

By COURIER

BEFORE THE NATIONAL COMMISSION FOR MINORITIES-NEW DELHI

No.SRB/NCM/120425/01
Sanjiv Rajendra Bhatt IPS
Bungalow No. 2,
Sushil Nagar Society Part-II,
Drive-in Road,
Ahmedabad-380 052.
Date: April 25, 2012

The Chairperson,
National Commission for Minorities,
5th Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi-110 003.

Sub: Affidavit in connection with NCM File No. MIDL/30/0036/12

Ref: NCM Letter No. F. No. MIDL/30/0036/12 dated 03/04/2012

Respected Sir,

It is most respectfully submitted before the National Commission for Minorities that the above referred letter of the Commission along with the Decision Notice dated 12/03/2012 was received by me on 06/04/2012.

As directed by the Honourable Commission, I am enclosing herewith, my Affidavit dated 25/04/2012 (Page 1 to Page 50) along with a compilation of the Annexures to the said Affidavit (Page 51 to Page 397).

It is further submitted that once I am allowed access to the requisite and relevant information/records/documents as prayed in Para5 of my Application dated 12th March 2012, to this Honourable Commission, I shall be in a position to file a more detailed and comprehensive Affidavit regarding the events, factors and circumstances that facilitated the Gujarat riots of 2002 as also the ongoing attempts at deliberate disregard/ destruction of crucial and relevant evidence with a view to deprive the minorities in Gujarat the justice due to them and the right to fair investigation/ inquiry into offences pertaining to systematic destruction of their life and property.

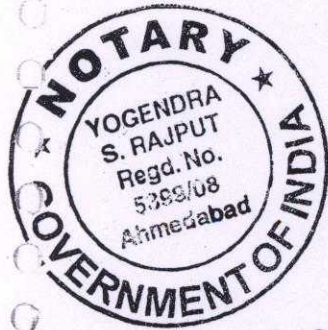
With profound regards.

Yours sincerely,

Sanjiv
25/04/2012 *Shaw*
(Sanjiv Bhatt)

BEFORE THE NATIONAL COMMISSION FOR MINORITIES,
NEW DELHI

Re: **NCM File No. MIDL/30/0036/12**
COMPLAINT OF MALEK NIYAZBIBI BANNUMIYAN dated
10.2.2012.

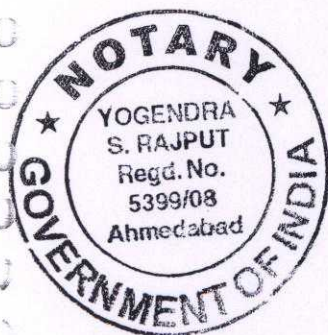


AFFIDAVIT OF SANJIV RAJENDRA BHATT

I, SANJIV RAJENDRA BHATT, aged about 48 years residing at Bungalow No.2, Sushil Nagar Part II, Opposite Mahatma Gandhi Labour Institute, Drive-in Road, Ahmedabad 380 052, do hereby state and solemnly affirm as under:

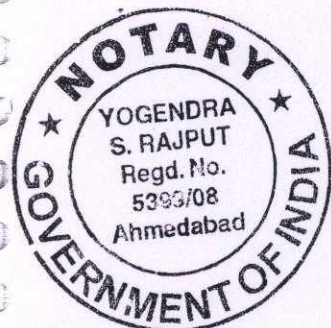
1. I am filing this Affidavit in accordance with the directions issued by this Honourable Commission in the matter of File No. MIDL/30/0036/12 pertaining to a Complaint dated 10.02.2012 filed by Malek Niyazbibi Banumiyan.
2. I state that I am filing this Affidavit in order to bring on record certain facts which are within my personal knowledge and which are likely to assist this Honourable Commission in deciding upon the right course of action to be taken in the matter of this complaint. It is respectfully submitted that the

incidents at Ongaj Village of Ahmedabad District were the part of a much wider orchestration aimed at selectively targeting the person and property of Muslims across Gujarat. I believe that in order to properly appreciate and act upon this complaint it is necessary to keep in mind the entire background of the Gujarat Riots of 2002 as these riots were not purely spontaneous events but were deliberately orchestrated by various groups and were fully supported by the high constitutional authorities of the State of Gujarat, including the Chief Minister Mr. Narendra Modi. It is also averred that several functionaries and agencies working for and at the behest of the State of Gujarat have constantly sought to undermine any and every legitimate Inquiry/Investigation which has been legally mandated with the task of unraveling the truth behind the Gujarat Riots of 2002. The State of Gujarat has spared no effort to thwart the Inquiry being conducted by the Nanavati-Mehta Commission, as well as the Investigations/Enquiries conducted by the Special Investigation Team (SIT) appointed by the Hon'ble Supreme Court, and has thereby succeeded in shielding high constitutional functionaries who were responsible for the Gujarat Carnage of 2002.



3. I am a Post Graduate from the Indian Institute of Technology, Mumbai. After completing my post-graduation, I joined the Indian Police Service (IPS) in 1988 and was allotted to the Gujarat cadre. Over the last 24 years, I have served in different capacities in various Districts, Police Commissionerates and other Police Units. It is submitted that I was constrained to approach the Honourable Supreme Court of India by way of Writ Petition (Criminal) No.135 of 2011. A copy of the Petition Memo is produced herewith on **Page- 104 to 136**

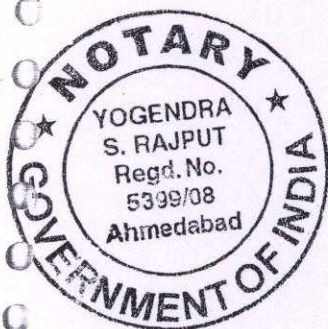
4. I was posted as the Deputy Commissioner of Intelligence, State Intelligence Bureau, Gandhinagar, from December 1999 to September 2002. As the Deputy Commissioner of Intelligence with the State Intelligence-Bureau, I used to look after all the matters pertaining to the Internal Security of Gujarat; 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



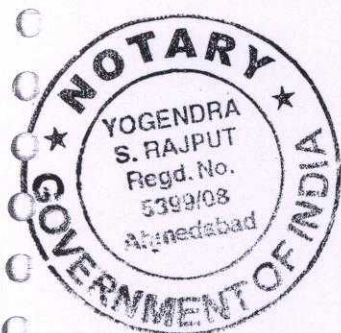
Union of India. This was the post I was occupying at the time when the 2002 Gujarat Riots took place.

5. 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.

6. 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

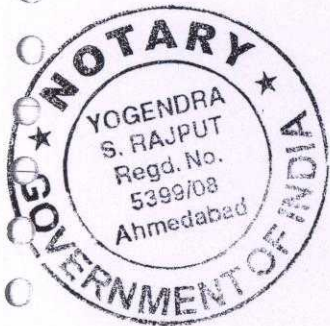


Hon'ble Supreme Court in 2002. I have time and again tried to bring these facts to the notice of the Special Investigation Team but they seem to be disinclined to follow-up these important leads in the course of the enquiry/investigation being carried out by them. The closure report filed by the SIT in the matter pertaining to the complaint of Mrs. Zakia Jafri has given further credence to the doubts about the intent and functioning of the SIT.

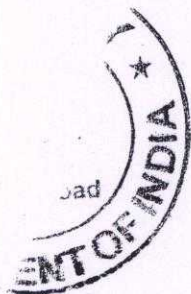
7. I was summoned by the Justice Nanavati and Justice Mehta Commission of Inquiry in the month of April 2011 and have similarly deposed before the Justice Nanavati and Justice Mehta Commission of Inquiry on several occasions, and have filed various documents and Applications before the Commission, without much avail.

EVENTS OF 27.02.2002

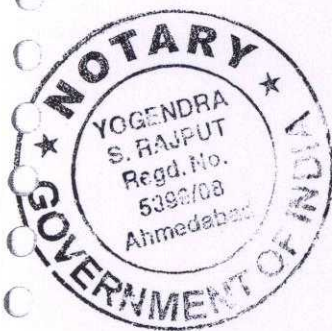
8. In the morning hours of 27th February 2002, the tragic incident of burning of S-6 coach of Sabarmati Express happened at Godhra Railway Station leading to the death of a large number of passengers including many Kar-Sevaks who were returning from Ayodhya. The Chief Minister visited Godhra on that very day and as per his instructions it was



decided that the dead bodies of the Kar-Sevaks would be brought to Ahmedabad for being taken out in funeral processions prior to their cremation at Ahmedabad on 28.02.2002. The said decision of the Chief Minister was fraught with potential calamitous consequences as the VHP had called for a Bandh on the next day viz. 28.02.2002 and the BJP had declared support to the said Bandh Call.

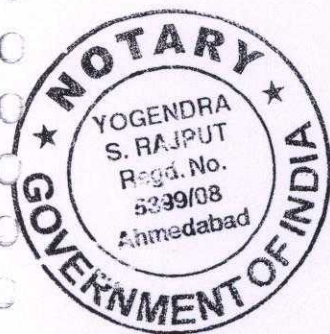


9. During the day I kept on receiving information and intelligence about sporadic incidents of violence against Muslims as well as large scale mobilization of VHP, Bajrang Dal and BJP cadres all across the State. Accordingly several Alert Messages and Advisories were sent out to the jurisdictional units of the Police under intimation to the Chief Minister's Office (CMO). Copies of the relevant Alert Messages and Advisories are produced herewith on **Page- 176-177**

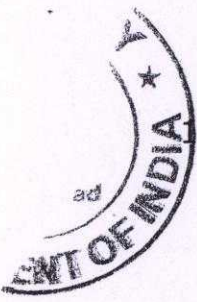


10. On the same evening the Director General and Inspector General of Police sent a message to the Home Department requisitioning additional paramilitary forces as situation was likely to worsen on the next day. A copy of this message is produced herewith on **Page- 283**


11. On the night of 27.02.2002 while I was sitting with a BBC Journalist Mr. Subhranshu Chaudhary at my Ahmedabad Residence, I was instructed by the State Control Room of the DGP and IGP as well the State Intelligence Bureau Control Room to attend a meeting at Chief Minister's residence along with the then DG and IGP Shri. K. Chakravarthi. I cut short my meeting with Mr. Subhranshu Chaudhary and rushed to Gandhinagar for the meeting. The said meeting was attended by various officers whom I have named in my deposition before the SIT as well as the Nanavati-Mehta Commission. Some of the Police Officers present at the said meeting tried to impress upon the Chief Minister that it was not a good idea for the BJP to support the proposed Bandh on 28.02.2002 as it could lead to a genuine misconception in the minds of the potential trouble makers that it was a State-sponsored Bandh and this would have very serious repercussions on the law and order situation across the State. We further tried to impress upon him that it would be calamitous to transport the dead bodies from Godhra to Ahmedabad and take them out in funeral processions as it would lead to further flare-up of passions. I also tried to impress upon the Chief Minister that as per our information



large scale mobilization of Sangh Parivar cadres including VHP, Bajrang Dal and BJP was underway not only in the major cities but also in the rural areas of Gujarat, and if the Bandh call was supported by the ruling political party-the BJP, it would stretch the Police deployment to its limits.



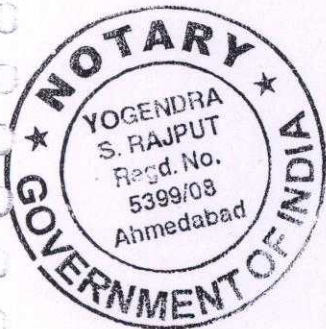
2. However the Chief Minister stated that the Bandh call had already been given and the party had decided to support the same, as incidents like burning of Kar-Sevaks at Godhra could not be tolerated. He further impressed upon the gathering that for too long the Gujarat Police had been following the principle of balancing the actions against the Hindus and Muslims while dealing with the communal riots in Gujarat. He said that 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 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.



13. The effects of these directions given by the Chief Minister were widely manifested in the half-hearted approach and lack of determination by the police while dealing with

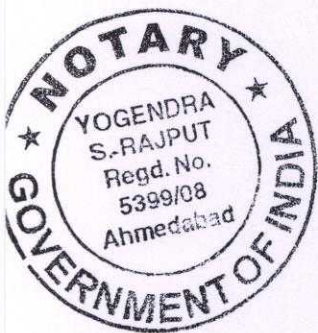
widespread instances of violence on the following days. I say that I have narrated these facts in an Affidavit filed before the Hon'ble Supreme Court a copy of which is produced herewith on Page- 52 to 85

14. After the meeting I returned to my office and sent an Alert Message to Commissioner of Police, Ahmedabad and also marked a copy of the same to the CM's Office. A copy of the said Alert Message is produced herewith on Page- 171 and 178
15. Subsequent to disclosure regarding the deliberations that had taken place during the late-night meeting held at the residence of the Chief Minister, the State authorities and other parties holding vested interests have been claiming that I was not present at the meeting of 27th February, 2002. A number of persons have filed affidavits supporting the fact of my having attended the late-night at the residence of the Chief Minister on 27th February 2002. Affidavits filed by Police Head Constable Mr. Naresh Brahmhatt, Journalist Mr. Shubhranshu Chaudhary, Police Constable Mr. K.D. Panth and Driver Constable Mr. Tarachand Yadav are produced herewith on Page- 86, 89, 95, and 100 respectively.



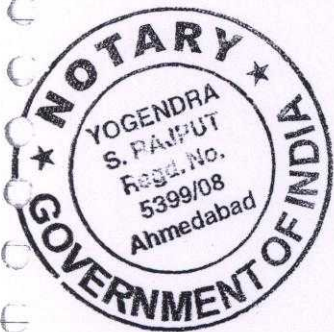
EVENTS OF 28.02.2002

16. From the morning of 28th February 2002 the State Intelligence Bureau had started receiving numerous reports regarding build-up of mobs around Sola Civil Hospital and other places in Ahmedabad. The State Intelligence Bureau (SIB) alerted the Commissioner of Police, Ahmedabad and the Superintendent of Police Ahmedabad (Rural) under intimation to the Chief Minister's Office about funeral processions to be taken out from Sola Civil Hospital to Gota cremation grounds and the likelihood of violence. A copy of the Alert Message is produced herewith on **Page- 179**
17. In the forenoon of 28th February 2002, I had a personal meeting with the Chief Minister where inter alia, I briefed him about the build-up of mobs across Ahmedabad and about the general inaction of police in Ahmedabad City.
18. Subsequently, upon getting additional information, I spoke to the Chief Minister on telephone and informed him about the fact that lives of Ex-MP Ehsan Jafri, his family members and other residents of Gulberg Society were in imminent danger. The Commissioner of Police Ahmedabad was also apprised of the situation and was requested to take immediate effective



action. A copy of the said Fax Message is produced herewith on Page- 180

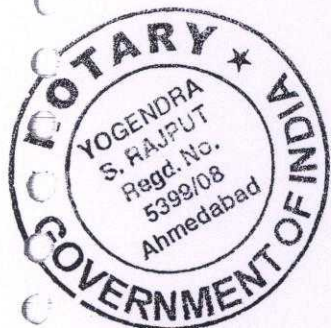
19. In the afternoon of 28th February 2002, I had another meeting with the Chief Minister wherein I apprised him about the worsening law and order situation and apparent inaction of the Police. I also advised him to immediately requisition additional forces, including Armed Forces of the Union of India. I personally informed the CM about the imminent threat to the lives of Mr. Ehsan Jafri, his family members and other residents of Gulberg Society. In response to my briefing he asked me to find out details about past instances wherein Mr. Ehsan Jafri had opened fire on Hindu mobs during earlier communal riots. Upon coming out of the said meeting with the Chief Minister I came to be informed by my Control Room that there were reports of Mr. Ehsan Jafri actually having opened fire on the riotous mobs a few minutes ago. This made me realize that the Chief Minister had already been getting real-time information about the situation that was developing at Gulberg Society and had yet chosen not to do anything about it. While exiting from the said meeting with the Chief Minister I was met by Mr. Amarsingh Chaudhri, the Ex Chief Minister of Gujarat. He



apprised me about the threat to Mr. Ehsan Jafri and requested me to do something to help Mr. Ehsan Jafri and his family. I told Shri. Amarsingh Chaudhary that I had already briefed the Chief Minister in this regard. A copy of the Affidavit of Amarsingh Chaudhri is produced herewith on Page- 370 to 390

20. Soon after I returned to my office, I was visited by two staff members from CM's office who were seeking information about past offences registered against Mr. Ehsan Jafri with respect to incidents where had opened fire on Hindu mobs during earlier communal riots. A similar telephonic request was received by me from Cabinet Minister Mr. Ashok Bhatt, who at that time was stationed at the Police Control Room of Ahmedabad City. Shortly thereafter, I received information about the killing of Mr. Ehsan Jafri and his family members. The said information was immediately communicated to the Chief Minister by phone. I also conveyed this information to CM by way of a written message. A copy of the said message is produced herewith on Page- 181

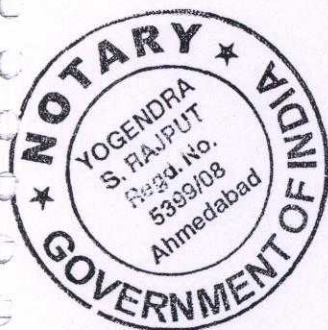
21. The above details have been communicated to the SIT during the course of my deposition and have been



subsequently reiterated in my letter dated 25.01.2012 addressed to SIT. A copy of the said letter is produced herewith on Page- 172 to 280

EVENTS OF 01.03.2002

22. Targeted violence against Muslims continued unabated amidst reports of widespread Police inaction. The violence started spreading to the rural areas of Gujarat. Army was finally requisitioned by the State Government, but curiously, was not deployed in the Riot affected areas. I met the Chief Minister in the afternoon of 1st March 2002 and briefed him about the details of the carnage that had taken place on the previous day at Naroda Patiya and Naroda Gaam. It was at this meeting that the Chief Minister came out with the conspiracy theory regarding the burning of the S/6 Coach of the Sabarmati Express at Godhra Railway Station. It is submitted that the dubious conduct of the Chief Minister and certain other officers during the said meeting prompted me to obtain the call records of certain areas of Gujarat including Godhra Town and of certain high dignitaries including the Chief Minister. The State Intelligence Bureau collected relevant information about the sequence of events that led to the tragedy at the Godhra Railway Station,



analyzed the call records of Godhra Town and tried to reconstruct the facts and circumstances surrounding the tragic events that took place at Godhra Railway Station on 27th February 2002 and came up with an internal document: "Godhra Incident of 27.02.2002- An Intelligence Analysis". The said analytical exercise carried out by the State Intelligence Bureau completely demolished the conspiracy theory behind the burning of the S/6 Coach of Sabarmati Express at Godhra. All these facts were conveyed to the SIT during the course of my deposition. The said facts have also been reiterated in my letters to SIT dated 02.02.2012, 09.02.2002 and 23.02.2002 addressed/marked to SIT. Copies of the said letter are produced herewith on **Page- 312, 324, and 325 respectively.**

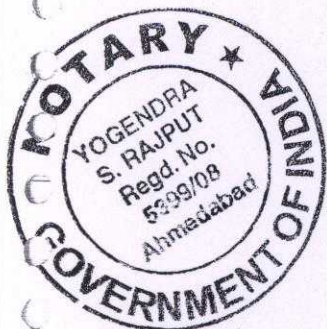
23. On the same day Mr. Amarsingh Chaudhri and Mr. Shankarsinh Vaghela met the Chief Minister and sat on a dharna demanding effective police action to control the ongoing violence. Chief Minister dissuaded Mr. Chaudhri by telling him that he should refrain from sitting on Dharna as tempers of Hindus were running high and he might meet the same fate as the Muslims. These facts have been deposed by me before the SIT as well as the Nanavati-Mehta



Commission. A copy of my deposition before the Nanavati-Mehta Commission is produced herewith on Page- 182 to 280

EVENTS OF 02.03.2002

24. Violence continued to spread across newer areas in the State. There seemed to be a general failure on the part of the Police and the Administration in effectively dealing with the spread of communal violence. Areas of Ahmedabad District including Ongnaji Village in respect of which the present complaint is filed, were affected by targeted communal violence. Chief Minister was briefed by me about general inaction of the police and reported complicity in certain specific areas.
25. I also met and briefed the Union Defence Minister and the Army Commanders about the then prevalent Law and Order situation in the State. The Army Commanders were still awaiting specific orders of the State Government concerning their deployment in the Riot affected areas. The Deployment Statement depicting the deployment status of all the forces in Gujarat as on 19.30 hours of 02.03.2002 is produced herewith on Page- 289 to 293



26. The figures provided by the Special Branch of the Ahmedabad City Police concerning police action in Ahmedabad City clearly reveal the failure to take preventive action on 27.02.2002 as well as the completely lopsided and prejudiced action of the police during the first two days of the carnage. Copies of these statements and figures are produced herewith on Page- 295 to 306

EVENTS OF 3.3.2002

27. The Union Home Minister Shri L.K. Advani holds a meeting at Circuit House Annexe, Ahmedabad. A brief Note on the Law and Order situation was handed over by me to the Union Home Minister before the meeting. A copy of the said Note is produced herewith on Page- 284 to 294
28. During the course of the meeting, the Union Home Minister Shri. L. K. Advani was also briefed by me about the failure of the administration to isolate the Godhra incident of 27th February 2002, adverse impact of the decision of the BJP to support to the Bandh Call of 28th February 2002, the instructions issued by the CM during the meeting on 27th February 2002 regarding teaching a lesson to Muslims and the resultant inaction of police, delay in imposition of curfew,



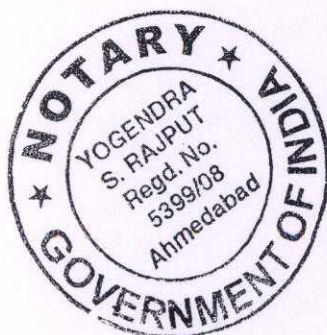
delay in deployment of army, etc. The copy of a sheet containing the contemporaneous jottings regarding the points on which I had briefed the Union Home Minister is produced herewith on Page- 294

29. The Note submitted to the Union Home Minister also contained details regarding the imposition of curfew in different parts of Gujarat. These details clearly indicate the laxity of the State Administration even in the imposition of curfew. The SIT has been apprised about these facts during the course of my deposition. I have reiterated the said facts in my letter dated 28.1.2012 addressed to the SIT. A copy of the said letter is produced herewith on Page- 281 to 306

30. It was only from this date that the Administrative machinery of the State started showing some firmness in dealing with the riots.

EVENTS OF 18/03/2002 AND 19/03/2002

31. The SIB received information regarding illegal disposal of dead bodies of victims of the Naroda Patia and Naroda Gaam carnage in an abandoned well called Teesra Kuan. A letter in this regard was sent to the Commissioner of Police



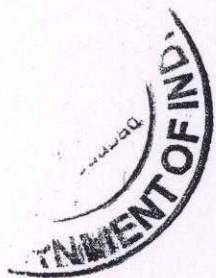
Ahmedabad City on 18.3.2002. A copy of the said letter is produced herewith on **Page-308** However, the Ahmedabad City Police completely misdirected itself and did not make adequate efforts to exhume the illegally disposed bodies. The contemporaneous correspondence in this regard, between the SIB and the Commissioner of Police Ahmedabad City is produced herewith on **Page-309-311**. Till date no genuine efforts have been made to excavate the site and exhume the illegally disposed bodies. These facts were time and again brought to the notice of the SIT. A copy of the letter dated 30.01.2012, addressed to SIT in this regard is produced herewith on **Page-307 to 311**

MISUSE OF SECRET SERVICE FUNDS

32. Ms. Mallika Sarabhai and others had filed a Writ Petition (Civil) No. 221 of 2002 before the Hon'ble Supreme Court concerning the Gujarat riots. The said Writ Petition sought wide ranging reliefs and directions against the State Government. The granting of these reliefs or issuance of certain directions would have greatly embarrassed the State Government of Gujarat. On April, 12, 2002 Rupees Ten Lakhs were withdrawn from the Secret Service Fund of the State Intelligence Bureau at the instance of the Chief



Minister Mr. Narendra Modi and as instructed, were delivered to him on the very same day. The details regarding the gross misuse of the Secret Service Funds of the Government of Gujarat and the abuse of the Office of the Chief Minister for undermining the proceedings of Writ Petition (Civil) 221 of 2002 have already been deposed before the SIT. The said facts have also been communicated to the Nanavati-Mehta Commission by way of letters/applications dated 31st October, 2011, 9th November, 2011, 7th December, 2011, 15th December, 2011 and 23rd December, 2011. By these communications I not only brought to the notice of the Commission the fact about the misuse of the Secret Service Funds but also requested the Commission to provide me with access to certain relevant records and documents which would enable me to file a detailed and comprehensive Affidavit in this regard. However, till date, I have received no response from the Nanavati-Mehta Commission. A proper inquiry/investigation into these aspects would clearly establish the misuse of office by the Chief Minister. Copies of my letters dated 31.10.2011, 09.11.2011, 07.12.2011, 15.12.2011 and 23.12.2011 are produced herewith on **Page-137, 138, 139, 141, and 145 respectively.**



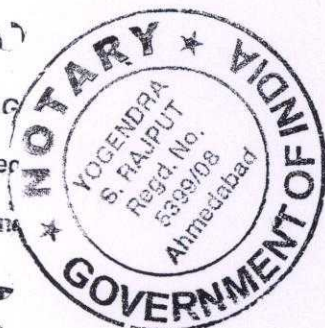
**INADEQUACIES OF THE SIT INVESTIGATION AND
DUBIOUS ROLE OF THE STATE GOVERNMENT.**

33. The Special Investigating Team appointed by the Hon'ble Supreme Court has been investigating certain major incidents that took place during the Gujarat Riots of 2002. The same SIT was also directed to look into/ investigate into the Complaint made by Mrs. Zakia Jafri into various allegations concerning larger conspiracy and orchestration behind the Gujarat Riots of 2002.

34. 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 a 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. 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

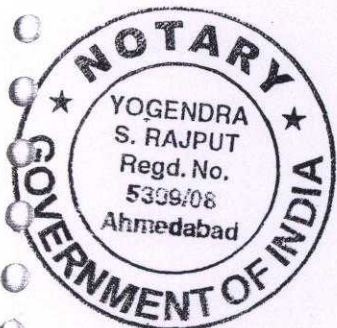


me for the deposition before SIT. During the course of my deposition before SIT, there were certain other occurrences which were highly indicative of real-time leakage of information from within the SIT. These occurrences were brought to the notice of Shri A. K. Malhotra-Member SIT, at that point of 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



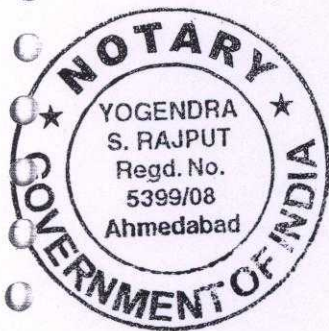
my knowledge, as and when I was under a binding' legal obligation to do so.

35. 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. 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. 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 12 th 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 state 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.

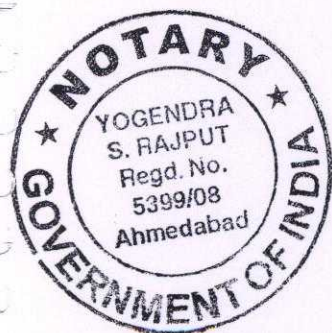
36. In view of the leakage of my confidential deposition as well as the leakage of the details pertaining to my interaction with the SIT to the highest echelons of the Government of Gujarat and the subsequent publication of the said details by some sections of the media, I became highly apprehensive about my security and the 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 meager 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



produced herewith on Page- 72, 73, and 75 respectively.

37. 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 C.R. 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 15.03.2011 along with my endorsement thereupon is produced herewith on Page- 78

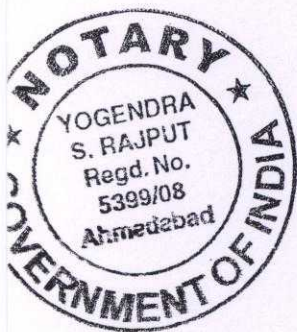
38. On 18 March, 2011 I wrote a detailed letter to the Chairman of SIT, placing the above facts on record and reiterated my request for the provision of certain necessary documents. I further requested the Chairman to kindly ensure that all the officers as well as support staff, working under the control or



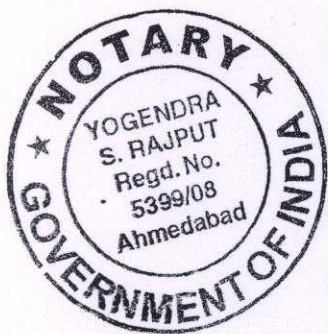
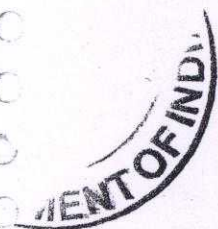
in the employ of the Government of Gujarat, be completely dissociated from the tasks of recording, processing or safekeeping of my forthcoming deposition. I further expressed willingness to have my statement recorded under Section. 164(1) of the Code of Criminal Procedure. A copy of my letter dated 18th March, 2011 is produced herewith on Page- 79 to 81

39. In accordance with the Summons, I reported to office of the SIT at Gandhinagar, on 21st 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 requests, I was not provided with a copy of my earlier deposition before SIT and was informed that it would not be possible to provide me with a copy of the earlier statement or any of the contemporaneous documents and records requested for, vide my letter dated 18 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 produced herewith on Page-

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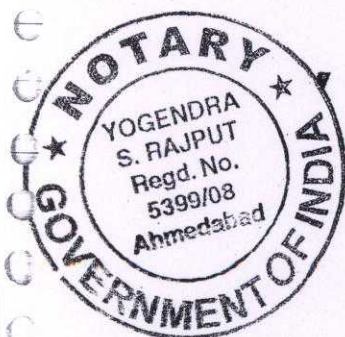


40. My statement was recorded by the SIT on 21st, 22nd, 23rd and 25th March, 2011. Thereafter I was informed that I was required to remain available as I would be called for further clarifications during the course of the ongoing investigation, as also for the purpose of confronting me with other witnesses, 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 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 28.2.2002.

41. 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.

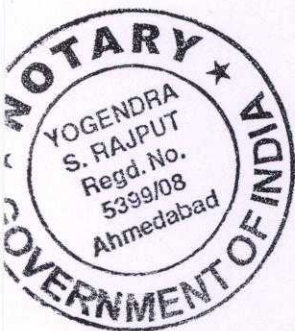


42. I submit that on 25th March 2011, when I again tried to bring up the issue of a larger conspiracy or official orchestration behind the Gujarat Riots of 2002, as also the ongoing attempts at cover-up, I faced unconcealed hostility from the members of SIT. This was even more obvious when I gave names of witnesses who could corroborate the fact of my having attended the said meeting with the Chief Minister on 27.2.2002.
43. 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 had 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 06.04.2011 is produced herewith on **Page- 83 - 84**

44. It is my genuine apprehension that the SIT, while carrying out the further investigation of Meghaninagar Police Station I C.R. No. 67 of 2002, was disinclined and reluctant to take on record and appropriately examine the evidence indicating the existence of any larger conspiracy or official orchestration behind the Gujarat Riots of 2002. As an officer serving with, the State Intelligence Bureau at that relevant point of time, I was not only present at the meeting held at the residence of Chief Minister on the night of 27.2.2002, but had also witnessed the apparent lack of firmness on part of many Police Units while dealing with the emergent situation on 28th February 2002 and thereafter. As the Deputy Commissioner of Intelligence in-charge of Internal Security for the State of Gujarat, I was required to constantly monitor and assess the developing situations and appropriately



advice and apprise various organs and officials of the Government, including the Chief Minister. As stated by me before the SIT, and substantiated by documentary and other verifiable evidence, I had the occasion to inter alia, apprise the Commissioner of Police Ahmedabad City and the Chief Minister regarding the situation developing at Gulberg Society on 28th February 2002. I have stated before the SIT that many serious incidents of communal violence, including the carnage at Gulberg Society, could have been easily prevented by firm and determined action on part of the Police.

45. Some details of what transpired before SIT are contained in an Affidavit filed by me before the Hon'ble Supreme Court on 14th April 2011. A copy of the said Affidavit along with all the Annexures is produced herewith on Page- **52 to 85**

46. Some of the relevant communication between me and the SIT has been placed at Page- **168 to 171 and 312 to 323**

INTERACTION WITH THE AMICUS CAUIAE

47. Subsequent to my having filed the above referred Affidavit, by an Order dated 05.05.2011, the Honourable Supreme

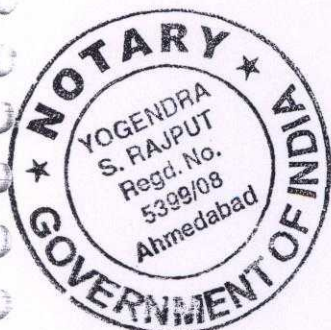
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Court of India directed the Amicus Curiae Mr. Raju Ramchandran, Senior Advocate, Supreme Court of India to independently examine the report of the SIT and also interact directly with witnesses. A copy of the Supreme Court order dated 5.5.2011 is produced herewith on **Page-92 to 94** Affidavits were filed before the Supreme Court on 11.05.2011 by Police Head Constable Mr. Nareshbhai Brahmbhatt, and on 15.05.2011 by Mr. Shubhranshu Chaudhary both of whom were aware about my having been summoned to the meeting of the Chief Minister as well as my departure from Ahmedabad for attending the meeting with the Chief Minister on the night of 27.02.2002. Copies of these Affidavits are produced herewith on **Page-86, and 89 respectively**. On 27th May, 2011 the Amicus addressed a letter to me stating that he was to be in Ahmedabad on 18th and 19th June 2011 and that I should contact him for the purpose of interaction. A copy of the letter of the Amicus dated 27.05.2011 is produced herewith on **Page-91**.

48. On 16.06.2011 the Amicus confirmed with me telephonically about the venue and time of the meeting. The said information was in turn conveyed to Police Constable Mr.

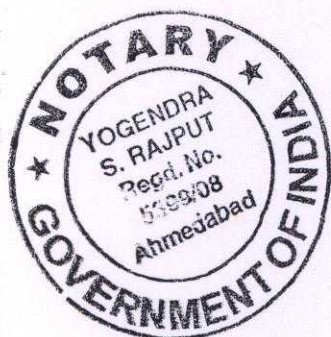
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K.D. Panth and Driver Constable Mr. Tarachand Yadav on the very same day.

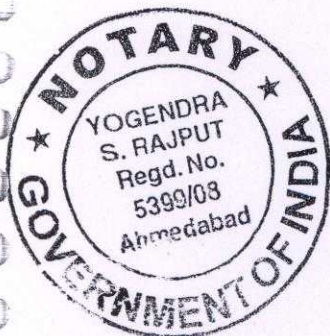
49. On 17.06.2011 Police Constable K.D. Panth and Driver Constable Tarachand Yadav filed affidavits to be submitted before the Amicus Curiae confirming that I had gone for a meeting with the Chief Minister on the night of 27.02.2002, as also the fact regarding their ill-treatment at the hands of the SIT. Copies of these Affidavits are produced herewith on **Page-95 and 100 respectively.**

50. On 18.6.2011 as per the prior appointment I went and met the Amicus. Driver Constable Mr. Tarachand Yadav also met the Amicus Curiae and handed over his Affidavit in person. However, Police Constable Mr. K.D. Panth, despite having filed the Affidavit on 17.06.2011, did not turn up for the appointed meeting with the Amicus Curiae. It was later learnt that Mr. K.D.Panth had been contacted and pressurized by certain officials of the State in order to prevent him from stating the truth before the learned Amicus Curiae.



ROLE OF STATE BEFORE THE JUSTICE NANAVATI-MEHTA COMMISSION

51. It has been my contention and that of a number of other persons that Chief Minister Mr. Narendra Modi was involved in acts of commission and omission in respect of riots of 2002. If he had acted as he ought to have in the capacity of the Chief Minister much of the targeted loss of human lives and destruction of property could have been completely averted. Many attempts have been made to have Chief Minister Mr. Narendra Modi testify before the Nanavati-Mehta Commission but all these attempts have been successfully thwarted by the State of Gujarat. All attempts to secure safe custody and/or obtain access to relevant contemporaneous records and documents have also been constantly stonewalled by the State of Gujarat who enjoys the continual indulgence of the Nanavati-Mehta Commission. It is becoming increasingly apparent that the State of Gujarat is fully exploiting the indulgence afforded to it by the Nanavati-Mehta Commission to ensure that the actual facts and circumstances that led to and facilitated the Gujarat Carnage of 2002 are continued to be effectively suppressed from all inquisitorial proceedings.

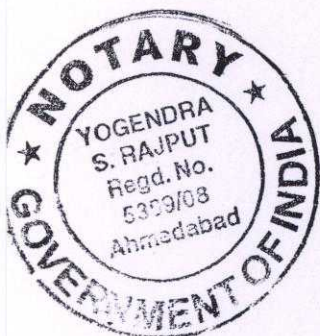


52. The State Government by notification dated 6th March 2002, set up a fact finding Commission under the Commissions of Inquiry Act, 1952 ('the Act' for short). The terms of reference were as follows:

The following shall be the terms of reference of the said commission namely:-

- (1) *To inquire into-*
- (a) *the facts, circumstances and the course of events of the incidents that led to setting on fire some coaches of the Sabarmati Express train on 27.02.2002 near Godhra Railway Station;*
 - (b) *the facts, circumstances and the course of events of the subsequent incidents of violence in the State in the aftermath of the Godhra incident; and*
 - (c) *the adequacy of administrative measures taken to prevent and deal with disturbances in Godhra and subsequent disturbances in the State.*
- (2) *To ascertain as to whether the incident at Godhra was pre-planned and whether information was available with the agencies, which could have been used to prevent the incident;*
- (3) *To recommend suitable measures to prevent recurrence of such incidents in future.*

53. By subsequent notification dated 20th July 2004, terms of reference were expanded. This was principally done on the basis that the Government received representations for

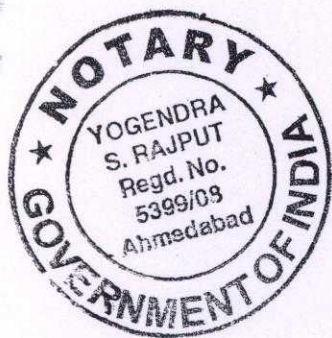


inquiring into the role and conduct of the Chief Minister, Ministers, Officers of the Government, other individuals and organizations. Additions made in the previous notification dated 6th March 2002 were as follows:-

Now, therefore, in exercise of the powers conferred by section 3 of the commission of Inquiry Act, 1962 (60 of 1952) the Government of Gujarat hereby amend the above referred the Government Notification, Legal Department No.:GK/07/2004-COI/102002/797-D dated 6th March 2002, for the aforesaid purpose as follows namely:-

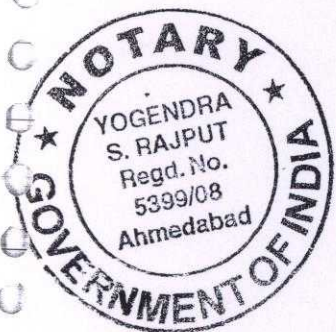
In the said notification -

- I. After clause (c) in sub-Para (1) of Para-2, following clauses (d) and (e) be added, namely:-
 - (d) Role and conduct of the then Chief Minister and / or any other Minister(s) in his Council of Ministers, Police Officers, other individuals and organizations in both the events referred to in clauses (a) and (b).
 - (e) Role and conduct of the then Chief Minister and / or any other Minister(s) in his Council of Ministers, Police Officers
 - (i) in dealing with any political or non-political organization which may be founded to have been involved in any other events referred to hereinabove,
 - (ii) in the matter of providing protection, relief and rehabilitation to the victims of communal riots
 - (iii) in the matter of recommendations and directions given by National Human Rights Commissions from time to time.
- II. In para 2: in sub-para (1) in clause (b), after the words, 'incidence of violence', for the words and figures, 'that took place on and from 27th February



2002 to 30th March 2002, the words and figures 'that took place on and from 27th February, 2002 to 31st May 2002' be substituted.

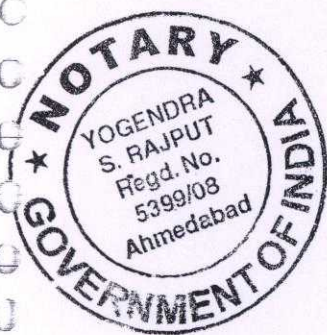
54. In addition to the evidence before the Nanavati-Mehta Commission and the Supreme Court appointed SIT, there is a plethora of incriminating and germane evidence available in the Public domain. It is my genuine apprehension that very crucial and relevant records have been deviously suppressed and/or destroyed by the Government of Gujarat as well as the SIT headed by Mr. R. K. Raghavan, with the diabolical motive of shielding powerful persons from legal punishment; by ensuring that crucial and relevant incriminating evidence is not brought before any inquisitorial bodies like the Nanavati-Mehta Commission or the Courts of law. In view of the aforesaid facts and circumstances, certain facts that were already before the commission along with other facts which were in public domain in respect of the Terms of Reference were brought to the notice of the Nanavati-Mehta Commission by way of a detailed Application dated 10th March, 2012 filed before the Commission. The said application also reiterated the demand that Chief Minister Mr. Narendra Modi should be summoned and examined as a witness by the Nanavati-Mehta Commission. A copy of the



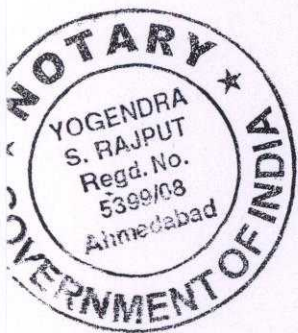
said Application dated 10.3.2012 is produced herewith on
Page- 328 to 350

55. Based on the facts and circumstances already on the record of the Nanavati-Mehta Commission as well as the information available in the public domain, some of the allegations against Mr. Narendra Modi, both in his personal capacity as well as a constitutional functionary being the CM can be briefly summarized as hereunder:

- (a) Instructions to the director general of police (DGP), the chief secretary and other senior officials to give vent to the Hindu anger against minority Muslims in the wake of the Godhra incident. Meeting held in Gandhinagar on the evening of February 27, 2002.
- (b) The Chief Minister's decision to bring dead bodies of those killed in the Godhra train fire to Ahmedabad and parade them in Ahmedabad city, as testified by Ashok Narayan, former addl. chief secretary, home department, in his cross-examination before the Nanavati-Shah Commission.

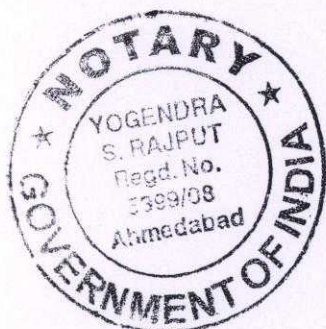


- (c) The CM, Narendra Modi, did not visit the riot affected areas during the initial days of the violence though he visited the Godhra railway station on February 27, 2002 itself.
- (d) Deliberate failure to respond to the law and order situation developing at Gulberg Society on February 28, 2002, resulting in the gruesome massacre at Gulberg Society.
- (e) The press statement by Narendra Modi that the reaction against the Muslim community was the operation of Newton's law of action and reaction.
- (f) Numerous illegal instructions given verbally to officials as detailed in Affidavit No. 3 dated April 9, 2005 of RB Sreekumar before the Nanavati-Shah Commission.
- (g) No minutes or written notes of the meetings held by the CM and senior bureaucrats were issued, and instructions were mainly conveyed on the telephone. The non-issuance of such minutes/notes served the twin objectives of 1) Field officers carrying out the



conspiracy of a pogrom against the minority and 2) Avoidance of subsequent monitoring of actions by jurisdictional officers in the field.

- (h) Positioning cabinet ministers, IK Jadeja and Ashok Bhatt, in the DGP's office and Ahmedabad city control room respectively. DGP Chakravarti was critical of the minister, IK Jadeja, remaining in his office, as testified by RB Sreekumar in para 85 of his fourth affidavit before the Nanavati-Shah Commission.
- (i) Transfer of officers from field executive posts in the thick of the riots in 2002 despite the DGP's objections (as per media reports), to facilitate placement of those who were willing to subvert the system for political and electoral benefits.
- (j) Partisan investigations betraying prejudice against riot victims belonging to the minority community, as indicated by Rahul Sharma during his cross-examination before the Nanavati-Shah Commission.
- (k) Numerous instances of rewarding of senior officials

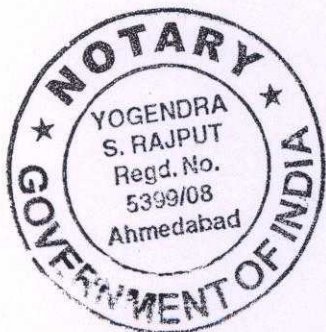


with undue benefits even while their conduct is under scrutiny at the Nanavati-Shah Commission.

(l) Deliberate failure to initiate punitive action against senior police officers, despite grave dereliction of duty in the supervision of the investigation of serious offences as envisaged by Rules 24, 134, 135 and 240 of the Gujarat Police Manual-Vol. III, as noted in para 94 of RB Sreekumar's fourth affidavit before the Nanavati-Shah Commission.

(m) Did not initiate departmental action against the then Superintendent of Police Dahod, for his gross misconduct and negligence during investigations into the Bilkees Bano case despite recommendations to that effect by the CBI which reinvestigated the case as per the directions of the Supreme Court.

(n) No action has been taken against officers like K. Chakravarti, then DGP; PC Pande, then Commissioner of Police, Ahmedabad City; Ashok Narayan, then Addl. Chief Secretary (Home), and a large number of senior government functionaries who filed incomplete,

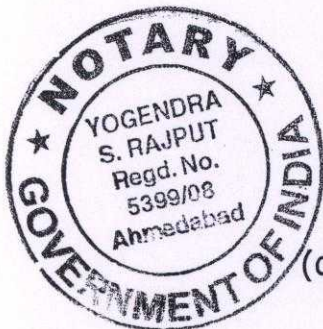


inaccurate, vague and inadequate affidavits before the Nanavati-Shah Commission. Virtually no officer provided important documents relevant to the terms of reference of the commission as exhibits either in affidavits or during their cross-examination.



(o) No follow-up action on the reports sent by Mr. RB Sreekumar on April 24, 2002, June 15, 2002, August 20, 2002 and August 28, 2002 about the administration's anti-minority stance. Copies of these reports are appended in Affidavit No. 2 dated October 6, 2004 of RB Sreekumar before the Nanavati-Shah Commission.

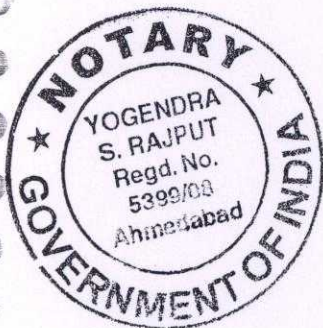
(p) No direction from Chief Minister Narendra Modi to Bhartiya Janta Party and the Vishwa Hindu Parishad and other Sangh Parivar Organisations against the observance of a *bandh* on February 28, 2002, despite the settled legal position that *Forced Bandhs* are illegal.



(q) Delay in the requisition and deployment of the Army although anti-minority violence had broken out on the

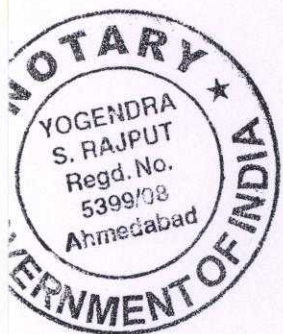
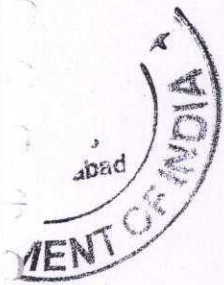
afternoon of February 27, 2002 itself, in the cities of Vadodara, Ahmedabad, etc.

- (r) Appointment of pro-VHP advocates as public prosecutors in riot cases though as home minister (cabinet rank) the CM had the necessary means at his disposal to verify the credentials and integrity of these advocates.
- (s) Refusal to transfer officers from the grass root level, as per the State Intelligence Bureau (SIB)'s recommendation as indicated in Mr. RB Sreekumar's second affidavit before the Nanavati-Shah Commission.
- (t) No action taken by the Home Department against the print media carrying communally inflammatory reports although the SIB and some field officers had recommended such action, as noted in Affidavit No. 1 of RB Sreekumar dated July 6, 2002 and during his cross-examination before the Nanavati-Shah Commission on August 31, 2004.



(u) The Home Department of the State of Gujarat provided misleading reports about normalcy in the state to the Chief Election Commission (CEC) so as to ensure early assembly elections. The home department's assessment was adjudged as false by the CEC in its open order dated August 16, 2002. As per the register recording verbal instructions from higher echelons of government (the CM and others) maintained by RB Sreekumar, in his third affidavit before the Nanavati-Shah Commission it is noted that he was directed by Home Department officials to give favourable reports about the law and order situation so as to facilitate the holding of early elections.

(v) Secretary, Home Department, Mr. GC Murmu, was presumably specially assigned to tutor, cajole and even intimidate officials deposing before the Nanavati-Shah Commission, to prevent them from telling the truth and harming the interests of the CM and the ruling party, as noted in RB Sreekumar's third affidavit before the Nanavati-Shah Commission. GC Murmu's mission was to try and ensure that officials did not file affidavits relating to the second term of reference of



the Nanavati-Shah Commission, in particular, the role of the CM and other ministers in the riots.

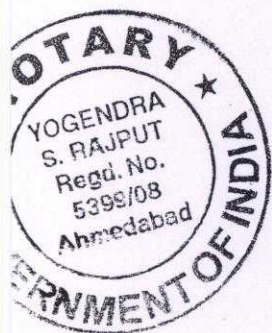
- (w) Misused Secret Service Funds of the State Intelligence Bureau to subvert Writ Petition (Civil) No. 221 of 2002.
- (x) The fact that the main victims of the riots were Muslims, and the violence and police firing were targeted predominantly at the Muslim community will establish that rioters, the administration, cohorts of the ruling party (BJP), were working in collaboration to achieve the vile objectives of the CM. Statistics in this respect may be seen in RB Sreekumar's second affidavit before the Nanavati-Shah Commission.

56. On 13th March, 2012 I submitted another letter before the Commission adding a few grounds. A copy of this Application is produced herewith on **Page-354** On 26.3.2012 a reply was filed to this Application on behalf of the State Government which was followed by my Rejoinder as well as Written Submissions dated 30.3.2012 which are is produced herewith on **Page-356** and **359 to 368** respectively.



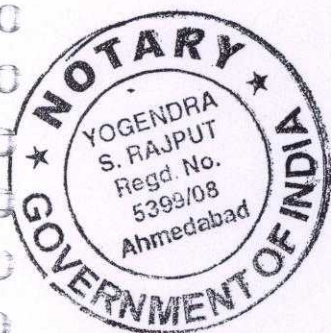
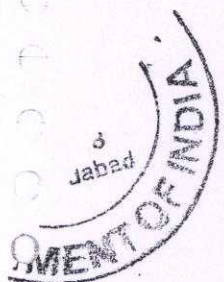
57. Till date no order has been passed on my application. What is obvious from the above is that despite there being sufficient evidence against Mr. Modi and despite the Terms of Reference of the Commission requiring it to go into the role of the Chief Minister Mr. Narendra Modi during riots, the Commission is consistently refusing to examine Mr. Modi as a witness.

58. As indicated in Para 47 and Para 48 above, *It is very pertinent to note that Reference (c) was not included while expanding the scope of the Terms of Reference of the Commission to include the "Role and conduct of the then Chief Minister and / or any other Minister(s) in his Council of Ministers, Police Officers, other individuals and organizations"* while adding clauses (d) and (e) sub-Para (1) of Para-2 of the original Terms of Reference. The deliberate exclusion of Reference (c) has ensured that the *Role and conduct of the then Chief Minister and / or any other Minister(s) in his Council of Ministers, Police Officers, other individuals and organizations **is not examined** with respect to **the adequacy of administrative measures taken to prevent and deal with disturbances in Godhra and subsequent disturbances in the State.*** That even as per



the deficient Terms of Reference, the role of the State Government of Gujarat, inter alia, should have been one of discharging its constitutional obligation of diligently and honestly assisting the Honourable Commission in unearthing the truth regarding the facts and circumstances that resulted in and facilitated the incidents of violence, as also the adequacy or otherwise, of the measures taken by the then administration in dealing with the same.

59. It is indeed ironic that the State Government of Gujarat instead of conducting itself as a neutral and dispassionate Constitutional Entity has chosen to act in a partisan manner by identifying with and espousing the cause of the Functionaries of the State Administration, including the Chief Minister, whose very role and conduct is squarely covered by the Terms of Reference of the Inquiry. It is a matter of record that the State Government of Gujarat, through its officials like Mr. Dinesh Kapadia and Mr. Girish Chandra Murmu IAS, tried to tutor and influence witnesses with the sole purpose of ensuring that the truth regarding the role and conduct of the administration headed by the Chief Minister was not exposed before the Honourable Commission. It is even more unfortunate that the Counsel



for the Honourable Nanavati Commission, Advocate Mr. Arvind Pandya was also involved in tutoring and dissuading witnesses from deposing the truth before the Honourable Commission. Even today, the Counsels appearing before the Commission on behalf of the state continue to enjoy the indulgence of the Honourable Commission in effectively and successfully stonewalling any inquiry into the role and conduct of the Chief Minister. In fact, the State Government of Gujarat continues to frustrate all attempts at even summoning and questioning certain high functionaries of the administration, including the Chief Minister.

60. It is well established that the rationale for a Commission of Inquiry flows from the right of the People of India, as enshrined in Article 19(1)(a) of the Constitution of India, to be informed as to the what, why and how regarding the events of definite public importance. The State of Gujarat by its despicable conduct has continued to fraudulently deprive the people of India of their Constitutional Right to be informed about the real facts and circumstances that led to and facilitated the Gujarat Riots of 2002. I have petitioned Her Excellency the President of India with a prayer to rectify

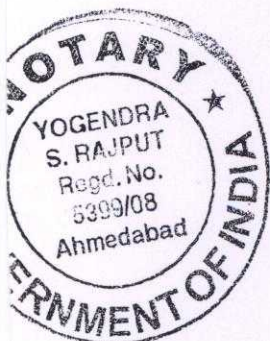
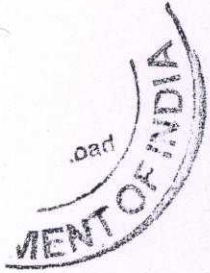


the above lacuna. The said petition is produced herewith on
Page- 391 to 397

GENERAL OBSERVATIONS

61. It is obvious from the above that what followed after the gruesome incident at Godhra Railway Station was an orchestrated attempt to commit violence on the person and property of Muslims with total State support and complicity. All these facts have been brought to the notice of the SIT as well as the Nanavati Commission but despite this they are bent upon giving a clean chit to these tragic events by branding them as spontaneous outrage against the Godhra riots. What is most important to note is that there is enough documentary as well as oral evidence available to establish the complicity of the state and its high functionaries in these riots but the Commission and SIT are deliberately turning a blind eye to the overwhelming evidence and any persons who try to bring out the truth are victimized.

62. I say and submit that I have brought these facts on record only in order to ensure that justice is delivered to all the innocent victims of the Gujarat Riots of 2002 and that the actual perpetrators, facilitators and the abetting



masterminds behind the riots are exposed and dealt with in accordance with the law of the land.

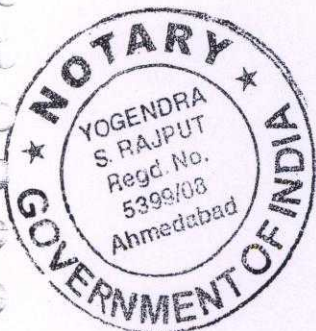
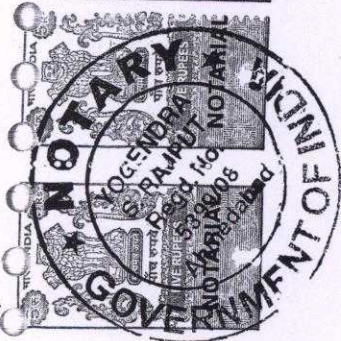
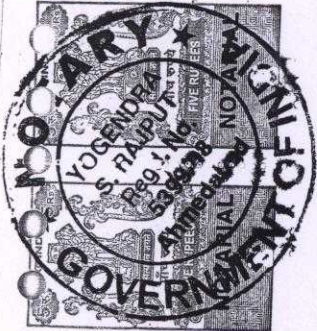
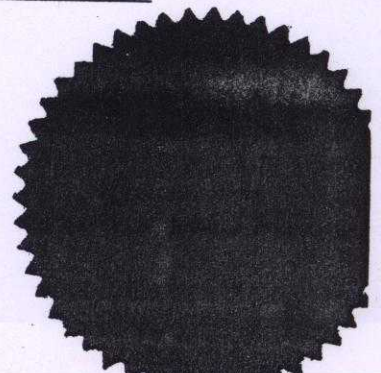
63. I further submit that once I am allowed access to the requisite and relevant information/records/documents as prayed in Para5 of my Application dated 12th March 2012, to this Honourable Commission, I shall be in a position to file a more detailed and comprehensive Affidavit regarding the events, factors and circumstances that facilitated the Gujarat riots of 2002 as also the ongoing attempts at deliberate disregard/ destruction of crucial and relevant evidence with a view to deprive the minorities in Gujarat the justice due to them and the right to fair investigation/ inquiry into offences pertaining to systematic destruction of their life and property. My Application dated 12th March 2012, to this Honourable Commission is produced herewith on **Page-351 & 353**

Solemnly affirmed at Ahmedabad on this 25th day of April, 2012.

Sanjiv
25/04/2012 *Shen*

DEPONENT

Serial No...4165...2012
Solemnly Affirmed &
Signed before me
[Signature]
25-4-2012
YOGENDRA S. RAJPUT
NOTARY PUBLIC
GOVT. OF INDIA
My Commission Expired
on 24/02/2013



**Compilation of Annexures to the
Affidavit of
Sanjiv Rajendra Bhatt IPS
Dated 25/04/2012
filed
BEFORE THE NATIONAL COMMISSION FOR MINORITIES,
NEW DELHI
in connection with the Complaint of
MALEK NIYAZBIBI BANNUMIYAN dated 10.2.2012.
NCM File No. MIDL/30/0036/12**

Confidential

From:
Sanjiv Rajendra Bhatt IPS
Principal,
State Reserve Police Training Centre,
Junagadh, Gujarat.

To;
The Registrar General,
Supreme Court of India,
Tilak Marg,
New Delhi 110001.

Respected Sir,

Re: Supreme Court of India
In its Criminal Jurisdiction
Special Leave Petition (Criminal) 1088 of 2008

Smt. Zakia Ahsan Jafri and Anr. Petitioners
Versus
State of Gujarat & Ors. Respondents

Please find enclosed herewith, four notarized copies of the Affidavit,
affirmed by me in the above matter.

Confidential

I am a serving IPS Officer. I am not a party to the present proceedings but I believe my Affidavit discloses facts which could be crucial to the determination of the issues before the Hon'ble Supreme Court in Special Leave Petition (Criminal) 1088 of 2008.

You are requested to kindly circulate the same and oblige.

Your sincerely,

Date: 14th April, 2011

(Sanjiv Bhatt)

Copy with compliments:

Shri. Raju Ramchandran,
Senior Advocate-Supreme Court of India &
Amicus Curiae in SLP(Criminal) 1088 of 2007,
Chamber No. 97,
Lawyers Chambers,
Supreme Court of India,
New Delhi-110 001

SERIAL NO. 631 2011

SADIKHUSEN R. SHAIKH
NOTARY
GOVT. OF INDIA

IN THE SUPREME COURT OF INDIA 14 APR 2011

SPECIAL LEAVE PETITION NO. 1088 OF 2008

SMT. ZAKIA AHSAN JAFRI AND ANR..... PETITIONERS

VERSUS

STATE OF GUJARAT & ORS..... RESPONDENTS

AFFIDAVIT OF SANJIV RAJENDRA BHATT I.P.S

I, SANJIV RAJENDRA BHATT I.P.S., aged about 47 years,
residing at Bunglow.No.2, Sushil Nagar Part II, Opposite
Mahatma Gandhi Labour Institute, Drive-in Road,
Ahmedabad 380 052, do hereby state and solemnly affirm as
under:

1. I respectfully state and submit that I am presently posted as
the Principal of State Reserve Police Training Centre,
Junagadh, Gujarat. I am filing this Affidavit to bring on
record certain aspects concerning the enquiry/ investigation
being conducted by the Special Investigation Team (SIT),

Sanjiv

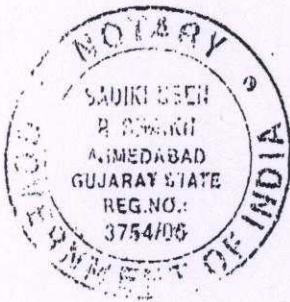


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appointed by this Hon'ble Court. The reason for filing this Affidavit directly will become clear in the subsequent paragraphs.

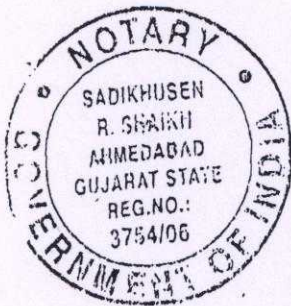
2. I am a Post Graduate from the Indian Institute of Technology, Mumbai. After completing my post-graduation, I joined the Indian Police Service (IPS) in 1988 and was allotted to the Gujarat cadre. Over the last 23 years, I have served in different capacities in various Districts, Police Commissionerates and other Police Units.



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.

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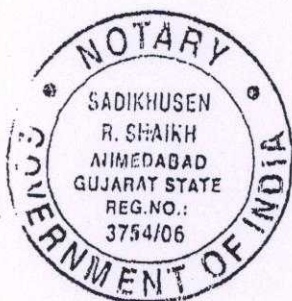
4. I respectfully state that owing to the post I was occupying in the State Intelligence Bureau, I came across huge amounts of intelligence and information pertaining to the events that had transpired prior to, as well as during the Gujarat Riots of 2002. By virtue of the office held by me during the 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

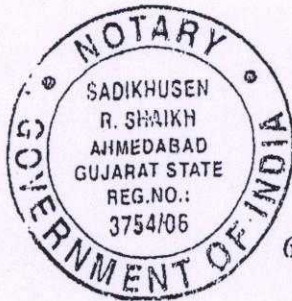
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the SIT with certain relevant information and documents, including original floppy discs containing the entire cell phone/cell-site records of Godhra Town for 26th and 27th February 2002; as well as the original print-outs of very important call records 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. I am constrained to take the liberty of filing this Affidavit before this Hon'ble Court to bring on record certain disquieting aspects and inadequacies in the manner and approach of the SIT, personally experienced by me during my interaction with the SIT. 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 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 but they seem to be disinclined to follow-up these



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important leads in the course of the enquiry/investigation being carried out by them. Given the overall demeanor of the SIT officials while dealing with these crucial aspects of the ongoing enquiry/investigation, I believe it is my painful duty to bring to the notice of this Hon'ble Court that the SIT does not appear to be living up to the enormous trust reposed in it by the Supreme Court of India, to conduct an impartial and thorough probe into the allegations of a larger conspiracy and administrative complicity behind the Gujarat Riots of 2002 and hence the present Affidavit.

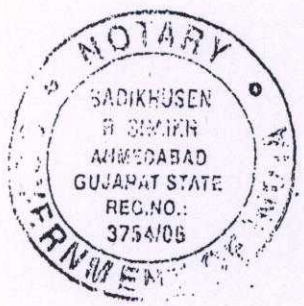


6. I respectfully submit that I was contacted by the office of Special Investigation Team in the month of November, 2009 and was asked to meet Shri A.K. Malhotra- SIT on a particular date. I was subsequently contacted once again by the office of the SIT and informed that the appointed date had been changed 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. 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

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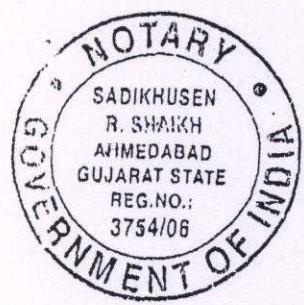
the deposition before SIT. During the course of my deposition before SIT, there were certain other occurrences which were highly indicative of real-time leakage of information from within the SIT. These occurrences were brought to the notice of Shri A. K. Malhotra-Member SIT, at that point of time itself. 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.



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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. 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. 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 12 th 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 state 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

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the details of my interaction with the Special Investigation Team.

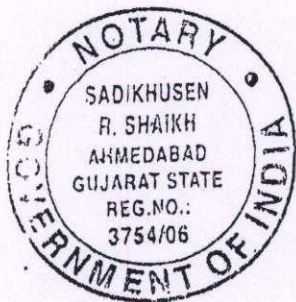
8. In view of the leakage of my confidential deposition as well as the leakage of the details pertaining to my interaction with the SIT to the highest echelons of the Government of Gujarat and the subsequent publication of the said details by some sections of the media, I became highly apprehensive about my security and the 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.



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

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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 I C.R. 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.

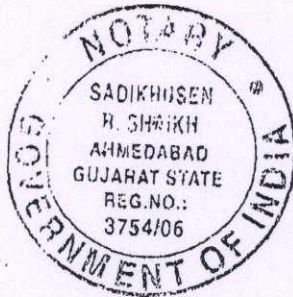


10. I respectfully submit that on 18th March, 2011 I wrote a detailed letter to the Chairman of SIT, placing the above facts on record and reiterated my request for the provision of certain necessary documents. I further requested the Chairman to kindly ensure that all the officers as well as support 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.

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11. In accordance with the Summons, I reported to office of the SIT at Gandhinagar, on 21st 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 of 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

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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 28.2.2002.



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

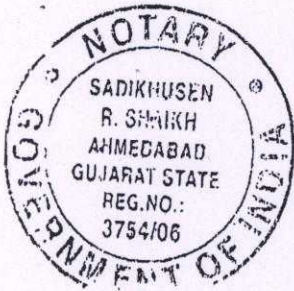
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conclusion of meeting held on 27-02-2002, where it was tried to impress upon him that the decision to bring the dead bodies to Ahmedabad and the BJP announcement of supporting the VHP Bandh Call would definitely lead to outbreak of communal violence 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"

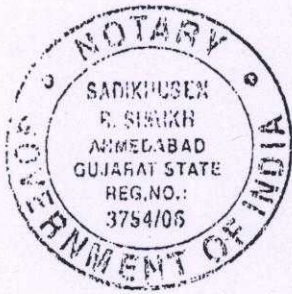
The effects of these directions given by the Chief Minister were widely manifested in the half-hearted approach and the evident lack of determination on the part of the Police while

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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.

14.I state and submit that, I had attended numerous meetings presided over by the Chief Minister, even before 27th February 2002 and continued to do so thereafter as well. On 27.2.2002, I was asked by the Control Room to accompany the DG&IGP Shri. K.Chakravarthi IPS to the said meeting, along with all relevant information, possibly because ADGP Intelligence Shri. G.C. Raiger was on leave on that particular day. It is further submitted that on numerous subsequent occasions, I had accompanied DG&IGP as well as ADGP Intelligence to different meetings called by the Chief Minister and other high Constitutional Functionaries.



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.

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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.

17. It is most humbly submitted that as Deputy Commissioner (Intelligence) with the State Intelligence Bureau, during the Gujarat Riots of 2002, I was privy to a plethora of

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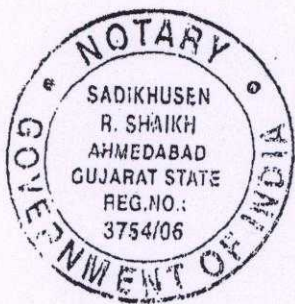
information pertaining to the facts and circumstances that led to and facilitated the communal carnage that took place in Gujarat in 2002. I did not bring these facts to light earlier due to the fact that I was privy to this information in my capacity as an officer of the Intelligence Bureau and was not expected to divulge the details unless under a legal obligation to do so. Moreover, at no point of time was I required to file any Affidavit before any Court, nor was I summoned or directed to depose before any authority or Commission. It has been my considered and consistent stand that I would disclose confidential information, which I was privy to as an Intelligence Officer, as and when I would be called upon to do so under the requirement of law. I had explicitly mentioned and clarified my aforementioned stand even in my first signed deposition before the SIT in November 2009.



18. It is my genuine apprehension that the SIT, while carrying out the further investigation of Meghaninagar Police Station I.C.R. No. 67 of 2002, is disinclined and reluctant to take on record and appropriately examine the evidence indicating the existence of any larger conspiracy or official orchestration behind the Gujarat Riots of 2002. As an officer serving with the State Intelligence Bureau at that relevant point of time, I was not only present at the meeting held at

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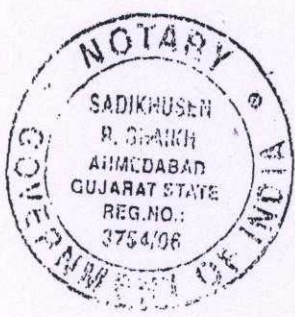
the residence of Chief Minister on the night of 27.2.2002, but had also witnessed the apparent lack of firmness on part of many Police Units while dealing with the emergent situation on 28th February 2002 and thereafter. As the Deputy Commissioner of Intelligence in-charge of Internal Security for the State of Gujarat, I was required to constantly monitor and assess the developing situations and appropriately advice and apprise various organs and officials of the Government, including the Chief Minister. As stated by me before the SIT, and substantiated by documentary and other verifiable evidence, I had the occasion to *inter alia*, apprise the Commissioner of Police Ahmedabad City and the Chief Minister regarding the situation developing at Gulberg Society on 28th February 2002. I have stated before the SIT that many serious incidents of communal violence, including the carnage at Gulberg Society, could have been easily prevented by firm and determined action on part of the Police.



19. It is humbly submitted that as repeatedly conveyed to the SIT, I remain duty bound to assist the Hon'ble Court in the proceedings of SLP (Criminal) No. 1088 of 2008. As an when called upon, I am willing to provide all the information within my knowledge to this Hon'ble Court. It may kindly be appreciated that I was privy to a large part of

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the said information by virtue of the fact that I was posted as Deputy Commissioner in the State Intelligence Bureau. Therefore, my divulging sensitive and confidential information, otherwise than under an order of this Hon'ble Court or during the lawful investigation under the Code of Criminal Procedure; would not only be professionally improper but may also entail departmental or criminal proceedings against me, by a very vindictive administrative setup in the State of Gujarat. Even today, the situation in Gujarat is such, that witnesses would be afraid of vindictive reprisals and persecution at the hands of the State machinery. Evidently, witnesses serving under the control of the State Government would be highly reluctant to come forward and take a stand that could imperil their own safety or the safety and security of their families. I therefore request that this Hon'ble Court be pleased to ensure that the SIT follows up on all the leads provided by me in such a manner that even reluctant witnesses feel safe and confident to state the truth. It is further requested that the Government of Gujarat and the authorities under its control may kindly be restrained from pressurizing witnesses with a view to prevent the truth from coming out.



20. I further state and submit that due to the events that have transpired since the time I first deposed before the SIT in

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November 2009, I have serious and well founded apprehensions regarding my own safety and the safety and security of my family members. I request that this Hon'ble Court be pleased to direct the authorities concerned, to provide adequate and fool-proof security cover to me and my family.

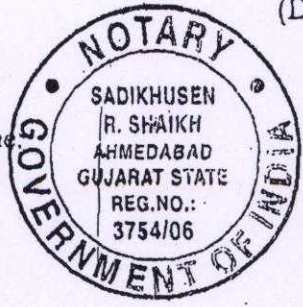
21. In case this Hon'ble Court so desires, I shall be duty bound to file an additional affidavit for the purpose of providing further details and particulars regarding the facts and documents within my knowledge.

The contents of the above affidavit have been dictated by me and I fully understand the import of this Affidavit. The contents of paragraphs 1 to 21 hereinabove are true and correct to the best of my knowledge and belief. The Annexures at 1 to 7 are photocopies of the original documents and I certify them to be true.

Solemnly affirmed on this day of 14th April, 2011 at Ahmedabad.

Sanjiv
14/04/2011 *Shankar*
(Deponent)

Before me.
[Signature]
Identified by me



SOLEMNLY AFFIRMED BEFORE ME
[Signature]
SADIKHUSEN R. SHAIKH
NOTARY
GOVT. OF INDIA

14 APR 2011

Sanjiv

MOST URGENTANNEXURE

No.SRB/PROTECTION/110214/03

Sanjiv Rajendra Bhatt IPS

Date: February 14, 2011

Respected Sir,

Your kind attention is drawn to the Cover Story published under the heading- THE TRUTH ABOUT THE GODHRA SIT REPORT, at pages 28 to 41 of Tehelka Magazine Volume 8 Issue 06, dated 12 February 2011; and another subsequent article under the heading- GUJARAT 2002 EXPLOSIVE TESTIMONY at pages 30 to 37 of Tehelka Magazine Volume 8 Issue 07, dated 19 February 2011.

As discussed with you and confirmed by you during our meeting on September 20, 2010; I had very good reasons to believe that my testimony before the Special Investigation Team-SIT, inquiring into the representation made by Ms. Zakia Jafri, the widow of Late Ahsan Jafri, has been leaked to the higher echelons of the Government of Gujarat.

It is apparent from the articles published in the last two issues of Tehelka Magazine, that portions of my said testimony, as well as some details regarding my interaction with the members of the SIT have been selectively leaked to the media. The statements attributed to my deposition before SIT in the above referred issues of Tehelka Magazine and other media reports have put portions of my confidential testimony in the Public Domain. It is very obvious that these attributions will anger not only the members of the ruling BJP in Gujarat and other Organizations of the Sangh Parivar but also some Fanatical-Right Wing-Hindu Organizations and elements across the country.

In view of the above facts and circumstances, you are requested to kindly provide adequate and fool-proof security cover to me and my immediate family members. You are further requested to direct the agencies and offices under the control of the Home Department, Government of Gujarat to refrain from taking any steps or measures that would directly or indirectly jeopardize my security or the security and safety of my immediate family members.

It may kindly be noted that I am currently on leave and am stationed at Ahmedabad in order to attend to my ailing and physically infirm mother.

With profound regards,

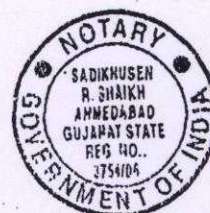
Yours sincerely,

Sanjiv
14/02/2011
(Sanjiv Bhatt)

Shri. Balwant Singh IAS

ACS (Home), Government of Gujarat.

Sanjiv



Most Urgent

ANNEXURE -

No.SRB/PROTECTION/110305/01

Sanjiv Rajendra Bhatt IPS

Date: March 05, 2011

2

Sub: Provision of Security Cover / Protection

Ref: 1. My letter No. SRB/PROTECTION/110214/03 dt.14/02/11 (copy enclosed)

2. ADGP(Training) Letter No. TALAM/GAB/CHARGE/277/2011 dt.25/02/11

Respected Sir,

Your kind attention is drawn to my letter referred at No.1 above, requesting you to provide adequate and fool-proof security cover to me and my immediate family members; and to direct the agencies and offices under the control of the Home Department, Government of Gujarat to refrain from taking any steps or measures that would directly or indirectly jeopardize my security or the security and safety of my immediate family members.

I am deeply constrained to submit that despite my earnest and urgent plea to you for providing me and my immediate family members with adequate and fool-proof security cover, no steps have been taken to enhance the security arrangements. On the contrary, the ADGP (Training), vide his letter referred at No.2 above, has directed the immediate withdrawal of my Vehicle as well as the 5 Armed Constables from SRPTC staff being deployed by me as a part of the makeshift, though grossly inadequate, security cover for me and my family at Ahmedabad.

Sir, as you would appreciate, the withdrawal of my vehicle and the 5 Armed Constables currently deployed as a makeshift arrangement, would amount to completely depriving me and my family of even the existing modicum of security cover; thereby causing irreparable jeopardy to my security and the security and safety of my family members at a stage when the Honourable Supreme Court of India is finally hearing the Special Leave Petition No. 1088 of 2008, filed by Ms. Zakia Jafri, the widow of Late Ahsan Jafri, seeking action against many powerfully placed bureaucrats and politicians of Gujarat State for their alleged involvement in the communal carnage of 2002 and the subsequent cover-up.

As you are very well aware, I am one of prime witnesses in the complaint-petition submitted by Ms. Zakia Jafri and my statements have been recorded by the Supreme Court appointed SIT on several occasions. As requested by my letter referred at No.1 above, it should be the bounden duty and onus of the Government of Gujarat to provide adequate and fool-proof security to me and my family. Any attempt by the offices and agencies working under your direct control and supervision, to jeopardize my security as well as the security and safety of my family would not only amount to wilful abdication of an obligatory duty cast upon the State, but also tantamount to a blatant attempt by the agencies of the State to obstruct of the judicial process that has been set in motion by way of SLP No. 1088 of 2008.

Sanjiv Bhatt

1



Most Urgent

In view of the above facts and circumstances, you are once again requested to immediately restrain the agencies and offices under the control of the Home Department, Government of Gujarat, and direct them to refrain from taking any steps or measures that would directly or indirectly jeopardize my security or the security and safety of my immediate family members. You are further requested to urgently provide adequate and fool-proof security cover to me and my immediate family members.

With profound regards,

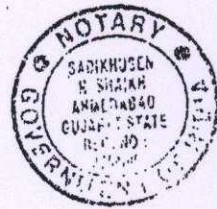
Yours sincerely,

Sanjiv Bhatt
05/03/2011
(Sanjiv Bhatt)

Shri. Balwant Singh IAS
Additional Chief Seretary to
Government of Gujarat,
Home Department,
Gandhinagar.

Copy with compliments:

1. Shri. Chitranjan Singh IPS, DG&IGP, Gujarat State, Gandhinagar.
2. Shri. Fazal Guard IPS, ADGP (Training), Gujarat State, Gandhinagar.
3. Shri. Anil Pratham IPS, Principal, PTC Junagadh
4. Shri. J K Jhala GPS, Vice Principal, SRPTC-Chowky, Junagadh.



Sanjiv Bhatt

Most Urgent

No.SRB/PROTECTION/110413/01

Sanjiv Rajendra Bhatt IPS

Date: April 13, 2011

Sub: Withdrawal of existing Security Cover

- Ref: 1. My letter No. SRB/PROTECTION/110214/03 dt.14/02/11
 2. My letter No.SRB/PROTECTION/110305/01 dt. 05/03/11
 3. My letter No.SRB/LEAVE/110319/01dt. 19/03/11
 4. My letter No. SRB/PROTECTION/110411/01 dt. 11/04/11

Respected Sir,

Your kind attention is drawn to my letters referred to at No.1 and No.2 above, requesting you to provide adequate and fool-proof security cover to me and my immediate family members; and to direct the agencies and offices under the control of the Home Department, Government of Gujarat to refrain from taking any steps or measures that would directly or indirectly jeopardize my security or the security and safety of my immediate family members.

As informed to you vide my letter No. SRB/LEAVE/110319/01 dt. 19/03/11, referred to at No.3 above, I have resumed duties as Principal SRPTC on 19th March 2011. As you are aware, I am currently required to camp in Ahmedabad/Gandhinagr in connection with the ongoing investigation being carried out by the Supreme Court appointed SIT as well as other proceedings in connection with SLP No. 1088 of 2008

I am deeply constrained to state, that despite the earnest and urgent requests made to you vide my letters referred to at No.1 and No.2 above, no steps have been taken for providing me and my family members with adequate and fool-proof security cover. This is despite the fact that the State Intelligence Bureau as well as Ahmedabad City Police have recently assessed the level of threat to me and my family and have recommended immediate provision of security cover of a scale equivalent to or above the Y-Category, to me and my family members.

It may kindly be noted that instead of enhancing the existing security to the level recommended by the SIB as well as the Ahmedabad City Police; the ADGP (Training) has repeatedly sought to withdraw my official vehicle as well as the 5 Armed Constables from SRPTC staff being deployed by me as a part of the makeshift, though grossly inadequate, security cover for me and my family at Ahmedabad.

Your kind attention is drawn to the latest attempt to withdraw my security cover by way of an unlawful order issued by Shrf. Anil Pratham IPS, Principal PTC on 10/04/11 vide Order No. PA/ACHARYA/CHOWKY/150/2011. Needless to say, as clearly pointed out in my letter No. SRB/PROTECTION/110411/01 dt. 11/04/11 referred to at No. 4 above, the said order is patently unlawful and devoid of legitimate authority.

Sanjiv Bhatt

