is past 10 p.m. on 28.2.2002 when over 200 persons have been massacred in broad daylight in Ahmedabad alone. Only two Preventive Arrests in Ahmedabad on 27.2.2002 that two of persons belonging to the Minority Community despite the fact that over 2 dozen attacks had taken place on Muslims all over the state on 27.2.2002 itself. Only two Preventive Arrests in Ahmedabad on 27.2.2002 reveal that of the two of persons arrested on 27.2.2002 from Astodia, both belonged to the Minority Community. The National Human Rights Commission (NHRC) commented on the state’s dubious response vis a vis preventive measures in general and preventive arrests in particular. (Evidence of this :- Message from the State Intelligence warming of the serious implications of the VHP bandh is available @ (Annexure IV, File XX, Serial Nos 374, Page Nos 8289 I the SIT Papers/Record and the message from the GOG home department sent out at 10.15 p.m. on 28.2.2002 is available @ Annexure III, File XLI, Sr Nos 15 SIT Papers/Records; Statistics of Preventive Statistics of Preventive Arrests are available @ Annexure III, File I, D-2, Pages 254-255, SIT Record/Papers).

Ø 5. Cynically, and illegally allowed Post Mortems Illegally out in the Open at the Railway Yard, Godhra where the burnt and mutilated corpses were laid in full view of an aggressive and irate crowd of RSS and VHP men and women, who were gathered there in violation of Curfew Orders @ Godhra. Deliberately allowing photographs of the burnt corpses to be taken and widely circulated by the RSS-VHP and media in general, despite it being prevented under law; Modi dispatching Accused Nos 2-Ashok Bhatt to oversee illegally conducted post-mortems; Modi was himself present when these post-mortems were conducted out in the open @ the railway yard in front of a mob of RSS and VHP men; (Evidence of this :- Phone call records between Modi and Bhatt, former health minister (since deceased) are evidence of how the latter was dispatched to Godhra; the Godhra Sessions Court judgement 69/2009/ 86/2006. 204/2009 @ Page 105; This was handed over to the Court on 29.8.2012 comments on the illegality of the post mortems and also has a vivid photograph showing the bodies lying in the open in the Railway Yard at Godhra; Section 223, 4(vi), Volume III Gujarat Police Manual lays down specific legalities to be followed for post mortems that specifically direct no photographs of gory bodies being allowed.).
Ø 6. Personally instigating individual RSS-VHP men and women at the railway yard at Godhra assuring them that enough time will be allowed by the Modi-led government and administration to extract a revenge for Godhra.
(Evidence of this :- Excerpts of the authenticated Tehelka Transcripts of Ramesh Dave, Rajendra Vyas of the VHP Haresh Bhatt of the BJP and Bajrang Dal. Anil Patel of the VHP, Dhimant Bhatt of the RSS, Dhawal Patel and Arvind Pandya from the Tehelka Transcripts available @ Annexure III, File XIII, D-129 in SIT Records and statements available at Annexure I Volume I and II of the SIT record)

Ø 7. Directing that the unidentified bodies of Godhra train victims should be handed over to Jaideep Patel, a non-governmental person, that too belonging to a supremacist and communal VHP to be brought to Ahmedabad where aggressive funeral processions in full public view were allowed. Modi directed this at a meeting at the Collectorate in the evening of 27.2.2002 before he returned to Gandhinagar. Jaideep Patel was allowed to be present at an official meeting at the Collectorate. Jaideep Patel is a co-conspirator and also facing trial for mass crimes in the ongoing Naroda Gaam case. Modi is specifically guilty of allowing the escalation of violence from Godhra to other parts of Gujarat and taking decisions contrary to law.
Evidence of this :- DM Jayanti Ravi’s statement to the SIT dated 15.9.2009 @ Annexure I Volume I, Sr Nos 19 in the SIT record, clearly states Jaideep Patel was present at the meeting at the Collectorate though Modi and Jaideep Patel, both denied it

Ø 8. Specifically instructing his top policemen and administrators not to act evenhandedly in the days to follow and “allow Hindus to vent their anger.” Two senior bureaucrats present at the meeting have stated that cabinet ministers were present at a meeting that went on well past midnight. Haren Pandya, a minister in Modi’s cabinet in 2002 had given evidence of this to the Concerned Citizen’s Tribunal headed by Justice Krishna Iyer and PB Sawant in 2002 itself. Later in 2009 a serving officer from the state intelligence, Sanjiv Bhatt also gave the same evidence before the SIT and the Supreme Court.

(Evidence of this :- (i) Statement of Haren Pandya to the CCT dated 13.5.2002 @ Internal Page 82 Volume II of the Concerned Citizens Tribunal Report in section on State Complicity @ Annexure III, File, I, D-2, D-3, D-4 of the SIT Record/Papers.; (ii) On 27.10.2005, in the Fourth Affidavit, R.B. Sreekumar before the Nanavati Commission dated 27.10.2005 stated that K. Chakravarthi, DGP Gujarat (A-25) had given information of the same words being uttered by A-1 Modi at the meeting on 27.2.2002; (iii) On 11.07.09 Statement of Shri R.B. Sreekumar, formerly Addl.DG (Int.), Gujarat to the SIT (Annex I, Vol I Sr. No.5, SIT Papers/Record) where he confirmed this; (iv) On 12.08.2009,Statement of Shri Viththalbhai Pandya, father of Late Haren Pandya, R/o, Paldi, Ahmedabad (Annex I, Vol I Sr. No.12, SIT Papers/Record) where he stated that his son Haren Pandya had told him about attending the meeting at the residence of A-1 on 27.2.2002 in the late evening as also of the provocative instructions given by A-1; (v)
On 28.8. 2009, Justices P.B. Sawant and Justice Hosbet Suresh gave two separate statements. Both eminent Judges, retired Supreme Court and High Court respectively, also stated that three serving IPS officers, Sami Ullah Ansari, Himanshu Bhatt and Vinod Mall also deposed before them in person requesting anonymity but confirming that such illegal instructions were issued. (Annexure I Volume I Sr.Nos 16 & 17 of the SIT Record/Papers); (vi) On 30.10.2004, Mr. Rahul Sharma stated in his deposition on oath before the Nanavati Commission that when he spoke to his superior officer DGP, Gujarat, A-25 Chakravathi on 1.3.2002 at about 10:22 p.m. to request to make more force available for him at Bhavnagar, the DGP told Mr. K Chakravarti also told him that “the bureaucracy had been completely neutralised”.

Amicus Curiae Raju Ramachandran has clearly stated in his Interim and Final reports before the Supreme Court (20.1.2011 & 25.7.2011) that Evidence regarding the unlawful and incendiary words spoken at the meeting of 27.2.2002 should be tested in a trial.)

Ø 9. Preventing the Imposition of Curfew. Curfew was deliberately not imposed at Ahmedabad while over 3,000 RSS workers were allowed to gather at the Sola Civil Hospital where Jaideep Patel arrived with the bodies of the Godhra victims at about 4 a.m. The crowd was aggressive and violent as proved from the police control room records. No steps were taken to disperse the crowd that attacked the hospital staff and doctors, a High Court judge, Violent funeral processions were allowed to wind through the streets of Ahmedabad for several hours at two locations; worst Acharya Giriraj Kishore was given police escort to come and further provoke the aggressive mob; the cremations took place only in the evening and attacks on Naroda Patiya, Naroda Gaam and Gulberg Society where over 200 persons were massacred (and rapes allowed) in broad daylight on the same day, 28.2.2002, while violent and aggressive funeral processions were willfully allowed by Modi and the police and administration.

(Evidence of this :- Messages from the Police Control Room records that were first denied to SIT but thereafter produced in a CD by former Commissioner of Police, PC Pande, after the Supreme Court ordered further investigation on 15.3.2011 show a slew of such messages:- Page No. 5794, 5796-97 & 5826, Annexure IV, File XIV of the SIT record.)

Ø 10. Making a pretence of verbally calling in the Army on the late evening of 28.2.2002 but not actually allowing its deployment in Ahmedabad, Godhra and Bhavnagar and Varodara until 2.3.2002 and 3.3.2002. Worse badly affected districts like Mehsana, Panchmahals, Dahod, Anand, Kheda were not given an Army or Paramilitary at all.

(Evidence of this: – Documents related to the Correspondence of the GOG Home department available in the SIT Papers)

Ø 11. Fourteen out of Gujarat’s 25 districts were allowed to burn as Ministers were specifically deployed by Modi to interfere with Police functioning and sit in
the State Control Room and Ahmedabad City Control Room; in Eleven Districts where Violence was controlled, the Police Officers in Charge were given Punitive Transfers to send a Political Message. Modi heads the Home department that bends the Police Bureaucracy and Police to his Will.

Ø 12. Modi allowed violence to continue unabated until early May 2002 when KPS Gill was sent by PM Vajpayee to the state; the National Human Rights Commission (NHRC), April and July 2002 and Central Election Commission (CEC) were misled about the spread and intensity of violence. This was willful subversion of the justice system. The Subversion of the Home Department under A-1 in which co-accused, Gordhan Zadaphiya, MOS Home, A-5, Ashok Narayan, ACS Home, A-28, and K Nityanandam, Secretary, Home, A-34 played an active part included deliberately misinforming the Ministry of Home Affairs of the Government of India about the extent and spread of violence:- Correspondence exists to reveal how senior VHP and RSS men were being kept out of the FIRs and charge sheets related to serious massacres being filed by the Ahmedabad Crime Branch; how violence was recurrent and was being allowed with even ministers like Bharat Barot directly involved. (Evidence of this :- the NHRC and CEC Reports as also the correspondence between the NHRC and chief secretary Subha Rao, also an accused (Accused Nos-27) are clear testimony of this subversion; ACS Home Ashok Narayan’s letters to DGP available in SIT record show the subversion in keeping names out of FIRs etc)

Ø 13. Partisan prosecutors belonging to the RSS-VHP were appointed to ensure that cases were killed in their infancy; bail was easily granted to powerful accused until the Supreme Court stepped in, in 2003 and 2004. Two trials, the Best Bakery trial and the Bilkees Bano cases were transferred out of the state. (Evidence of this :- Judgements of the Supreme Court on 12.4.2004 and 1.5.2009)

Ø 14. Hate Speech was indulged in by Modi himself, on 27.2.2002 and right until the infamous Becharaji speech made top set off his election campaign on 9.9.2002 and also cynically permitted by the Home Department under him to spread poison and incite violence against Muslims and Christians. The State Intelligence under ADGP-Int RB Sreekumar had specifically recommended prosecution of the VHP for a series of incendiary pamphlets but this was ignored. SP Bhavnagar, Rahul Sharma too had recommended the prosecution of Sandesh, the Gujarati mainstream newspaper for publishing false and provocative photographs and reports. Both the NHRC and Editor’s Guild had also strongly recommended prosecution of those guilty of hate speech. Modi had, instead sent congratulatory letters to those newspapers who had spread lies and venom. RB Sreekumar, Rahul Sharma and Sanjiv Bhatt are among the officers persecuted by the Gujarat government under Modi (home minister).

(Evidence of this :- Modi’s speech and its transcript is clearly communal; Gujarat’s Intelligence department responding to the National Commission for the
Minorities (9.9.2002) clearly assessed the deleterious impact of the speech.

Official letters of then ADGP Sreekumar dated 16.4.2002, then SP Bhavnagar, Rahul Sharma and then CP Vadodara all strongly recommending prosecution of VHP’s hate pamphlets and the Sandesh newspaper—all part of the SIT record—were ignored by the political head of the GOG Home department, Modi. Ashok Narayan’s statement to SIT dated 13.12.2009 available in the SIT Record @ Annexure I Volume I states that Modi was extremely dismissive of these repeated requests for prosecution.

Ø 15. Modi is guilty of ordering the Destruction of Crucial documents including Wireless Intercepted Messages, Vehicle logs, Police Control Room records and others on 30.3.2008, four days after the Supreme Court appoints the Special Investigation Team (SIT) on 26.3.2008. He has headed the Home ministry portfolio since that date.

(Evidence of this :-(Pages 70-77 of the Compilation that consists of documents from the SIT Record; Annexure IV, File I Sr Nos 23) [Source]