THE TRUTH ABOUT THE GODHRA SIT REPORT

Here’s the smoking gun. So how come the SIT is looking the other way?

Narendra Modi swore he was clean. *ASHISH KHETAN* scoops the 600-page report that exposes he is not.

ON 3 DECEMBER 2010, a leading national daily ran a front page story headlined ‘SIT clears Narendra Modi of willfully allowing post-Godhra riots.’ News channels leaped at the story. ‘SIT gives Modi a clean chit’ flashed in bold letters across television screens. The newspaper report that was attributed to anonymous sources and had little more information than the sensational caption was expanded into a certificate of innocence for Modi.

Within hours, a beguiling charade of Modi’s righteousness was constructed. While the Special Investigation Team (SIT), which had done the probe, chose to remain quiet as it was answerable only to the Supreme Court, BJP spokespersons popped up on news channels hailing the imaginary ‘clean-chit’ as a political triumph. An exuberant LK Advani called it “the most heartening news I have read in a long, long time”. Praising Modi’s personality and his style of governance, Advani wrote in his blog: “In my 60 years of political life I have not known any colleague of mine so consistently, so sustainedly and so viciously maligned by opponents as Narendra Modi.”

The BJP patriarch wrapped up his eulogy on Modi with the following remark: “Several papers have reported that the SIT has found no evidence to substantiate the charge and has exonerated the Gujarat chief minister. The country is eagerly awaiting the full text of the SIT report to the Supreme Court.”

Well, the wait is over. TEHELKA has scooped the sensational 600-page inquiry report into Modi’s alleged role in the 2002 massacre. The content is shocking and will come as a serious blow to the carefully cultivated image of Modi as an able administrator and a man of good governance. For eight years, riot victims and human rights groups have cried hoarse about the deliberate miscarriage of justice in Gujarat. About how the police and State machinery had either ignored or abetted rioters and created the space for massacres to happen; about how some ruling party politicians had goaded the public mood to new danger levels; about the State’s blatant and continuing prejudice against the victims; about public prosecutors who were subverting justice in the courts by helping the accused instead of nailing their guilt.
But as the years passed, despite the glaring evidence, the accusations lost their sting and were deemed to be, as Advani called it, merely a vicious maligning campaign. Modi won two elections and the effects of the counter-propaganda began to kick in. Both corporate heads and sections of the national media began to hail Modi as a great statesman and potential prime minister. His sins of omission and commission were set aside. The Congress, blunted by its own abysmal handling of the 1984 Sikh riots, stayed meekly quiet.

But now, for the first time, there is damning official confirmation of many things victims and human rights groups have been accusing Modi of. The SIT was set up by order of the Supreme Court. Far from giving Modi a clean chit, in its report dated 12 May 2010 that the Supreme Court has kept under wraps, the SIT found Modi gun many counts: a communal mindset, inflammatory speeches, destruction of crucial records, appointment of Sangh members as public prosecutors, illegal positioning of ministers in police control rooms during the riots, and persecution of neutral officers.

Is there a right-thinking citizen who would say that these are the attributes of a model chief minister? Are efficiency and ability to attract investments the only qualities we seek in our leaders?

This damning report, now exposed by TEHELKA, blows craters into the BJP propaganda that the SIT had exonerated Modi and vindicated his handling of the 2002 riots. The text of the report, in fact, points to exactly the opposite. The report comments that political and communal agendas ‘weighed heavily’ in Modi’s handling of the criminal justice system. It records his government’s abject failure in providing justice to the victims. It also accuses Modi of making “sweeping” and “offensive” comments against the Muslim community that “showed a measure of thoughtlessness and irresponsibility on the part of a person holding a high public office.”

But these are only a fraction of the things the report found Modi guilty of. Here are a few of its key findings:

1. The report says, “In spite of the fact that ghastly and violent attacks had taken place on Muslims at Gulberg Society and elsewhere, the reaction of the government was not the type that would have been expected by anyone. The chief minister had tried to water down the seriousness of the situation at Gulberg Society, Naroda Patiya and other places by saying that every action has an equal and opposite reaction.” (Page 69 of the report)

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

The inquiry officer also notes: “His (Modi) implied justification of the killings of innocent members of the minority community read together with an absence of a strong condemnation of the violence that followed Godhra suggest a partisan stance at a critical juncture when the state had been badly disturbed by communal violence.” (Page 153)

2. The report says, in an extremely “controversial” move, the government of Gujarat had placed two senior ministers — Ashok Bhatt and IK Jadeja — in the Ahmedabad city police control room and the state police control room during the riots. The SIT chairman comments that the two ministers were positioned in the control rooms with “no definite charter”, fuelling the speculation that they “had been placed to interfere in police work and give wrongful decisions to the field officers”. “The fact that he (Modi) was the cabinet minister for Home would heighten the suspicion that this decision had his blessings.” (Page 12 of chairman’s comments)

(It is to be noted that Ashok Bhatt’s cell phone analysis showed that he was in touch with VHP leader Jaideep Patel, a key conspirator of the Naroda Gaon and Naroda Patiya massacre, and with Gordhan Zadaphia, the then minister of state for home and who is now seen by the SIT as a major culprit of the Ahmedabad massacres.)

3. The report affirms that police officers who took a neutral stand during the riots and prevented massacres were transferred by the Gujarat government to insignificant postings. SIT’s Raghavan has termed these transfers “questionable” since “they came immediately after incidents in which the officers concerned were known to have antagonised ruling party men”. (Pages 7-8 of chairman’s comments)

4. The report says “The Gujarat government has reportedly destroyed the police wireless communication of the period pertaining to the riots.” It adds, “No records, documentations or minutes of the crucial law and order meetings held by the government during the riots had been kept.” (Page 13)

(This is a shocking finding. Why were these official records destroyed? What was there to hide? It has to be remembered that the Gujarat government had constituted the Justice KG Shah Commission (which was later reconstituted as a two-member commission headed by Justice GT Nanavati with KG Shah as its member) on 6 March 2002, one month after the riots, to inquire into the circumstances around the riots and was thus duty bound to preserve police control room records and other documents and minutes of meetings as they could have been vital evidence of the partisan role played by the State machinery.)

5. The report says Modi displayed a “discriminatory attitude by not visiting the riot-affected areas in Ahmedabad where a large number of Muslims were killed, though he went to Godhra on the same day, travelling almost 300 km on a single day.” (Page 67) The SIT chairman also comments that “Modi did not cite any specific reasons why he did not visit the affected areas in Ahmedabad city as promptly as he did in the case of the Godhra train carnage.” (Page 8 of chairman’s comments)
6. The SIT confirms that the government appointed VHP and RSS-affiliated advocates as public prosecutors in sensitive riot cases. The report states: “It appears that the political affiliation of the advocates did weigh with the government for the appointment of public prosecutors.” (Page 77) The SIT chairman further comments that “it has been found that a few of the past appointees were in fact politically connected, either to the ruling party or organisations sympathetic to it.” (Page 10 of chairman’s comments)

7. According to the report, the Gujarat government did not take any steps to stop the illegal bandh called by the Vishwa Hindu Parishad on 28 February 2002. On the contrary the BJP had supported the bandh. (Page 69)

(It is important to remember that it was Hindu mobs mobilised by the local VHP and BJP leaders in the name of bandhs that had carried out the horrific massacres at Naroda and Gulberg Society on 28 February 2002.)

8. The SIT report also says that, in an inexplicable move, the police administration did not impose curfew in Naroda until 12 pm and Meghani Nagar (Ahmedabad city) until 2 pm on 28 February 2002. By then, the situation had severely deteriorated at both places.

9. According to the SIT, despite detailed reports recommending strict action submitted to Modi by field officers of the State Intelligence Bureau, the Modi government failed to take action against a section of the print media that was publishing communally- inciting reports, inflaming base emotions. This had vitiating the communal situation further. (Page 79)

10. The SIT also asserts that in August 2002, in a bid to ensure an early Assembly election, top officials of the Modi government misled the Central Election Commission by presenting a picture of normalcy when the state was still simmering with communal tension. (Page 79 to 86)

(The BJP had prematurely dissolved the Assembly on 19 August 2002, nine months before the expiry of the five-year term, and demanded an early election. The BJP clearly wanted to take electoral advantage of the communal polarisation.)

11. The SIT discovered that the state police had carried out patently shoddy investigations in the Naroda Patiya and Gulberg Society massacre cases. It deliberately overlooked the cell phone records of Sangh Parivar members and BJP leaders involved in the riots — prominent among them were the Gujarat VHP president Jaideep Patel and BJP minister Maya Kodnani. If these records had been analysed and used as evidence, it could have established their complicity. (Pages 101-105)

12. Many senior police are now being investigated by the SIT for their suspected complicity in the riots. The former Ahmedabad joint commissioner of police MK Tandon, in whose area around 200 Muslims were killed, has been found guilty of deliberate dereliction of duty. (Post the riots, however, far from being censored, he got one lucrative posting after another and retired as additional director general of police in June 2007.) His junior, former deputy commissioner of police PK Gondia has also been found guilty of willfully allowing the massacres. The SIT says
that if the two had just carried out their duty hundreds of Muslims could have been saved. (Pages 48-50) Neither of these officers was held accountable by the Modi government.

13. The SIT has also found evidence against the then minister of state for home Gordhan Zadaphia (who was reporting directly to Modi) for his complicity in the riots. Another BJP minister Mayaben Kodnani has already been booked in the Naroda Patiya massacre. (Pages 168-169)

**IT IS** significant to note that the SIT probe against Modi and his government was severely limited in its scope and authority. The report was merely a “preliminary inquiry”. The inquiry officer had no powers to carry out search or raids, effect arrests, interrogate the accused in police custody or compel the government and individuals to produce crucial records. The only method left to the probe officer was to record statements.

For a year, the officer recorded the statements of the BJP ministers, including Modi, MLAs, senior bureaucrats and police officers accused of participating in the alleged state-sponsored pogrom. The statements of some victims and private witnesses were also recorded. In all, 163 people were examined. The inquiry officer has noted with pain that hardly any bureaucrat or police officer was inclined to tell the truth as most of them had got lucrative government assignments after retirement and a few who didn’t were still not willing to antagonise the powerful chief minister.

As the probe had progressed, several civil rights groups in Gujarat had alleged that the SIT had become compromised. Despite these fears and the SIT’s own admitted constraints, several grave allegations against Modi have stuck. The question now is, what would a more persistent and powerful investigation throw up?

It is a measure of the grave difficulty of taking on the powerful in India that, despite its startling findings, while the SIT has shown keenness to investigate policemen like Tandon and Gondia and the once powerful state BJP politician Zadaphia (who has long since left the BJP), it is very reluctant to proceed against Modi.

In his concluding statements, SIT Chairman RK Raghavan says: “As many as 32 allegations were probed into during this preliminary inquiry. These related to several acts of omission and commission by the state government and its functionaries, including the chief minister. A few of these alone were in fact substantiated.’ He goes on to add, “the substantiated allegations did not throw up material that would justify further action under the law.”

This itself is a shocking conclusion. How much more violation of public duty will it take for something to be
deemed sufficient “justification” for further investigation or penal action in India? Both through testimonies of victims, human rights groups, and independent media reports and now the SIT’s own findings, it is clear that, in many cases, riots were either allowed to happen or directly abetted. It is also clear that after the riots were controlled, both the courts and the police were either manipulated or subverted; guilty officers were rewarded, upright officers were penalised or cut to size; official records were destroyed. As chief minister, Narendra Modi presided over this terrible implosion of a just and fair society. By virtue of also being the Cabinet minister for home, the entire law and order machinery — both police and intelligence — were directly under him. How much more culpability does an elected representative of India, inducted into office on Constitutional oath, have to display before further investigation and action is warranted against him? As chief minister, he did not have to physically patrol streets with mobs to be held culpable. He only needed to look away or send a tacit signal for utter mayhem to take over. That itself would have been crime enough. But from the SIT’s findings, Modi clearly did more than that.

Despite this, the SIT chairman claims that there is not enough substantiation for him to recommend further action against Modi “under the law”. The question then is do we need to change our laws? Or change their selective application? How is it that, to name just one case, men like Binayak Sen — reputed doctor and human rights champion — can be sentenced to life imprisonment on extremely flimsy evidence and on much lighter allegations?

The decision on the need for a more thorough investigation now rests with the Supreme Court. Senior Supreme Court lawyer and former additional solicitor general of India, Raju Ramachandran, who is the amicus curiae in the case, has already submitted his observations and recommendations on the SIT probe to the apex court on 20 January. Nobody except the court and the SIT knows what Ramachandran has suggested.

All eyes are therefore set on the Supreme Court Bench comprising three judges — DK Jain, P Sathasivam and Aftab Alam — which will convene on 3 March and decide the future course of action.

AMONG MANY civil rights groups and publications, TEHELKA has been at the forefront of the fight for justice for Gujarat riot victims. In October 2007, through a six month-long undercover operation, TEHELKA had got over 60 hours of footage containing unprecedented on-camera confessions of dozens of rioters, VHP and BJP leaders and public prosecutors admitting to their complicity in the riots and exulting about the elaborate conspiracy that had subverted justice in the aftermath of the riots. The TEHELKA sting led to an uproar in civil society. The National Human Rights Commission (NHRC) asked the Gujarat government to carry out a probe into the TEHELKA video recordings. But the Modi government simply refused. Following this, the CBI was asked to inquire into the sting. The CBI seized the footage and equipment from TEHELKA and sent it to a forensics lab for authentication. The tapes were declared 100 percent genuine.

No matter what the Supreme Court decides on 3 March, TEHELKA wants to place the full truth of the SIT probe in the public domain and let readers arrive at their own perspective about Modi’s guilt in the 2002 Gujarat riots.
Reading the report is a strange experience. Right through, there is a kind of uneasy see-saw between the report’s startling findings and its weak, watered-down conclusions. This tension between findings and conclusions tells its own story.

What follows is some of the key accusations against Modi and the conclusions the SIT report drew on them.

**Narendra Modi did hold a meeting on 27 February 2002. Did he tell his officers to let Hindus vent their anger freely against Muslims? SIT claims there is no conclusive evidence**

The SIT probe against Modi and his government was ordered by the Supreme Court on 27 March 2009 while hearing a complaint filed by Zakia Jafri, widow of slain Congress leader, Ehsan Jafri, who along with dozens of other Muslims was hacked and burned to death during the riots. Zakia had made 32 specific allegations against Modi and other BJP functionaries, bureaucrats and police officers. The most serious allegation was that Modi had given instructions to the then DGP, chief secretary and other senior officials to allow Hindus to freely vent their anger at the Muslims for the Sabarmati carnage. This instruction was allegedly given at a meeting held at the chief minister’s bungalow in Gandhinagar on 27 February 2002.

SIT Chairman Raghavan notes: ‘The inquiry clearly established that such a meeting was in fact held at the chief minister’s residence on the night of 27.02.02 after the chief minister’s return to Ahmedabad following his visit to Godhra earlier in the day.’ (Page 3 of chairman’s comments)

According to inquiry officer AK Malhotra, a retired CBI man, the meeting lasted for about half an hour. There were eight confirmed participants:

1. Chief Minister Narendra Modi
2. Acting Chief Secretary Swarna Kanta Verma
3. Additional Chief Secretary (Home) Ashok Narayan
4. DGP K Chakravarthi
5. Ahmedabad Commissioner of Police PC Pande
6. Secretary (Home) K Nityanandam
7. Principal Secretary to CM PK Mishra
8. Secretary to CM Anil Mukim

The SIT report says the police deliberately overlooked the cell phone
Before the SIT, two of the senior officers present — Swarna Kanta Verma and Ashok Narayan — did not refute the allegation that Modi had uttered the shocking words of allowing Hindus to vent their anger. Instead they “pleaded loss of memory due to passage of time”. (Page 16)

Four officers — K Chakravarthi, K Nityanandam, PC Pande and PK Mishra — have categorically denied that the CM had instructed the police not to control Hindu mobs for a window of time. One officer, Anil Mukim, who is presently on deputation to the Central ministry of commerce, has curiously denied attending this meeting at all.

The selective amnesia by two senior officers coupled with Mukim’s blatant denial of having even attended the meeting suggests a massive cover-up. This becomes even more believable when seen in the light of the fact that out of the four officers who sided with Modi, two — PC Pande and PK Mishra — had been rewarded with lucrative post-retirement assignments by the Modi government. After his retirement in 2009, PK Mishra has been posted as chairman of the Gujarat Electricity Regulatory Commission with a fixed tenure for six years. While Pande, after his retirement, has been posted as chairman of Gujarat State Police Housing Corporation. The third, K Nityanandam is still serving in the Modi government and holds the post of managing director of the Gujarat State Police Housing Corporation. Ashok Narayan, who didn’t refute the allegation but pleaded memory loss, was also rewarded. After the riots, Narayan was promoted to the post of chief secretary. On 23 May 2003, he was appointed as state vigilance commissioner. He turned 60 on 31 July 2004 but was granted a two-year extension. Subsequently, he was granted four extensions of six months each till 31 December 2008. That adds up to four years of extended benefits granted by the Modi government.
Accordingly, SIT Chairman Raghavan observes “the three officers (PC Pande, PK Mishra and Ashok Narayan) had been accommodated in post-retirement jobs, and are therefore not obliged to speak against the chief minister or the state government.” (Page 4 of chairman’s comments)

The SIT report has also noted that Justice PB Sawant, a retired Supreme Court judge and Justice Hosbert Suresh, a retired judge of the Bombay High Court, who were members of the Concerned Citizens’ Tribunal that had inquired into the riots have confirmed that former Gujarat minister for state for revenue, Haren Pandya had deposed before them, implicating Modi for his role in the riots.

The two retired judges told the SIT that “Pandya appeared and deposed before the tribunal on 13 May 2002, on condition of anonymity, that he had attended a meeting on 27 February 2002 night at the residence of Modi in which the latter had made it clear that there should be a backlash from the Hindus on the next day and the police should not come in their way.” (Page 18 of the report).

Pandya was murdered mysteriously in 2003. With his death, there is no way to find out if the meeting he referred to was the same one in which senior bureaucrats had participated or if a separate meeting of BJP leaders had been convened by Modi. But since Pandya’s deposition before the tribunal was not recorded, the SIT was not willing to take the statements of the two retired judges into consideration.

The SIT’s entire approach to this, in fact, displays a singular lack of will. The enquiry officer on page 13 of his report has stated:

1. Some of the public servants, who had retired long back, claimed loss of memory as they did not want any controversy.

2. The other category of public servants, who have recently retired and provided with good post-retirement assignments, felt obliged to the state government and the present chief minister and therefore their testimony lacks credibility.

3. The serving public servants, who have been empanelled for higher posts, did not want to come into conflict with the politicians in power and incur their wrath, which affected their frank response.

Despite this acute awareness that officers were not deposing freely before them, inexplicably, the SIT doesn’t want to dig deep. Wrapping up his observation, the inquiry officer states: “It can be concluded that a law and order meeting was in fact held by Modi at his residence late in the evening of 27 February 2002. However, the allegation that the chief minister instructed the chief secretary, DGP and other senior officials to allow the

As Home Minister, the entire law and order machinery was directly under Modi. How can he not be probed further?
Hindu community to vent their anger on the Muslims in the wake of Godhra incident is not established.”

Sanjeev Bhatt: Against the tide, one man is willing to speak the truth. Why has the SIT discarded him?

Though many officers have chosen the soft option — silence, a plea of amnesia — there is one other senior IPS officer who claimed he was present at the meeting convened at the CM’s residence. Sanjeev Bhatt, presently a deputy inspector general, was posted as a deputy commissioner of police in the State Intelligence Bureau at the time of the riots.

Bhatt told the SIT that it was DGP Chakravarthi who had insisted on his presence at the meeting. According to Bhatt, since the state intelligence chief GC Raigar was away on leave, the DGP had wanted somebody from the intelligence department to be present to provide answers on the intelligence failure behind the Sabarmati carnage at Godhra and tackle any other intelligence related query that might have come up at the meeting.

Bhatt, however, refused to say more. He told the SIT that since the probe against Modi was merely at a preliminary stage, he would not like to speak up. However, if a criminal case was registered he would be duty bound to testify and tell the truth. (Given the purely exploratory nature of the SIT’s mandate, as a serving officer, Bhatt’s rationale was that speaking out at this stage would jeopardise his career without necessarily having any impact.)

Curiously, however, just his willingness to testify at a later stage had a significant fallout — pointing to all the wheels grinding behind the scenes. When inquiry officer Malhotra examined Narendra Modi on 25 March 2010, Modi made a strange slip. He admitted that he had called a law and order meeting at his residence on 27 February 2002, after his return from Godhra where he had gone to inspect the Sabarmati carnage.

Asked about who was present, Modi named the seven officers, apart from himself, listed above. However, without further prompting from the inquiry officer, he went on to assert, “Sanjeev Bhatt, the then DC (Int.) did not attend, as this was a high level meeting.” Why did he bring up Bhatt’s name? The inquiry officer had asked him about who was present, not about who was not. Clearly, somebody had alerted Modi about Bhatt’s statement before the SIT. He had come prepared to contradict and discredit Bhatt’s version even when the question posed to him by the SIT officer had no reference of Bhatt.

The other seven officers at the meeting have also displayed strange reactions when asked about Bhatt’s presence at the meeting. Swarna Kanta Verma and Ashok Narayan have pleaded loss of memory. PK Mishra, then principal secretary to the CM, has not refuted Bhatt’s presence but claims he cannot recollect if he was there. Out of the remaining four participants, only the then DGP Chakravarthi has categorically denied Bhatt’s presence. The other three have given vague replies.

Despite this ambivalence, inquiry officer Malhotra concludes on page 149 of his report, “Since Bhatt’s presence at the meeting is not proved his statement has to be ignored.” Malhotra himself has called the testimonies of these seven officers unreliable because they were either rewarded
by Modi or continue to serve in his government. When it comes to Bhatt’s presence at that crucial meeting then, why is Malhotra, quite bizarrely, willing to believe these otherwise unreliable witnesses?

The SIT chairman’s comments are equally inexplicable. He admits that “Sanjeev Bhatt, SP, Intelligence told SIT that only if there was a legal obligation arising from the registration of a regular criminal case, he would be duty bound to disclose facts of discussion at the meeting. This indicated he had some reservations about what transpired on the occasion.” But the chairman goes on to say, “Bhatt is considered an unreliable witness, especially because no official, who is known to have definitely attended the meeting has spoken of his presence there. Also he was considered too junior to have been invited to such a high-level meeting.” (Pages 3-4 of chairman’s comments)

Clearly, SIT swallowed Modi’s unsolicited information on Bhatt without a rational analysis. What makes this even stranger is that while the SIT team discards Bhatt’s claim of having attended the controversial meeting on 27 February 2002, they are quite happy to rely on other statements made by Bhatt elsewhere in the report.

**Narendra Modi illegally positioned his health and housing ministers in the police control room but it’s hard to find evidence of their interference: SIT**

In situations of an internal security crisis like a terror attack or communal riots, the police control room is akin to a war room. From the deployment of forces to coordination of scattered teams on the field to collection of field reports, it is from the control room that the police orchestrates its response. On 28 February 2002, as riots erupted across the state, in an extremely controversial and extra-legal move, Modi positioned two of his Cabinet ministers and their political staff in the Control Rooms.

The massacres at Naroda Gaon, Naroda Patiya and Gulberg Society in Ahmedabad started at around 10 in the morning and continued till around eight at night. The state police failed to respond despite repeated calls for rescue by the victims. Under these circumstances, the presence of these ministers in the police control rooms becomes highly suspect.

Page 30 of the report states: “Sanjeev Bhatt, the then DC (Int.) has stated that he had attended a meeting at the CM’s residence on 28 February 2002 along with DGP and ADGP (Int.) GC Raiger. (Raiger had cut short his leave and had reported back on duty on the morning of 28 February). After the meeting, he returned to his chamber on the second floor of Police Bhawan at about 1100 hours and shortly thereafter went to meet the DGP on the first floor of the same building. When he entered the DGP’s chamber he found that, as instructed after the conclusion of the CM’s meeting, two Cabinet ministers of Gujarat, namely, Ashok Bhatt and IK Jadeja had already arrived and were sitting on a sofa in the DGP’s chamber. He further stated that GC Raiger, the then ADG (Int.) and Maniram, the then ADG (law and order) were also present there. Sanjeev Bhatt briefed the DGP and after taking tea he returned to his chamber. Shortly thereafter, Sanjeev Bhatt happened to go to State Control Room on the first floor to collect some documents and saw IK Jadeja and his support staff sitting in the chamber of Dy SP, Control Room.”
This leads to a very uncomfortable question. Inquiry officer Malhotra found the above narrative of Bhatt to be true and has used it to prove that IK Jadeja was indeed present in the state police control room. Malhotra has also not disputed Bhatt’s claim that he attended a meeting with the chief minister on the morning of 28 February 2002. Why then is it impossible to believe that Bhatt was present at the chief minister’s meeting the evening before, when Modi allegedly told his officers to let Hindus vent their anger freely for a few days? If Bhatt is senior enough to attend a meeting on 28 February morning, why was he too “junior” to attended a meeting on 27 February evening?

In fact, Bhatt’s claim that he did attend the controversial 27 February meeting is all the more credible as his boss, state intelligence chief Raiger was on leave, leaving Bhatt the senior most intelligence officer around. It needs to be emphasised that Bhatt, in fact, attended the 28 February morning meeting even though his boss had reported back on duty.

What makes all this even murkier is that the SIT has reported that Ashok Narayan, the then additional chief secretary (Home), lied blatantly when asked about the two ministers’ presence in the Police Control Rooms. DGP K Chakravarthi told the SIT that “he was informed by Ashok Narayan that it was decided by the government that IK Jadeja would sit in DGP’s office on 28 February 2002 to get information about the law and order situation in the state, as the State Control Room was located in his office. Ashok Narayan also informed him that Ashok Bhatt would similarly sit in the Ahmedabad City Police Control Room situated in the office of Ahmedabad city.”

IK Jadeja was the minister of urban housing while Ashok Bhatt was the health minister at the time. Neither had any business being at the police headquarters. But when he was questioned on this, Ashok Narayan denied having given any such instructions to Chakravarthi.

The then Ahmedabad police commissioner PC Pande also lied about Ashok Bhatt’s prolonged presence in the city police control room. Pande claims the minister may have been there for 10-15 minutes. Ashok Bhatt’s version tallies with Pande’s. However, when minister IK Jadeja was questioned, he claimed it was Gordhan Zadaphia, Modi’s deputy in the home ministry, who had asked him to remain present in the police control room. (Zadaphia has since fallen out with Modi and floated his own party. It is, therefore, convenient for Modi and the BJP to pass all the blame on solely to Zadaphia.)

Through all this, it is clear that in trying to pass the buck, Chakravarthi, Narayan and Pande have ended up lying and contradicting each other before the SIT.

On the other hand, it’s only Sanjeev Bhatt who appears to be consistent with his version of events. He told the SIT that he had registered his protest with DGP Chakravarthi about the presence of ministers in the control room and, with his permission, shifted them to an empty room in the same building. He says he further remembers “some of the supporting staff of Jadeja seeking certain information from the state IB on that day and on subsequent two or three days.” (DGP Chakravarthi does not refute Sanjeev Bhatt on this as it only shows him in good light.)
The critical question here is why were these ministers and their political staff seeking sensitive information like that of deployment of police forces in different regions? Was the information passed on to the rioters on the ground? In any case, what were ministers of urban housing and health doing in a police room during the riots?

SIT Chairman Raghavan states: “It has been conclusively established that two ministers were indeed operating from the two control rooms for a few days from 28 February 2002 onwards. There is however no information to establish that they interfered with police operations.”

There seems to be little use in pointing out repeatedly how the SIT failed to push its findings towards harder investigation. Instead, it is time to pose a different question: is this the way to ascertain the truth behind one of the country’s worst communal massacres? Can a massive conspiracy about a state-orchestrated pogrom be unravelled by merely recording statements of police officers who themselves were complicit in one way or the other?

**The police who did take corrective action against rioting Hindu mobs were shunted out. Inexplicably, the SIT claims this is the government’s prerogative**

The SIT report does not only record how compliant police officers were rewarded. In a shocking litany of cases, it also records how upright police officers were punished instantly and unambiguously for doing their job, sending out a stark message. If this does not count for mala fide intention on the part of the government, what can?

Rahul Sharma, an IPS officer of 1992 batch, is just one example. Superintendent of police, Bhavnagar district, in 2002, Sharma had done a commendable job of controlling the murderous riots by taking swift action against those Hindu leaders who were inciting communal passions. But Sharma told the SIT that three days after he had protected a mosque from being torched by a rioting Hindu mob and saved the lives of dozens of Muslim children, he was transferred out to an insignificant posting. Though Zadaphia had called and commended him, he had said the ratio of Hindus and Muslims killed in police firing was not “proper”, i.e., “that is more number of deaths of Hindus than Muslims.” Soon after, he was transferred. (Page 33)

Another police officer, Vivek Srivastava, a 1989 batch IPS officer, who was superintendent of police of Kutch district was shunted out after he arrested a BJP leader on charges of assaulting a Muslim family. According to the report, “Srivastava stated that he got a few phone calls from the office of home minister and chief minister asking him about the details of the case and whether there was adequate evidence against all the accused to which he confirmed that sufficient evidence was available. Srivastava was transferred in the last week of March 2002 and posted as deputy commissioner, Prohibition & Excise, Ahmedabad Zone.” (Page 33)
Another IPS officer Himanshu Bhatt, who was SP, Banaskantha, was transferred to the State Intelligence Bureau at Gandhinagar in March 2002. Bhatt had initiated action against a sub-inspector who had assisted a rioting mob. As it happened the sub-inspector concerned had important political connections and was not only reinstated but also allowed to resume his duty at the same police station. Bhatt has since left the country and settled abroad. The SIT couldn’t examine Bhatt.

Satish Chandra Verma, who was DIG, border range at Kutch-Bhuj during the riots, had issued a formal order to arrest a sitting BJP MLA, Shankar Chaudhary, for being involved in the riots and killing two Muslims. He was transferred soon after as the principal of the State Reserve Police Training Centre, Junagadh. (Page 34)

Inquiry officer Malhotra notes that none of these officers, however, would admit that they were victimised. All of them stated that transfers were the prerogative of the government. Malhotra concludes that these transfers appear to be ‘unusual’ and ‘fishy’ but stops there. Raghavan too admits to their controversial and questionable nature. But, surprisingly, neither of them comes to the obvious conclusion that this could be one of the reasons for further investigation into the State’s collusion.

The SIT admits that police officers who allowed riots to fester were rewarded with lucrative postings. But fails to come to a logical conclusion

In a brazen statement, as upright officers were clipped for doing their duty by the Modi government, derelict officers, who had made a mockery of their uniforms and the trust reposed in them by society, were applauded and rewarded.

MK Tandon, who was the joint commissioner of police of Sector 2, Ahmedabad and in whose region more than 200 Muslims were butchered to death, was given the important posting of IG, Surat Range, soon after the riots. In July 2005, he was appointed to the post of ADGP (law & order) at the state police headquarters, a position with statewide jurisdiction. Tandon retired from the same position.

The SIT has found that Tandon deliberately didn’t respond to distress calls from Gulberg Society and Naroda Gaon and Naroda Patiya, where some of the most gruesome massacres were underway. Instead, he got bogus cases registered in other parts of Ahmedabad to justify the presence of himself and his police force in those areas rather than Gulberg and Naroda. The SIT has also found that Tandon was in telephonic contact with Jaideep Patel and Mayaben Kodnani — the architect of massacres at Naroda Gaon and Naroda Patiya.

The SIT report is an uneasy see-saw between its startling findings and weak conclusions. A study in contradictions
PB Gondia, deputy to Tandon, was DCP Zone IV at the time. He now enjoys the powerful post of inspector general of police of State CID. In his report, Malhotra says: “In my view Gondia virtually ran away from Naroda Patiya at 1420 hours when the situation was very serious and virtually uncontrollable and also did not reach Gulberg Society despite the distress calls.” The SIT also found that, like Tandon, Gondia was in regular telephonic contact with Kodnani and Jaideep Patel.

In addition to these police officers, there were other controversial bureaucrats who have remained in high government favour despite their black track records. Among them are G Subba Rao, the then chief secretary; Ashok Narayan, the then ACS (Home); PK Mishra, the then PS to Modi; PC Pande, the then Ahmedabad CP; Deepak Swaroop, the then IGP, Vadodara Range; K Nityanandam, the then secretary (Home); Rakesh Asthana (presently commissioner of police of Vadodara city) and DG Vanzara (now in jail for staging encounter killings).

The SIT also notes that, while conducting the trail of the Best Bakery Case, the additional sessions judge of Greater Bombay had made adverse comments and passed strictures against K Kumaraswamy, the then joint CP, Vadodara city and Ramjibhai Pargi, the then ACP, Vadodara city for attempting to subvert justice.

But despite this overwhelming evidence of bias and prejudice, recorded in its own report, the SIT has concluded lamely that transfers and postings are the prerogative of the government.

Modi displayed dangerously communal and prejudiced conduct during the riots but there isn’t enough evidence to book him, says the SIT.

What does it take to hold a chief minister morally, if not legally responsible, for the willful deaths of 2,000 people in his state?

On page 67 of the SIT report Malhotra notes, “Narendra Modi, chief minister, has admitted to visiting Godhra on 27 February 2002. He has further admitted to visiting Gulberg Society, Naroda Patiya and other riot-affected parts of Ahmedabad city only on 5 March 2002 and 6 March 2002.” Malhotra further writes: “This possibly indicates his discriminatory attitude. He went to Godhra, travelling almost 300 km in a day, but failed to go to the local areas, where serious incidents of riots had taken place and a large number of Muslims were killed.”

On 1 March 2002, as the fire of communal riots was raging in Gujarat, in an interview to Zee News, Modi made the following remark: “Kriya pratikriya ki chain chal rahi hai. Hum chahte hain ki na kriya ho aur na pratikriya (The process of action and reaction is on. I would say if action doesn’t happen there would be no reaction).”

In the same interview, Modi had stated that Godhra Muslims had criminal tendencies and they were behind the gruesome Sabarmati train fire incident. And then added that the riots in Gujarat were a natural reaction to that. (“Godhra ke is ilake ke logon ki criminal tendencies rahi hain. In logon ne pahle mahila teachers ka khoon kiya. Aura ab yeh jaghanya apraadh kiya hai jiski pratikriya ho rahi hai.”)
On page 69 of his report, Malhotra notes: “It is to be stated that Narendra Modi has clearly stated in his Zee TV interview that it was late Ehsan Jafri, ex-MP, who first fired at the violent mob and the provoked mob stormed the society and set it on fire. In this interview he has clearly referred to Jafri’s firing as ‘action’ and the massacre that followed as ‘reaction’.”

Malhotra further writes: “It may thus be seen that in spite of the fact that ghastly violent attacks had taken place on Muslims at Gulberg Society and elsewhere, the reaction of the government was not the type that would have been expected by anyone. The above discussion also shows that the chief minister had tried to water down the seriousness of the situation at Gulberg Society, Naroda Patiya and other places by saying that every ‘action’ has an equal and opposite ‘reaction’.” He also says that Modi’s remarks “implied justification of the killings of innocent members of the minority community” and reflected his partisan mindset and thus were unbecoming of a chief minister.

Raghavan has also termed Modi’s remarks as “sweeping” and “offensive”. However, Malhotra concludes by saying that such utterances itself are “not sufficient to make out a case against Modi”.

**Saffron brigade members of were appointed public prosecutors in riot cases, but tough to pinpoint instances of misconduct, says SIT**

As this detailed analysis shows, in almost every aspect, the SIT report is an exasperating study in contradictions. While the inquiry officer admits malfeasance on the part of Modi and his government on several counts, he has shown inexplicable reluctance in recommending a further detailed investigation.

Nowhere is this better illustrated than the section dealing with the appointment of VHP and RSS members as public prosecutors.

On page 157, Malhotra records that a pro-VHP advocate named Raghuvir Pandya was appointed as government pleader in the Vadodara District and Sessions Court in 2002. Pandya conducted the trial of the infamous Best Bakery case which resulted in the acquittal of all the accused. Malhotra further writes that the “Supreme Court of India had passed serious strictures on the role played by Pandya in this trial which deserves to be brought to the notice of the Bar Association for suitable action as deemed fit.”

Malhotra lists five more instances of VHP or RSS leaders being appointed as public prosecutors. He mentions that ‘political consideration and affiliation of the advocates weighed heavily with the government’ in these appointments. Then he contradicts himself by saying that ‘no specific allegation of professional misconduct on the part of any of the public prosecutors has come to light.’
Again and again, one is flummoxed by the SIT’S timidity in driving its own findings to their natural conclusions. For instance, the SIT found that Gujarat VHP General Secretary Dilip Trivedi was a public prosecutor in Mehsana district between April 2000 and December 2007, with more than a dozen public prosecutors working under him. Mehsana was among the worst riot affected areas. Two riot cases in Mehsana in particular — the Deepda Darwaza killings in Visnagar town and the Sardarpura massacre — were most horrific.

During TEHELKA’s sting investigation, in a conversation with the undercover reporter, Trivedi had boasted about how he had camped in every district of Gujarat holding meetings with government prosecutors, VHP workers, police officers and defence advocates to ensure bail and acquittals for the Hindu accused. He proudly told the TEHELKA reporter that out of a total 74 riot-related cases in Mehsana, only two had resulted in conviction. Yet, the same SIT that had cited this TEHELKA reporter as a prosecution witness in three riot cases, now refused to take on board the sensational and self-damning claims Trivedi had made to this reporter.

TEHELKA had also stung Gujarat government’s special prosecutor Arvind Pandya, who had given a detailed account of the systematic subversion of justice by VHP and RSS-affiliated prosecutors across the state. After the TEHELKA expose Pandya was forced to quit.

In a dismaying and self-evident roll call, at a time when a well-intentioned government would have taken every measure to build back confidence and trust, the SIT found several other Sangh members who had been appointed as public prosecutors:

Chetan Shah, a VHP member who, at one point, had faced trial under Terrorist and Disruptive Activities (Prevention) Act (TADA) for the alleged killing of nine members of a Muslim family, was appointed as public prosecutor on 17 June 2003 for a period of three years. Shockingly, before his appointment, he had defended many accused in the Gulberg Society massacre.

HM Dhruv, who had defended Chetan Shah in the TADA case, was appointed as a special prosecutor in the Gulberg Society and Naroda Patiya cases.

Piyush Gandhi, an ABVP and VHP leader, was appointed as public prosecutor in Panchmahal on 15 March 1996 and he continued in the same post till 1 September 2009. Gandhi conducted the trial of several riot cases including that of the Shabana- Suhang gang rape and murder case.
Many of the accused in these cases found easy bail. SIT Chairman Raghavan states: “It has been found that a few of the appointees were in fact politically connected, either to the ruling party or organisations sympathetic to it.” But, he chose not to say anything more.

The police deliberately did not investigate the complicity of BJP and VHP leaders in the riots
The SIT has conclusively stated that the Gujarat Police in charge of the investigations into the Naroda Gaon, Naroda Patiya and Gulberg Society massacres deliberately did not investigate the connection between the rioters and senior leaders of the BJP and VHP. It is important to reiterate that the police came directly under Narendra Modi, who was the cabinet minister for home, and if he had wanted, he could have easily brought the situation under control during the riots and ensured a fair and transparent investigation in its aftermath.

But the contrary happened. The SIT has found that officer Rahul Sharma, who was shunted out from Bhavnagar, had collected the call data records of all the mobile phones in operation in Ahmedabad during the riots. Sharma had submitted these call records to his superiors, besides submitting copies before the Nanavati-Shah Commission and Banerjee Commission. These phone records now constitute an important piece of evidence against culprits like Zadaphia, Mayaben Kodnani, Jaideep Patel, Babu Bajrangi, MK Tandon, PB Gondia and dozens of other Singh Privar members who had allegedly participated in the riots.

But according to the SIT, while the investigation into the riot cases was in the hands of the Gujarat Police, the police made no attempt to analyse these records and book the culprits. In turn, though, quite curiously, the SIT too is happy to lay the onus for this on a few junior police rather than fixing responsibility on the police commissioner, DGP or home minister.

The SIT states: “There appears to be an intentional lapse on the part of Tarun Barot, the then police inspector and now ACP, Special Operations Group, Ahmedabad and GL Singhal, the then ACP, Crime Branch, and now SP, ATS, Ahmedabad and the same deserves to be dealt with major penalty and departmental proceedings against them.”

Does the SIT want people to believe that the deliberately shoddy investigations had no sanction from the top? Would a few junior police have acted on their own? Who had a vested interest in not investigating the BJP and VHP leaders? A police inspector and an ACP? Or the leadership of the BJP and VHP? Sadly, the SIT has not addressed these fundamental questions.

The bodies of victims of the Godhra carnage were handed over to the VHP, inflaming passion. But SIT pins the blame on a junior officer
One of the key charges against Modi was that he allowed the bodies of the victims of the horrific Sabarmati carnage to be handed over to the VHP, who then paraded them in processions through Ahmedabad. This drove communal passions to a murderous frenzy and aggravated an already tense situation.

ML Nalvaya, executive magistrate of Godhra at the time, has testified before the SIT that the bodies of 54 victims were indeed handed over to VHP leaders Jaideep Patel and Hasmukh Patel
on the instructions of Jayanti Ravi, who was the Godhra District Magistrate at the time. But Ravi, an IAS officer, denies this and claims Nalvaya, who was her subordinate, took the decision on his own.

The SIT says the decision to shift the bodies to Ahmedabad was taken after a closed door meeting between Jayanti Ravi, Jaideep Patel, cabinet minister Ashok Bhatt, civil aviation minister Prabhat Singh Chauhan, Gordhan Zadaphia and Modi. But, bizarrely, when it comes to the question of who decided that the bodies should be handed to the VHP, the SIT blames executive magistrate Nalvaya. (Page 23-24)

Could Nalvaya, a lower-level officer, have taken such a big decision on his own? Why is the SIT willing to believe Jayanti Ravi’s version over Nalvaya’s version?

(In 2002, while testifying before the Concerned Citizens’ Tribunal, Ravi had said that she had opposed the decision to transport the bodies to Ahmedabad but Modi had overruled her. Since then Ravi has retracted her version. She is presently holding the powerful post of commissioner of higher education in the government.)

The 54 charred bodies were brought to Ahmedabad in five trucks, escorted by a police vehicle on that fateful day of 27 February 2002. (Of the 54 bodies, only 25 were finally identified as victims from Ahmedabad.) Some were handed over to their families, some were cremated en masse. The SIT, however, is silent on the question whether funeral processions were taken out in Ahmedabad, and it has swallowed Modi’s assertion that the alleged procession from Godhra to Ahmedabad did not take place. But the SIT does not back this contention with any documentary evidence. Nor has it examined any independent witnesses in this regard.

**There was no delay in requisitioning the army, says the SIT, but is silent on why there was a delay in deployment**

In a positive note, given the inflamed situation in the state, SIT Chairman Raghavan records that the state government had alerted army authorities on a possible need for their assistance on 27 February itself. Modi had also called Union Home Minister LK Advani about the deteriorating law and order situation. This was followed by a fax message on 28 February 2002 to the Centre. Army columns started arriving in Ahmedabad during the intervening night of 28 February-1 March. Raghavan concludes that “it is clearly established that there was no slackness on the part of the state government in summoning the army.”

However, once the army had arrived, it needed logistic support. The Modi administration could arrange all of this only by 2.30 pm on the afternoon of 1 March. At Godhra, this took up to the afternoon of 2 March. By then, a lot of the horror had already struck. The SIT report records this slackness in deploying the army, but has chosen not to comment on it.

**Top cop RB Sreekumar produces a mountain of evidence about unconstitutional acts by Narendra Modi, but SIT says no other bureaucrat is ready to corroborate his version of events**

RB Sreekumar took over as the additional DG of the State Intelligence Bureau on 9 April 2002.
However, he claims that he soon fell out of favour with Modi as he refused to carry out his illegal and unconstitutional instructions, including eliminating certain members of the Muslim community. Among the documentary evidence produced by Sreekumar, there were:

1. A report titled ‘Current Communal Scenario in Ahmedabad City’ prepared by Sreekumar and sent to the then ACS (Home) Ashok Narayan for appropriate action on 24 April 2002. The report made the following points:
   
a) Riot victims had lost faith in the criminal justice system. Police officers were dissuading victims from lodging complaints against BJP and VHP members

   b) Officers were watering down the charges in complaints and clubbing FIRs

   c) The VHP and Bajrang Dal were exhorting businesses not to give employment to Muslims

   d) The VHP was distributing pamphlets with communally inflammatory material

   e) Inspectors in charge of police stations were ignoring the orders of their superiors and complying instead with direct verbal instructions from BJP leaders.

   The SIT not only found this report to be genuine, it also found reports prepared by a few other officers which corroborated Sreekumar’s report. Questioned by the SIT on this, Ashok Narayan confirmed receiving this report but claimed loss of memory on whether he had placed it before Modi.

2. Sreekumar also sent another report dated 15 June 2002 advising against a proposed rath yatra by Modi because communal tension was still simmering in many parts of Gujarat. The Modi administration overruled his recommendation.

3. Sreekumar prepared another report dated 20 August 2002 highlighting continuing communal tension, and emphasising that the minorities continued to complain of unjust police action and shoddy investigations. Ashok Narayan accepted before the SIT that the government didn’t act upon this report.

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

5. Sreekumar then filed three affidavits before the Nanavati-Shah Commission. The first detailed the failure of the state and Central intelligence bureaus in preventing the Sabarmati train carnage.
The second alleged that the Modi government deliberately didn’t act on the reports of the state intelligence bureau. And in the third, he recorded how he was pressurised by Modi’s officials to give favourable reports on the law and order situation to facilitate an early Assembly election. Sreekumar then filed three affidavits before the Nanavati-Shah Commission. The first detailed the failure of the state and Central intelligence bureaus in preventing the Sabarmati train carnage. The second alleged that the Modi government deliberately didn’t act on the reports of the state intelligence bureau. And in the third, he recorded how he was pressurised by Modi’s officials to give favourable reports on the law and order situation to facilitate an early Assembly election.

He also detailed an account of a meeting chaired by the then Chief Election Commissioner JM Lyngdoh on 9 August 2002 in which the latter had castigated home department officials for presenting wrong facts. Lyngdoh had passed an order dated 16 August 2002 in which he noted: “Significantly, additional director general of police RB Sreekumar stated before the commission that 151 towns and 993 villages covering 154 out of 182 Assembly constituencies in the state were affected by the riots. This falsifies the claims of other authorities.”

In the same affidavit, Sreekumar further alleged that Modi and his bureaucrats had given him many verbal orders, which were illegal and unconstitutional. Some of these orders were: a) Illegal tapping of phones of Congress leaders and Modi rivals within the party like Haren Pandya, b) submission of reports to suit Modi’s political interests, c) eliminate Muslims who might try to disrupt Modi’s rath-yatra, d) spy on the private life of Major General Zahiruddin Shah who had been assisting the Gujarat Police in maintaining law and order.

Sreekumar had maintained a register in which he used to record these illegal verbal orders. But the SIT concluded that “the register maintained by RB Sreekumar cannot be considered a reliable document as the same appears motivated and no credence can be placed upon the same. Moreover, there is no corroboration to the oral version of RB Sreekumar by any of the independent witnesses.”

By “independent witnesses” the SIT has meant bureaucrats like Ashok Narayan, K Chakravarthi and PC Pande. But by the SIT’s own admission these bureaucrats were rewarded with post-retirement assignments by Modi and thus did not seem to have spoken honestly.

In this third affidavit, Sreekumar also produced an audio recording which allegedly proved that state home secretary GC Murmu, home department official Dinesh Kapadia and the state government’s special prosecutor Arvind Pandya had tried tutoring and intimidating him into not telling the truth before the Nanavati-Shah Commission.

The SIT found the audio recording to be genuine but has alleged that Sreekumar produced it as an act of pique only after he was superseded for a promotion. What the SIT has failed to appreciate is the consistency in Sreekumar’s stand against the Modi government’s communal and political agenda.

Sreekumar had started preparing the register from 18 April 2002 onwards, just nine days after he was posted as the state intelligence chief. He also got the register certified by the then IGP (admin & security) OP Mathur. Sreekumar regularly made entries in the register till 19
September 2002, that is, till the day he was shunted out from the state intelligence bureau. Also, all his four reports detailed above were consistent and have been found to be based on field intelligence reports. Besides, he had filed his first affidavit before the Nanavati-Shah Commission in July 2002, much before he was denied a promotion.

In keeping with its pattern, the Modi government not only penalised Sreekumar for speaking up by superseding him, it also held back his post-retirement benefits. Sreekumar, however, fought against the government and won the case before the Central Administrative Tribunal (CAT).

Despite all this, SIT Chairman Raghavan has disregarded Sreekumar and commented, ‘It has been clearly established that the register was an unofficial document that Sreekumar was not authorised to maintain,’ and adds that it has no “evidentiary value whatsoever”.

However, Raghavan has failed to comment on Sreekumar’s affidavits before the Nanavati-Shah Commission, his numerous reports prepared in his capacity of state intelligence chief and also his testimony before the SIT. Unlike other bureaucrats, Sreekumar stood up and spoke against the chief minister.

The SIT, self-admittedly, has not looked at several crucial records. What are they? By its own admission, there are several crucial records that the SIT has not examined. Mainly, they are:

• Phone call records of fixed landlines and mobile phone records of crucial persons in the government, including Modi.

• Television channel recordings of critical events like the events at Sola Civil Hospital in Ahmedabad, where the victims of the Sabarmati carnage were taken.

• Log books and station diaries maintained at police stations during the riots.

• Case diaries maintained by police officers investigating the riots.

• Files pertaining to the appointments of public prosecutors after the riots.

• Files relating to transfers of different police officers immediately after the riots.

• Records related to intelligence inputs both by the state and Central Intelligence Bureaus both before and after the riots.

• Security logs of the chief minister and other senior officials showing their movements during the riots.
• Records of the army and Central paramilitary forces showing not just their deployment but also permissions from civil authorities to use force and firearms. Just a cursory glance at that list suggests there is a mountain of evidence that has not even been looked at yet.

The SIT, also self-admittedly, has not examined several crucial people. Who are they? Besides this, the SIT failed to examine the following crucial witnesses: KPS Gill, who was sent to Gujarat by the Central government on 4 May 2002 and who played a key role in reshuffling the police officers only after which the riots had subsided. Major General Zahiruddin Shah, who oversaw the deployment of the army in riot-affected areas of Gujarat. The then Chief Election Commissioner JM Lyngdoh, who had pulled up the Gujarat home department officials for presenting distorted and motivated reports. Journalists from leading newspapers and news channels who covered the transporting of bodies from Godhra to Ahmedabad and then the mass cremations on 28 February 2002. The police officers who escorted the bodies from Godhra to Ahmedabad.

The political associates of the two ministers who were present along with them in the police control rooms. Constables and other lower level officers manning the control room during the riots.

Just a cursory glance at this list again shows there’s a crucial pool of first-hand testimonies that has not even been tapped yet. Does all of this — both the existing evidence and the unturned stones — not merit further investigation? The SIT was born with no teeth. Despite that, hasn’t it recorded enough material to register an offence and set up a team of officers to investigate the Modi government with full legal powers and authority?

There is a certain fatigue in chasing the idea of justice. Tired of fighting, the human spirit strains to move on. As the years pass, those who champion others’ causes begin to seem motivated rather than dogged. Why won’t they let bygones be bygones, people wonder. Why will they not let everyone retreat into the haven of “normalcy?” Why have they made this their agenda?

Many civil rights groups and sections of the media, including TEHELKA, have flagged the gross miscarriage of justice in Gujarat. Sometimes, there is a temptation to let the story pass. Enough has already been said about the Gujarat riots and Narendra Modi. There is now the danger of déjà vu, made doubly effete with inaction. But with every flagrant violation that passes without retribution into our collective memory, we become more debased as a society. We believe there is no accountability. We believe the wrong can get away. Heinous acts seem less and less heinous. Our Richter scales of outrage grow rusty. A more morally keen society would have held Modi to book for much less. As it should have held the ruling Congress to book back in 1984.

And so the dogged questions must continue to be asked. Communal speeches. Transferred officers. Destroyed official records. Prejudiced public prosecutors. A compromised bureaucracy. Is all of this not already starkly sufficient proof to establish that Modi presided over a criminally prejudiced and communal administration? Are these the attributes of a model leader? Like his chosen officers, should we all develop collective amnesia about what happened in Gujarat?
Reconciliation can only follow on truth telling. In pursuing the story of the Gujarat riots, much more is at stake than individuals like Modi or political parties like the BJP. This story is about the future of this country. It’s about basic questions: Can we allow the horrors of the 2002 Gujarat riots or the 1984 Sikh riots to repeat themselves? Can we dull our ideas of fair play? Can we allow the idea of India to erode by the day?

The Supreme Court will make part of that decision