

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.

Allegation: Tracing a conspiracy

Modi directed top-level IAS and IPS officers on February 27, 2002 to let Hindus give vent to their anger

Excerpts from the findings:

Was such a meeting called? There is no dispute from any quarter. A meeting was called by Modi at his residence late in the night on February 27, 2002.

Were minutes of the meeting recorded? No minutes were recorded of a meeting as critical as this one.

Why were no minutes recorded? The explanation: "No record/documentation/minutes of the crucial law and order meetings held by the government during the riots had been kept" (p. 13, *SIT Preliminary Inquiry report*).

Who was present?: SIT preliminary report

1. Swarnakanta Verma, acting chief secretary
2. Ashok Narayan, additional chief secretary (ACS, home)
3. K. Chakravarti, DGP, Gujarat
4. PC Pande, police commissioner (CP), Ahmedabad
5. K. Nityanandam, secretary (home)
6. Dr PK Mishra, principal secretary (PS) to the chief minister
7. Anil Mukim, secretary to the CM

Who was present?: SIT closure report

1. Swarnakanta Verma, acting chief secretary
2. Ashok Narayan, additional chief secretary (home)
3. K. Chakravarti, DGP, Gujarat
4. PC Pande, police commissioner, Ahmedabad
5. K. Nityanandam, secretary (home)
6. Dr PK Mishra, principal secretary to the CM
7. Anil Mukim, secretary to the CM
8. Prakash S. Shah, additional secretary (law and order)

Communalism Combat: Shah makes a sudden appearance in the closure report. How did Modi and the seven others named in the preliminary report "forget" to mention his presence during the preliminary inquiry?

Why did Modi volunteer the "information" during his deposition before the SIT that IPS officer Sanjiv Bhatt was

not present at the February 27 meeting, when the question was not even put to him? Was it merely to discredit Bhatt who, in his deposition earlier before the SIT, claimed to have been present?

Who said what: SIT preliminary report

Swarnakanta Verma: "She has stated before (the SIT) that she does not recollect as to whether CM instructed the police officers that the police should not come in the way of the Hindu backlash... She has pleaded loss of memory due to passage of time." (CC: No reference to whether Bhatt was present.)

Ashok Narayan: "He does not recollect as to whether Nityanandam and Bhatt attended... The chief minister said that the people were outraged by the heinous incident of Godhra and therefore effective steps should be taken to control the communal riots, if any. He does not recollect any other words uttered by the CM."

K. Chakravarti: (A statement similar to Narayan's): "He has denied to have told RB Sreekumar (as claimed in an affidavit before the Nanavati Commission by the then ADGP) that the CM had said in the meeting held on February 27 night that in communal riots, police takes action against Hindus and Muslims on one-to-one basis and this will not do now, and allow Hindus to vent their anger. He has also stated that as per his recollection, Bhatt did not attend this meeting."

PC Pande: "Has denied that the CM said... (let) Hindus vent their anger..." (CC: No reference to whether Bhatt was present.)

Dr PK Mishra: "Has denied that the CM said... (let) Hindus vent their anger... He does not recollect whether Bhatt attended the meeting..."

K. Nityanandam: "Has denied that the CM said that police should not stop (Hindu retaliation)..." (CC: No reference to whether Bhatt was present.)

Anil Mukim: "Denied to have attended this meeting but all other participants have confirmed his presence in the meeting..."

The preliminary report's general observation: "Though Bhatt claims to have attended the meeting yet none of the participants of the meeting have confirmed this fact."

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The preliminary report then concludes: Since none of the officers present at this meeting have confirmed the alleged statement of Modi, Sreekumar's statement is hearsay and since no minister was present at the meeting, therefore late Haren Pandya's statement before the Concerned Citizens Tribunal is unreliable; the allegation "is not established" (pp. 16-17, *PI Report*).

CC: In his comments submitted to the Supreme Court along with AK Malhotra's preliminary report, SIT chairman Raghavan observes: "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." In other words, even while conceding that these officers were obligated to Modi because of his largesse, the SIT treats their statements and excuses about lapse of memory as adequate evidence of Modi's innocence.

SIT (preliminary report) conclusions:

"The statement made by RB Sreekumar is hearsay which has not been confirmed by K. Chakravarti. The participation of Bhatt has not been confirmed by any of the participants at the said meeting. In view of the version of all the senior officials of the home and police department, the testimony of the late Haren Pandya before the Concerned Citizens Tribunal becomes unreliable. No minutes of the meeting of February 27 were prepared."

"In the light of the above, a law and order meeting was in fact held by Modi at his residence late in the evening of February 27. However, the allegation that chief minister instructed the chief secretary, DGP and other senior officials to allow the Hindu community to give vent to their anger on the minority Muslims in the wake of Godhra incident is not established" (p. 19, *PI report*).

Comments of SIT chairman, RK Raghavan

"Bhatt is considered an unreliable witness, especially because no official who is known to have definitely attended the meeting has spoken of his presence there. Also, he was considered too junior to have been invited to such a high-level meeting... 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*).

CC: Raghavan is forced in his comments on the preliminary report to conclude that the officers thus lucratively promoted would have personal reasons to conceal the truth.

Despite reaching this conclusion however, the SIT is happy to leave the crucial issue uninvestigated – the issue of whether those accused who were being asked to corroborate the illegal instructions could actually be believed when they denied what the chief minister said. Their views are taken as gospel truth even though they are seen as motivated by rewards from a culpable establishment.

In any case, contrary to the inferences of the SIT, as is clear from the reports of the amicus curiae in the preceding pages, in the circumstances, there is a prima facie case for Modi's prosecution. Whether Bhatt or the others are telling the truth can only be determined through the examination and cross-examination of each of them during the trial

Who said what: SIT closure report

There is no lapse of memory, no 'do not recollect' this time; everyone has total recall.

Swarnakanta Verma: "She cannot recollect as to whether any minister was present there... On being shown a photo of Bhatt, she has stated that she cannot recollect having met or seen him in this meeting... She has denied that there was any mention by the chief minister (that) Muslims be taught

a lesson or Hindus be allowed to vent their anger..."

Ashok Narayan: "Bhatt did not attend the meeting... He has further stated that no minister was present at the meeting... He has denied any utterances by the chief minister (that) Muslims be taught a lesson or Hindus be allowed to vent their anger..."

K. Chakravarti: "He has categorically stated that Bhatt did not attend the meeting at CM's residence

and no such instructions as alleged were given... He has further stated that none of the ministers/politicians had attended the meeting..."

PC Pande: "Has outrightly denied the presence of any minister or Bhatt in the meeting... Pande has categorically stated that no instructions to allow any freedom to any lawbreaker were given by the chief minister..."

Dr PK Mishra: "Has categorically denied the presence of Bhatt at the meeting. He has also denied the presence of any minister at the meeting... Mishra has stated that it was not true that the chief minister talked in terms (like) let Muslims be taught a lesson and Hindus be allowed to vent their anger..."

K. Nityanandam: "He has denied the presence of any minister or Bhatt at the meeting... He has also denied any such alleged observations made by the chief minister about Muslims being taught a lesson, etc, etc and Hindus be allowed to vent their anger."



Gujarat 2002; Exodus: With nowhere to call home

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Anil Mukim: Has stated that he attended the meeting for some time and then left after taking permission of Mishra... Has outrightly denied any utterances/instructions about Muslims being taught a lesson and the Hindus allowed to vent their anger, in his presence..."

Prakash S. Shah: "Has confirmed to have attended the meeting. He has denied the presence of any minister or Bhatt in the said meeting..." (pp. 26-28, *Closure Report*).

SIT (closure report) conclusions:

"The statement made by RB Sreekumar is hearsay which has not been confirmed by K. Chakravarti. It can be inferred that Bhatt is facing a lot of problems in service matters and therefore his evidence is ill motivated and cannot be relied upon. In view of the versions of all the senior officials of the home and police department, the alleged testimony of late Haren Pandya before the Concerned Citizens Tribunal cannot inspire confidence."

"In the light of the aforesaid discussions, it can be concluded that a law and order review meeting was in fact held by Modi at his residence late in the evening of February 27. However, the allegation that the chief minister instructed the chief secretary, DGP and other senior officials to allow the Hindu community to give vent to their anger on the minority Muslims in the wake of Godhra incident is not established" (p. 58, *Closure Report*).

CC: A significant portion of the SIT's final closure report is devoted exclusively to ensuring that Bhatt is discredited as a witness (pp. 408-428, *Closure Report*). Though the SIT itself expresses apprehensions that officers like Pande, Narayan, Mishra and Nityanandam had no reason or motivation to speak the truth about the instructions given within the four walls of the chief minister's residence, no similar efforts are made by the SIT to discredit the testimonies of senior police and administrative officials who have benefited from being collaborators of the Modi regime. Worse still, no action is recommended against Pande, who had concealed and then produced evidence, serious criminal offences under the Indian Penal Code. Mukim too escapes any action for first denying and then confirming his presence at the meeting. It is clear that the truth will only emerge if such officers are interrogated seriously.

Finally, the SIT puts its own credibility, if not integrity, at stake with the observation: "Even if such allegations (against Modi) are believed for the sake of argument, mere statement of alleged words in the four walls of a room does not constitute any offence" (p. 242, *Closure Report*).

Need we say any more?

Allegation: No-no, minister

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

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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 rahi hai*").

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



Narendra Modi: Spreading hate

'reaction'... 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*).

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“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*).

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 Shraavan, 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 Shraavan; 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 rahi hai*” but Chaudhary could not recount the exact sequence” (pp. 482-483, *Closure Report*).

“As regards the public speech delivered at Becharaji, Mehsana district, on September 9, 2002, as a part of Gaurav Yatra, Modi has explained that the speech did not refer to any particular community or religion. According to Modi, this was a political speech in which he has pointed out the increasing population of India and had remarked that ‘can’t Gujarat implement family planning?’ Modi has claimed that his speech has been distorted by some interested elements who had misinterpreted the same to suit their designs. He has also stated that there were no riots or tension after his

election speech. No criminality has come on record in respect 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,

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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 bod-

ies 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 Bapunagar-Rakhial area between 12:25 hrs to 13:24 hrs. Further, he remained in Revdi Bazaar, Relief Road areas (Dariapur PS and Kalapur 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.

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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

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



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”.

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

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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

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

Gujarat 2002; In the ruins of a home



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

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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.

4. Sreekumar prepared yet another report, dated August 28, 2002, regarding internal security trends in the light of the ensuing assembly polls. Ashok Narayan told the SIT that he could not recall the action taken by him on the said letter.

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. ■

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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 post-Godhra 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.

Excerpts:

"When confronted with the interviews given by Shri Haresh Bhatt, the then MLA, Babu Bajrangji 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 Bajrangji 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 Bajrangji 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 Bajrangji 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*).

Hindutva's Rabid Action Forces

