

# Infopack

EDITORIAL

DECEMBER, 2016

Popular Information Centre

## When The State Turns A Traitor

- Piyush Pant

Terrorism per se can never be justified. So is the case with branding of innocent youngsters as terrorists in the name of 'War against Terrorism'. There are innumerable instances, in India, where innocent Muslim youngsters have been framed and jailed as the perpetrators of terrorism in the country. In fact, failing to catch the real terrorists, the state police and intelligence agencies pick up the young Muslims as an easy recourse to claim that they have foiled some so-called 'Islamic terrorist' conspiracy. A number of studies have shown that a disproportionately high percentage of Muslims have been framed under India's main anti-terror laws (the Unlawful Activities Prevention Act (UAPA), 1967, amended in 2012, the Prevention of Terrorism Act (POTA), 2002 and the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA)).

These victims of police high handedness have, in most cases, been equally subjected to injustice at the lower rung of judiciary, though finally getting justice by the higher judiciary. The plight of these victims of state fabrication, police brutalities and judicial injustice at the primary stage can be seen through the story of Mohammad Amir Khan of Delhi in the book titled '**Framed as a Terrorist: My 14-year Struggle to Prove My Innocence**' co-written by him with Nandita Haksar. The book relates how Amir was abducted in front of his house, brutally tortured, and forced to sign false declarations of guilt for 19 different bomb blasts and terror plots. The book carries painful descriptions of police brutality, years of confinement in prison, and stories of the endless trials and court hearings that eventually led to his acquittal. In fact, Mohammed Aamir Khan's book is a reminder of the other side of the 'war on terror'.

The State of Gujarat, perhaps for the first time, saw the scale of violence that preceded the consolidation of power in the hands of Narendra Modi in the aftermath of the anti-Muslim pogrom in 2002. Perhaps it also, for the first time, saw the numerous encounter deaths that took place between 2002 and 2006 under the Chief Ministership of Narendra Modi. The book '**Gujarat Files: Anatomy of a Cover Up**' by Rana Ayyub tries to pinpoint the role of the bureaucracy and the police who, it shows, through their complicity, tacit collusion, and silence, drove forward with lethal precision and ideological radicalisation the policies of lawlessness. The book is an account of an eight-month long undercover investigation by journalist Rana Ayyub into the Gujarat riots, fake encounters and the murder of State Home Minister Haren Pandya that brings to the fore startling revelations. With sensational disclosures about cases that run parallel to Narendra Modi and Amit Shah's rise to power and their journey from Gujarat to New Delhi, the book tells us the harsh truth of the state in the words of those who developed amnesia while speaking before commission of inquiry, but held nothing back in the secretly taped videos which form the basis of this remarkable book.

The truth regarding Godhra massacre and fake encounters of Sohrabuddin and Israt Jahan unfolds through a journey covering eleven chapters in the book. The truth of the disturbing event in Gujarat during 2002 and the saga of fake encounters make fascinating reading.

This issue of **INFOPACK** brings before you the summary of these two much sought after books.

## **Framed, Damned, Acquitted: Dossiers of a 'Very' Special Cell**

Published by:

Jamia Teachers' Solidarity  
Association

2014

### **Bird's Eye View**

This book is the second edition of the report named '**Framed, Damned, Acquitted: Dossier of a 'very' special cell**' brought out by Jamia Teachers' Solidarity association. This report was first published in the year 2012. This new edition of the report contains eight new cases. About this report, the publishers say that they have placed reliance on court records and judgments to point to the patterns of fabrication and framing that these most elite agency called Special Cell engages in, in the name of fighting a 'war against terrorism'. To them the most troubling aspect is the reign of impunity the Special Cell continues to enjoy ---- despite mounting evidence of its flagrant wrong doings.

The publishers say that when this report was first published and released in 2012, it created quite stir. For the first time perhaps, systematic evidence was offered to show that the Special Cell had all along been indulging in fabricating and planting evidence, flouting procedural safeguards, manufacturing terror threats and terrorists. According to them, the report was a study of 16 cases --- 15 of which was investigated and prosecuted by the Special Cell - through trial records and court documents. In their words: "We were bringing forth what the courts were saying - and they were asking some hard questions of the investigating agencies". The first edition of the report mentioned about 16 cases in which those arrested were accused of being operatives and agents of various terrorist organizations (Al Badr, Huji, Lashkar), and charged with the most heinous of crimes: sedition; war against the state; criminal conspiracy, planning and causing bomb blasts; training of terrorists; collection of arms, ammunition and explosives and the transfer of funds for terrorist activities. It further says that the penalties demanded by the police and prosecution in these cases were also, correspondingly, the most severe: in most cases, life sentence or the death penalty. However, between 1992 and 2012 a large number of those arrested were acquitted of all charges by the courts.

The cases included in this book are:

Case I: State versus Tanveer Ahmad, Shakil Ahmad, Ishtiaq Akhtar Dar, Md. Akhtar Dar, Md. Yusuf Lone, Abdul Rauf and Ghulam Md.

Case II: State versus Farooq Ahmed Khan, etc.

Case III: State versus Md. Amir Khan

Case IV: State versus Khongbantbum Brojen Singh

Case V: State Versus Hamid Hussain, Md. Shariq, Md. Iftekhar Ahsan Malik, Maulana Dilwar Khan, Masood Ahmed, Haroon Rashid

Case VI: State versus Irshad Ahmed Malik

Case VII: State versus Ayaz Ahmed Shah @ Iqbal

Case VIII: State versus Saqib Rehman, Bashir Ahmed Shah, Nazir Ahmed Sofi, Hazi Gulam Moinuddin Dar, Abdul Majid Bhat, Abdul Qayoom Khan and Birender Kumar Singh.

Case IX: State versus Khurshid Ahmed Bhatt

Case X: State versus Salman Khushid Kori and Others

Case XI: State versus Maurif Qamar and Md. Irshad Ali

Case XII: State versus Gulzar Ahmed Ganai and Md. Amin Hajan

Case XIII: State versus Tariq Dar

Case XIV: State versus Imran Ahmed & Anr

Case XV: State versus Md. Mukhtar Ahmed Khan

Case XVI: State Versus Md. Iqbal @ Abdur Rehman, Nazarul Islam @ Madhu and Jalaluddin @ Hamid @ Babu Khan

Case XVII: State versus Md. Naushad and Others

Case XVIII: State versus Md. Hussain @ Julfikar Ali @ Abdul @ Rahul

Case XIX: State versus Sajjad Hussain Sheikh

Case XX: State versus Parvez Ahmad Radoos

Case XXI: State versus Md. Iqbal and Mushtaq Ahmed Kallo

Case Case XXII: State versus Md. Ameen Wani Alias Khalid and Luthfur Rahman alias Haroon

Case XXIII: State versus Md. Hassan, Shafaqat Iqbal and Shabbir Ahmed

Case XXIV: State versus Javed Ahmad Tantrey @ Sikandar and Ashiq Ali Butt

The report is the story of these acquittals. It draws primarily on the court judgements, but also on media reports of the arrests and the trial that followed. The report claims that the evidence presented by it shows clearly that the acquittals were not simply for want of evidence but also the manner in which the so-called evidence provided by the police and the prosecutions was tampered with and fabricated.

We find instances in galore, in the report, where the courts clearly indict the Special Cell for framing innocents; reprimanding them for violating due process and fabricating evidence; ordering a CBI probe against the Special Cell, as well as directing the filing of FIR and the initiation of departmental enquiries against them. For instance, in the Dhaula Kuan fake encounter case, the Court was of the opinion that, "there cannot be any more serious or grave crime than a police officer framing an innocent citizen in a false criminal case. Such tendency in the police officers should not be viewed or dealt with lightly but needs to be curbed with a stern hand." In another case, acquitting an alleged terrorist of the peoples' Liberation Army of Manipur, the Court concluded that "the police got him targeted to become a victim of this crime."

The report says that the response of the police bureaucracy regarding these acquittals was disappointing, if only along expected lines. It denied the existence of any frame up. In a press statement released in response to the Report brought out by Jamia Teachers' Solidarity Association, the Delhi police said: "the job of an investigating agency is to investigate cases, collect evidence and present it before courts of law for evaluation ..... guilt must be proven beyond reasonable doubt. Also, there are very few public witnesses who come forward to depose before the court for fear of reprisal later. Therefore, if a case ends in acquittal, the blame is not only at door step of the investigating agency."

Now the report dissects the issues raised by the Delhi police -

#### **No Public Witnesses:**

The Special Cell claims helplessness in not being able to enlist members of the public as independent witnesses, arguing that the public is unwilling to depose before the court because of the fear of reprisal. But the fact is that it is not so simple. For example, in State versus Irshad Ahmad Malik (Case No 6), the court noticed that any effort to enlist independent witnesses "was committed by the police deliberately". Again in State versus Mukhtar Ahmad (Case No 15), the court noted "the distance between the Special Cell office and the Azadpur Mandi [from where the accused was allegedly apprehended] is 20 kilometers and is dotted with numerous government offices. In the four and a half hours [the time between the receipt of secret information and arrest] they had, on the long stretched to Azadpur the Special Cell could have enlisted some credible independent witnesses."

The report further says that in many of these cases the arrest was made at railways stations and metro stations. Then why did the Special Cell not attach any official of the railways or Metro in their operation? Similarly in other cases, the accused were alleged to have been arrested from lodges, guest houses and rented accommodations. Then why were the managers/staff of the guest houses or landlords not made public witnesses in these arrests and raids?

The report also said that when one finds public witnesses, it has often been a farce as in State versus Mohd. Iqbal and Mushtaq Ahmad Kallo (Case No 21).

#### **Conviction Rates are High:**

The report says that the Delhi police claimed that "six cases out of 16 referred to in the compilation have actually ended in conviction, while one case is still pending trial..... Of the 8 cases which ended in acquittal, in 5 cases our appeals are pending against the order of the trial court before the High Court of Delhi."

But the truth of the matter is that in all of these 16 cases mentioned in the first edition of the Report, the police

have been able to secure convictions on terror charges in only one case and that too partially. In State versus Farooq Ahmad Khan and others (Case No 2), 10 people were tried under various sections of IPC. Four were acquitted of all charges; two were convicted under sections of the Explosives Substances Act, and not with charges of terrorism. Only four of the ten were convicted with charges pertaining to terrorism.

The report also highlights the High Court judgment in Case no 21 State versus Mohd. Iqbal and Mushtaq Ahmad Kallo, the High Court overturned the conviction of Iqbal and Kallo, noting the tendency of the sessions court to seek proof of their innocence from the accused while indulgently overlooking the series of lapses and gaps on the part of the prosecution. Quoting the Supreme Court judgement in Harbhajn Singh versus State of Punjab (AIR 1966 SC 97), the High Court observed:

"Where the burden of an issue lies upon the accused he is not required to discharge that burden by leading evidence to prove his case beyond a reasonable doubt. That, no doubt, is test prescribed while deciding whether the prosecution has discharged its onus to prove the guilt of the accused; but that is not a test which can be applied to an accused person who seeks to prove substantially his claim."

In Syed Maqbool Shah case, the Court while delivering the verdict on his culpability lamented the failure of the prosecution to prove beyond any reasonable doubt his participation in the blast in any manner whatsoever. Regarding the alleged recovery of the stepny-tyre of the car used in blast and other articles from his residence, the court remarked that the prosecution had failed to establish that these belonged to Farooq Ahmad Khan. Moreover, nothing "incriminating was recovered at his residence ..... showing his connection with the JKLF", and there was nothing on record to show that the accused had any link with or had attended any of JKLF's "meetings with any other members of the said organization or else had ever remained in constant touch with them."

#### **Professional and High Quality Investigation:**

The Report says that the Delhi police insisted, "The quality of investigation has been done with professionalism" [sic]. But the investigative powers of the Special Cell are so well developed, one wonders why it constantly demands that the courts be satisfied with the disclosure statements of the accused and recoveries, to which there are no independent witnesses. And when independent witnesses exist, in the case of documented, they later reveal that they were made to sign on blank sheets of paper.

#### **Reign of Impunity:**

The report says that the most significant point is the reign of impunity that the Special Cell enjoys. Many of the cases in this updated report are contemporaneous, and the lives of many of these unfortunate men criss-crossed with each other in all too tragic ways. Imran Kirmani (Case No.14) saw Md. Iqbal and Mushtaq Kallo (Case No 21) in the Special Cell lockup in mid-November 2006. Kirmani was shown arrested next day, whereas Wani and his co-accused were said to have been arrested only on 26th November. Kirmani appeared as a defence witness on behalf of Iqbal. Kirmani also testified in the court on behalf of Ameen Wani and Luthfur Rehman (Case No 22).

#### **Preface to the 1st Edition:**

Under this, the Report says that these men --- whose cases were documented in the report - were acquitted. Yet they all unjustly suffered the most harrowing of experiences for varying lengths of time: illegal detention and torture (physical and psychological), incarceration and trial. Acquittals were by no means the end of their tragedy for they returned from their experience to a different world: Businesses were destroyed; family members were broken having suffered the humiliation and trauma of being associated with "terrorists"; children had to abandon their studies and the normality of everyday life, while parents passed away in grief and despair. Some cases like that of young Md. Amir Khan, which was a particularly open and shut case, where the prosecution has virtually no leg to stand on, got drawn out 14 painful and long years.

And yet, they have been offered no apology, no rehabilitation. Worse still, none of the officers guilty of framing them have been acted against.

Part of the trauma of those arrested and their families on such serious charges results from the reporting in the press, which is more often than not, tilted heavily in favour of the investigating agency. Almost without exception, the media has acted as 'faithful stenographers' of the police; not only presuming the guilty to be innocent but also failing to follow cases where innocence is established. We have tried to reproduce the reportage that appeared at the time of arrests in as many cases as possible. The Report further says that the cases documented caution us against taking police version at face value. The bombastic claims of

'breakthroughs' and 'achievements' by the police must always be subjected to questioning and independent analysis.

The 16 cases presented are only the proverbial tip of the iceberg, and simply indicative of the extent of the malaise affecting our policing and criminal justice system.

In the end, the report says that lastly, in Appendix I, a letter written by accused Irshad Ali to PM of India has been given which reveals the mechanism and actual working of CBI and Special Cell. The important paras of the letter are given below ---

" I was working as an Informer for the Special Cell of Delhi Police, which works closely with the IB to nab terrorists. Having worked closely with them, I feel duty bound to appraise the nation of the working of these agencies and how they manufacture terrorists. They have made the war on terrorism a total farce. Have you ever noticed how quick our agencies are in nabbing the culprits even before they strike? But, how interesting it is that still they have not yet been able to lay their hands on any terrorist involved in Mumbai and Delhi blasts? Why? I have answers.

In order to keep their ranks and earn rewards, Special Cell creates terrorists. I will tell you how these agencies work. They have employed a number of youth, on a very paltry remuneration. They are not regular employees, but just vagabonds, who are given mobile phones and protection. They are asked to fan out and hire accommodation somewhere in the city. They mingle with unemployed youth and befriend people around. After identifying vulnerable targets, they form a group, arrange weapons and incite these youth to go for a robbery. Special Cell secretly also provides them a stolen vehicle, which is procured from known car thieves.

These youth who vest all their trust in the Special Cell agent finally one day decide to go for an operation. Upon reaching the target, they are trapped in the net, like a fish. At the targeted place, Police is already there to receive them and they are all nabbed without resistance. Interestingly, the agent, who is also a mastermind never, gets in police trap and successfully vanishes. Medals and bravery awards follow.

An interesting aspect of this whole episode remains that these youth never realize the truth behind their arrest. They curse their luck and resign to their fate spending years in imprisonment.

## **Framed as a Terrorist - My 14-Year Struggle to Prove My Innocence**

By:

Mohammad Aamir Khan

With

Nandita Haskar

Published by:

Speaking Tiger Publishing  
Pvt. Ltd.

India, 2016

## **Bird's Eye View**

The book titled '**Framed as a Terrorist**' is the harrowing and heart-rendering narrative of an ordinary young Indian man, from the by-lanes of Old Delhi, who was kidnapped by the police in 1998, falsely accused of masterminding a series of bomb blasts, framed and kept in jail for almost fourteen years. Released after a long and difficult legal battle, after surviving torture and solitary confinement, Mohammad Aamir Khan remains committed to the secular and democratic values that he grew up with. He refuses to be defeated, or to give up any of the dreams he has for himself, his family and the country that nearly destroyed him. This is a story of phenomenal humanity, perseverance and courage in the face of extreme injustice.

Aamir has been a witness, even while he was behind bars, to the rise of Hindu fascism and Muslim fundamentalism; he has seen the invisible walls rise up between the Hindu and Muslim communities. Despite this, Aamir continues to build bridges between communities. At least a part of the reason for Aamir's belief in the values of secularism and democracy is found in the history of Old Delhi, where he was born and where he grew up and lives even now.

## **Chapter II**

### **An Amateur Spy**

The writers say that in many ways Aamir is a victim of partition. Perhaps the most vulnerable victims of the partition are those who are drawn into

the dark and murky world of spooks, spies and sleuths. Both countries are involved in intelligence gathering and counter-intelligence in which the spies or couriers get caught and are subjected to brutal torture and imprisonment for long years. The intelligence agencies do not take responsibility for their agents or their families. Many a family has lost their only breadwinner in this way. It is only recently that the stories of these couriers and spies are coming out in the open. For instance, Ravinder Kaushik, a man who worked as a RAW agent in Pakistan from the time he was 23 year old was finally caught and died in a Pakistani jail. He is neither celebrated nor is a hero for his country. Aamir was recruited to be a courier, but was not given any training.

The writers further say that Aamir did not have the skills or training to be a courier, he had never smuggled anything even into his classroom let alone across the border. He was travelling under his own name and if he had been caught not only would he have landed in jail but his sister's family would have been suspected of being Indian spies. It would have most certainly ruined them. And the strangest part of this shadowy world is that Aamir never knew the identity of the men who recruited him; or to which agency they belonged. Therefore the agents, such as the shadowy Guptaji who contacted Aamir, are never made accountable for their actions. The intelligence agencies are not subject to public scrutiny and are exempt from the ambit of the Right to Information laws. They are not accountable to the Indian Parliament.

### **The Insidious Art of Framing**

Human rights lawyers stress the importance of pre-trial procedural safeguards for the protection of the accused; specially protection from torture in police custody and also to ensure a fair trial. At the pre-trial stage the role of the magistrate before whom the accused is produced is crucial; the magistrate can ascertain whether the accused has been tortured, whether the arrest has been made legally and whether the accused has been given access to a lawyer. The doctor who examines the accused at this stage can record whether the accused has been tortured.

The writers say that Aamir was denied all these safeguards by the police, the magistrates and the doctors. These safeguards are routinely denied to almost all poor people who are arrested or kidnapped by the police. The denial of these rights help the police to frame people in false cases by allowing them to elicit false confessions, fabricate evidence and instill fear in the accused so he does not speak out. They say that the police would find it very difficult to frame people if these procedures are followed in letter and spirit. Therefore, it is important to understand step by step how Aamir was framed.

The writers reveal that Aamir was in effect kidnapped by the police in the night so there was no record or witnesses to his arrest; there was no record of the names of police officers responsible for the arrest or the circumstances of his arrest. According to them, this was in clear violation of the procedures laid down by law as well as the Supreme Court. They further say that since there was no record of the time of arrest, Aamir could be kept in illegal custody and the police would torture him and break his will to protect himself. If he was arrested legally he would have to be produced before the magistrate within 24 hours but in this case he was kept for eight days at the police station without access to a lawyer, magistrate or any relative. Aamir could have died in police custody and there could have been no record of his disappearance or his death. In human rights jargon this would have been an in-forced disappearance.

The writers say that this was the time the police was able to obtain Aamir's signature on innumerable blank pieces of paper and make him write into blank diaries. And they made him give false confessions to people injured in the bomb blast so that they would later identify him in court. They say that when the police finally produce Aamir before the magistrate, the magistrate did not bother to ask Aamir when and how he was arrested or whether he had access to legal advice. On the day Aamir was first produced in court, the magistrate, the lawyer and the police spoke in English a language Aamir did not understand. The doctors, except one, too failed in their duty to uphold the ethics of their profession. They should have honestly recorded the injuries they found on Aamir - the trauma he was going through and other details of his torture. The courts allowed the police to have remand for 19 cases even though there was prima-facie no evidence against Aamir except the so called disclosure statement he was supposed to have made while he was in police custody.

The writers further tell us that Aamir was kept in legal remand for nearly two months in which time the police created further evidence in order to frame him in 19 bomb blast cases. Aamir was also made to give false statement that he had bought chemicals from shop keepers to make the bombs.

Next the writers talk about the guidelines for all arrests as have been laid down by the Supreme Court of

India. These guidelines are now part of the law of the land.

Now the writers raise the question as to why did the police frame Aamir? For them, one explanation could be that the police was under enormous pressure to arrest someone in the Delhi blast cases. They say that while it took the police two months to frame Aamir, it took him more than 14 years to prove his innocence.

### **Proving Innocence**

Under Indian criminal law, the accused is presumed innocent till the time the Prosecution can collect and present in a court of law compelling evidence of guilt. This presumption of innocence is cornerstone of human rights jurisprudence. The co-writer Nandita Haksar says that even after spending nearly 14 years in jail, being acquitted in 17 cases and being released, Aamir is still fighting to prove his innocence. The most crucial time for an accused is the time immediately after his arrest, especially an illegal arrest. In her words: "I asked Aamir whether he had asked his mother what she had done when he did not return the day he was kidnapped. He said he never had an opportunity to find out what she did all those days when he did not return and his father was away. Even when her husband returned from Allahabad they were not at all sure what to do. Aamir asked me what she could have done? I said she should have reported to the police station or sent a telegram to the Indian Human Rights Commission. He looked at me incredulously."

Nandita says that Aamir told her that in the beginning, each time when his mother visited him in the jail, she would just cry with tears rolling down her cheeks. It was only much later that she told him that a man called Mohammad had come and asked for his passport and identity papers. The man had produced a note written to her by Aamir in Urdu. That is why she handed him all the documents. He said, how could she have had an inkling that the man was a police officer and her son's note was extracted from him after torture? She says that the defence lawyer should have asked the mother and tried to find out all that happened after her son disappeared. Her testimony would have proved that the police was telling a lie about the time and date of arrest. The police claimed to have arrested Aamir on February 28, 1998 when, in fact, they had kidnapped him eight days earlier on February 20, 1998. Her testimony could have proved that he had been illegally arrested and detained long before the date of arrest written in the FIR and hence the police story would have been disproved. But Aamir's mother was finally produced as a defence witness during his trial in Ghaziabad in 2011; that too on the suggestion of the trial court judge. By then her speech was slurred and she came in a wheel chair.

Nandita says that the remarkable aspect of Aamir's trials were the Prosecution witnesses. Many of them were victims of the bomb blast and they could have succumbed to the pressure of the police to identify Aamir as the man who was responsible for the blasts. But these witnesses refused to believe the police and they refused to testify falsely.

Nandita Haskar says that in case after case the judge acquitted Aamir. He recorded in his judgements that prosecution witnesses did not support the prosecution story. However, in several judgements the judge said he was acquitting Aamir by giving the benefit of doubt to him. There was no one to question the judge and ask him that if there was no evidence then where was the question of benefit of doubt. As a matter of fact, this would be used later to deny Aamir compensation for illegal arrest, torture and illegal detention for nearly 14 years. In her words: "The war against terrorism had not even officially began but the political atmosphere was already surcharged; the media celebrated the arrest of every person accused of terrorism but did not report when an innocent man was acquitted. A Muslim accused in a blast case would inevitably be presumed guilty even before the trial began. Things would get much worse by the end of 2001."

### **Politics of Hatred**

Nandita Haskar says that in India's war against terrorism, the first casualty has been human rights standards. The anti-terrorism laws have invariably reversed the burden of proof. In other words, the accused is presumed guilty until he can prove himself innocent.

While in jail Aamir met many Shikhs and Muslims arrested under TADA, the Terrorist and Disruptive Activities (Prevention) Act, 1985. Although the Act had lapsed in 1995, the men who were arrested under that law were being tried under its provisions. Aamir was himself treated as a terrorist from the time he entered the jail. The jail authorities wanted to put him in the high risk cell even though he was barely twenty years old and a first-time offender.

Nandita Haskar further says that putting a person in isolation inside a cell or a cage, even though he is in an under-trial prisoner amounts to giving punishment even before conviction. This is often justified on the ground that the prisoner may try to escape or do harm to others.

It was during his detention in the high risk cell that Aamir met many political prisoners, mainly Sikhs fighting for Khalistan and Muslims dreaming of Caliphate. Aamir noticed growing number of Muslims in the high security cells. He was troubled by this fact and he tried to understand the reasons why. Aamir asked the men from SIMI for answers.

Aamir could easily have been attracted to the SIMI. He came from the kind of vulnerable background which could have led him to join SIMI. Aamir listened to these leaders, learned about the grievances of Shikhs, Kashmiris and also Muslims in general. He understands the historical reasons for many of the radical movements and is impressed by the integrity of many of the leaders. But he does not dream of a Khalistan or a Caliphate.

The most remarkable aspect of Aamir's struggle to preserve his integrity is his refusal to give up the secular and democratic values instilled in him by his parents.

### **National Outrage**

Nandita Haskar further says that after hearing Aamir's story people all over India have expressed sympathy. All too often his case is upheld as an example of how justice ultimately prevails. The media has praised the lawyers who fought on his behalf, the judges who acquitted him and the NGOs who gave him employment. But know has called for a radical reform of the criminal justice system.

There has been no moral outrage in our country. Police accountability and prison reform is not on the political agenda of any political party or even human rights organizations. Bollywood continues to celebrate police brutalities and extrajudicial justice.

Although Aamir is no longer behind the bars, he is not truly free. The fact remain that he is fighting to prove his innocence. He has been acquitted in seventeen cases. However, the trial court convicted him in three cases. He had filed appeals. He won his appeal when the Delhi High Court acquitted him in the case of the bomb blast in Karol Bagh in which he was given life imprisonment.

However, two more appeals are pending before the Delhi High Court. Even though Aamir has already served the sentence for crimes he did not commit he wants the court to set aside the false convictions. In a fourth case, he made to pay a fine of Rs 5000 even when the judge observed that the Enforcement Directorate could not prove their case.

## **Chapter II**

### **An Amateur Spy**

Aamir Khan says that by the time he was nearing 20 years of age, Abbu and Ammi decided to send him to Karachi to visit his Aapa Jaan, (his elder sister). Aamir Khan recalls: "I was quite excited as I set off to get my visa. .... Although for me the idea of going to Pakistan was an exciting one, it was not at all something out of the ordinary for the people in our neighbourhood. Neighbour, relatives and friends regularly went across the border to visit their near and dear ones. In earlier days, talk about Pakistan was a part of normal conversation in our neighbourhood but nowadays no one dares talk about having relatives in Pakistan."

Aamir Khan further tells that he applied for a visa four or five months ahead of the time he intended to go since it takes very long for the Pakistan High Commission to issue a visa and they asked all the details of the persons to be visited and the reasons for visiting. He recalls: "It was a bright day in November when I set off to get my passport and visa from the Pakistan High Commission. I was really excited. I got my travel documents without any problem and was walking towards the bus stop to return home when I was accosted by a man who introduced himself as Gupta from the Intelligence Department. I did not ask to see his identity card. The thought did not even occur to me."

Aamir Khan further tells that Guptaji asked him to walk with him to a kiosk near the Teen Murti Nehru Planetarium where he offered him a cold drink. He recalls: "Guptaji asked the particulars of my visa and then asked whether I was willing to do something for my country. He said he would provide full security for my family and I would be paid for my services. Without knowing what I was committing myself to, I answered I was willing to serve my country. He took down my address and promised to contact me in a few days."

Now Aamir tells us that a few days later, Guptaji did come to his house and this time he was accompanied by another man who was taller and addressed Guptaji as 'Sir'. They walked to a kiosk selling cold drink at the Azad market crossing where Guptaji explained my task. He said that I was to take photographs of the Naval Headquarters at Shah Faisal Road in Karachi; he wanted me to take photos of the vehicles used, the signboards and some other details. The man accompanying Guptaji then took down details about me and my sister's address and telephone number in Karachi.



Recalls Aamir: "I guess I was very naïve and had no idea what I had led myself into. But at that moment I was excited at the prospect of meeting Aapa and Bhai Saheb, seeing a new place and enjoying a good holiday."

After telling us the details of his journey to Karachi, Aamir Khan says that he reached Karachi in the night. He got down on the platform and at once saw his sister and brother-in-law at a distance. Bhai Sahab picked up his luggage and they went out and sat in his sister's own Toyota.

Recalls Aamir: "Before the month was over I fell sick. My sister took me to the doctor and I was diagnosed with jaundice so I had to take rest at home. It was some days later when I began to feel better, I got a call on my sister's landline. It was Guptaji, reminding me of the work I had promised to do. One day I made some excuse and took the camera and went on my own to Shah Faisal Stadium and walked towards the Naval Headquarters. When I saw the security arrangement there, I was terrified. If I got caught I would land in a Pakistani jail and the thought made me shit scared. I realized I did not have the stuff of which the spies are made. In fact, I have never been interested in stories of spies and detectives. But since I have promised Guptaji, I did try one more time to see if I could find some safe place from where I could take photos and not be seen. But this time I was again too scared to take out the camera."

Aamir tells us that he had been given one more task, which seemed a little easier. He was to meet a man by the name of Choudhury at Sabir Hotel. He says that he went to the hotel on fifth of February. Mr Choudhury easily recognized him and quickly gave a small leather bag which was yellow in colour. He says that he took it and hid it in his bag.

Recalls Aamir: "It was time for me to return and 11th February 1998 I left Karachi by train and arrived at Lahore the next day. I bought the ticket for the train ride to Wagah. Then I stood in the line for the security search before we were allowed to get into the Samjhauta Express. I carefully watched the searching, it was very thorough. There was no way I could have hidden the leather bag. And if they opened, I was done for. Suddenly I broke out in a sweat. I imagined myself in a Pakistani jail. Then I remembered my promise to Guptaji. But there was no way I could see of getting past Customs and my fear of being caught was rising. I panicked. I went to the back of the queue and then I saw the toilets at the other end of the platform. I walked fast to the toilets and took out the leather bag. With all my strength, I threw it onto the top of the roof of the toilets. I heard the thud as the bag fell and I looked to see if anyone had seen me or heard the noise. No one seemed to have noticed. My heart was still thumping when I joined the line of passengers. My turn came, my luggage was searched and my passport stamped. Finally, I sat in the train. My heart was still beating fast when I got into the train and waited for it to start.....When we crossed the border and reached Attari, I sighed with relief."

Aamir Khan says that on 13th February he reached home and the safety of his beloved Ammi and Abbu.

### **Chapter III**

#### **How I was Denied Extrajudicial Justice**

In this chapter Aamir Khan described in detail his confrontation with Guptaji and his men and Aamir's subsequent torture by these men. Recalls Aamir: "The day after I arrived back from Karachi, on Saturday 14 February 1998, I messaged Guptaji to inform him that I was back in Delhi. I was keen to return his camera to him. He asked me to meet him at a kiosk in Azad market.

I returned the camera and told him why I could not do the work and accomplish the mission he had assigned to me. I told him that there was just too much security. I had expected that he would be disappointed and upset but I had not anticipated how angry he would be. He accused me of harming Nation's interest and said I had thrown away a chance of helping my country. He then told me he would give me two more days to find the documents. I wondered how he could expect me to produce those documents when I had already told him that I had thrown them away. On 17th February I met Guptaji again. I knew he would be angry because I had not been able to find his bag. But this time Guptaji was not just angry, he also threatened me with dire consequences if I did not find those papers given by Choudhury. He accused me of being a Pakistani agent. He said I must have been recruited by the Pakistani Intelligence Services. He just refused to understand how scared I had been. He warned that if I did not do as told he would ruin my life. Guptaji called me a liar and I kept pleading that I was innocent."

Now, Aamir Khan tells that on Friday the 20th February, he went to buy for himself the medicine prescribed by Hakim Sahib in Karachi. The wholesale market had closed and as he walked, there were not many people around. It was dark. From the corner of his eye he saw a white Gipsy vehicle ahead of him. As he advanced,

the vehicle started moving very slowly and Aamir instinctively walked faster. He further says that suddenly he was pushed violently from the back and he fell down. Some people came out of the Gipsy and caught him before he fell and pulled him into the car. He was pushed down on to the floor of the car, his hands were quickly tied and he was blindfolded.

In Aamir's words: "Although I was very scared, I managed to ask them why they were kidnapping me. I thought they were criminals who were looking for someone who would help them get ransom money. After about half an hour, the vehicle stopped and I was taken out. I was made to walk. I could sense that there were several people there. I could hear another car. I heard someone say 'come behind us' and that 'the work is done'. The tone and tenor of the voice was like that of Delhi's Jat bus conductors and drivers. This convinced me even more that I was in the hands of criminals.

I was brought into a room. Here they took off my blindfold and untied my hands. I saw ten to twelve men standing facing me. They looked strong and muscular and dehumanized. No one said anything, except one who ordered me to take off my clothes. I was so embarrassed. They had no shame. They made me take off all my clothes. Then all of them started hitting me. I was slapped, kicked, elbowed, boxed and my hair was pulled so hard that I thought my neck would break. All the while they also abused me verbally. They kept beating me till I fell down and blood came out of my mouth. I felt numb except for the excruciating pain in my broken right jaw. ....

Then I noticed Guptaji was present in the room. I cannot say what time it was but it must have been late at night. He sat on the chair and he used really violent and abusive language. He demanded that I tell the truth. He said I still had time so I should tell the truth. He again asked about the bag with the papers I had been given in Pakistan. He asked me whether I had given the bag to someone else. I repeated my story and I was beaten again. Guptaji was sitting there throughout. The policemen kept urging me: "Bol jo Saheb kaheten hain wo batao." (Speak and tell Saheb what he wants to know).....

Guptaji asked me who was there in my home. I said only my mother because my father was away in the village. He asked me to write a letter to my mother stating that I had to go away on urgent work and that I would return soon. They also asked me to tell my mother to hand over my passport and identity cards to the bearer of the letter. I tried to resist with whatever strength I had but it was of little use. I had been broken and had become their slave. Guptaji went away but my tormentors were ready with the next phase of their torture.

I lost all sense of time. The torture continued on and on. They kept asking me about the papers and on one occasion Guptaji said because of me one of their agents had got caught. I could not understand what he was saying. Just when I thought I had been through it all, they brought battery and electric wires. They put the wires around my fingers and on my nipples. The battery was operated by hand. I do not know how many volts I was administered but the jolts made me unconscious.

They tortured me in shifts, normally at night. They would wake me up from my sleep by shining a flashlight on my face - then make me stand up and keep me standing for hours. If I was about to fall, they would let me sit down..... By the fourth or fifth day the torture was less. They started to give me medicines one or two times a day so the pain was less.

One day I was blindfolded. I could walk with support and was made to climb up the stairs. The blindfolds were removed and I saw I was in a lovely room with an air conditioner. There was a desk and officers were sitting around. Guptaji was also present. There were some new faces I had not seen before. Again I was asked the same questions. They asked me what all I had done in Karachi. I told them what I had done and how I had been seeing the tourist spots. They asked whether I got training with the Pakistani intelligence services, the Inter-Service Intelligence (ISI). They said everyone they had asked had been able to bring back papers so why had I failed to do my job? No one in the past had got caught. I said I had agreed to do the work out of my patriotism. But I was too scared to carry out the work. It was the simple truth which they refused to believe.

I was blindfolded and my hands were tied behind me. It was dark, and late at night. I was bundled into a vehicle. I could not here any other vehicle. I heard one of them ask: 'Have you taken your katta?' I was not sure what a 'katta' meant but it sounded like a weapon. Then they stopped the vehicle and someone ordered the others to take me down. But even after the vehicle stopped moving they did not take me out.

The officer said this was the last chance I had to tell the truth about the papers. I repeated the story and asked them to take me back to my parents. Then there was silence. I asked them to let me go. They told me

to shut up. Finally, I was brought back to the room.

Next day they came with a lot of blank papers and told me to sign them. They warned that my signature should match the signature on my passport. I knew it is wrong and dangerous to sign on blank pieces of paper. I do not know how I found the strength to protest and refused to sign. I was wondering what they could do with the papers. I did not have any land which they could take away through fraud. Nothing else occurred to me."

Aamir further recalls: "I stubbornly refused to sign the papers. Now, I wonder how I did that because I actually thought they were going to kill me. They brought some instruments and started pulling my nail of my toe. Blood came out. I screamed but did not sign. Then they grabbed my left hand after asking which hand I used for writing. My tormentors threatened to pull out the nails one by one till I signed all the papers. I could still hear the screams from the other room. I did not want to think what they were doing to the man.

I signed and signed and signed. There must have been at least 100 to 150 blank pages. Then they brought four or five diaries with dates. I was made to write in Urdu. I was told to write only on certain dates. I did not understand the meaning of what I was writing. For instance, I was told to write something like this: 'Maine Sadar Bazar parties ko maal diya. Imam sahib se mulaqat ki our do parti ko maal diya.' There was an Islamic Diary in which they told me to write the names of various chemicals. I had no idea what this was all about. Then the same men who had tortured me put balm on my wounds and massaged me with oil. I started getting better food. I could not understand this change in behaviour. But their talk continued to be as vulgar and communal as before even if it was not as violent.

I was taken out without blindfolded. My eyes hurt because I had not seen the sun for so many days. They took my photos from different angles, my hand and footprints. I said I was not a criminal so why was I being treated as one. They said "You won't understand, it is all for your good.'

I was taken to a big white vehicle and found other prisoners already sitting inside it. The policemen were now in uniform. My face was covered with a cloth except for my eyes. The other people also had a cloth on their faces. We were like slaves, not prisoners.

They told me to keep my eyes focused on the floor of the van. Before taking me to the van I was warned to keep quite, 'Don't say anything about the beating because you will have to come back here. We will pick up your parents.' The thought that these vile people could harm my Ammi and Abbu gave rise to a deep fear in the pit of my stomach.

Just as the vehicle started to move, one of the policemen shouted 'Jai' and the rest answered in unison --- 'Bajrang Bali ki'. It was as if they were going to war."

## **Chapter IV**

### **How I Was Insidiously Framed**

In this chapter Aamir Khan tells how he was falsely framed in the bomb blast cases. He narrates that after a fifteen or twenty-minute ride, the vehicle pulled into the compound of a large building and all of them were helped to climb down as they were handcuffed. They had no idea where they have been brought. They stopped outside one room where their handcuffs were removed and entered the room. A person was sitting on a high seat and next to him a man was typing away furiously. The man on the high seat spoke to the lawyer and police officer. All this was in English. Suddenly it occurred to him that he was inside a court. Scenes from a Hindi film flashed through his mind.

Aamir further says: "We were taken out of the room. The policemen looked pleased and I heard one of them say they had got ten days' 'remand'. I did not understand exactly what the word meant but it sounded ominous enough to send a shiver down my back. Then to my surprise I saw a huge group of people with cameras and mikes. They were from the television channels. One man tried to elbow himself towards me and ask. 'Aise tumne kyu kiya?'. I wondered what I had done. And again I felt a rising fear. All of us remained silent. We were like robots following orders. All of us were taken to the building which I later learnt was the Inter-State Crime Cell at Chanakyapuri. We were fourteen to fifteen persons. I was put back in the cell where I had been tortured. For the next ten days I was kept in the same room and the verbal abuse and communal comments continued."

He further says that one day a soft-spoken officer came and talked to him at length. He told him the story of how Parsis had come to India after they were persecuted in Iran. He had never heard of the Parsis so he found the story interesting but could not understand why he told it to him or how it had any bearing on his situation. His ancestors had come from Afghanistan but had chosen to make India their home; his father had

never supported the idea of Pakistan and he had been born in the galis of Old Delhi. He knew no other home. So, how was the story of the Parsis relevant to him?"

In his words: "In the night I was taken to the Chanakyapuri Police Station and put in the lock-up for the night. The next morning they took us back to the rooms in the Inter-state Crime Cell. It was here that the police told me that I had to admit to being involved in bomb blasts. They told me I had to admit to the charges and since the case was false I would come out in a few years. When I resisted I was beaten. They really broke both my body and spirit. I knew that from now on I would have to accept whatever they said. I even began to feel I had done wrong by throwing the bag at the Wagah railway station and this was a punishment I was getting for a wrong I had committed. They told me that if I ever wanted to meet my family again I must accept whatever they said.

One day I was allowed to have bath and given new clothes. I was taken upstairs and there I saw my parents, accompanied by Abbu's friend, Chawla Saheb. Ammi was wearing burqa and she hugged me and tried to press my arm to find out whether I was oaky. She burst into tears and I was terrified that they had arrested my parents as they had threatened to do during the interrogations.

The police had told me to tell them I was involved in the blasts but the meeting was so brief that there was no time; they had to leave. They had got permission from the court to meet me after they read in the newspapers that I had been arrested in connection with the bomb blasts in Delhi in 1997."

Aamir further says that he cannot remember the exact date of the events that took place during the days he spent in remand. He was remanded to police custody on 28 February 1998 and it was on 26 April 1998 that he was sent to Tihar Jail.

He recalls: "Looking back now, I realize the police were using this time to frame me in various blast cases. When my remand in one case was over they took me to court and got remand for another ten days and I was taken to another police station. I cannot even remember how many times I was produced before a magistrate; none of the magistrates asked me any questions about the circumstances of my arrest.

Abbu arranged for a lawyer and paid him Rs. 5,000 for each appearance. I knew he could ill-afford to pay such large sums of money. The lawyer did not have much of a role; on one occasion when he did try to raise an objection to some disclosure statements that I was supposed to have signed, the judge did not listen. It seemed the magistrates had all decided I was guilty without giving me an opportunity to say anything in my defence.

It was not only in the court that I was being pronounced guilty. Every time the police took me for a medical check-up, they would tell the doctors that I was the one responsible for the bomb blasts in Delhi and the doctor would not bother to examine me.

Slowly I began to realize how serious the cases were against me and how the police were trying to prepare witnesses to testify against me. After the initial ten day's remand, the court gave another remand to the Special Cell at Lodhi Road so I was moved to the Lodhi Road police station, from there I was taken to Roop Nagar police station. One police man, Heera Malik, was completely drunk and obviously hated Muslims. He hit me because I was a Muslim and said he would make sure that I would be convicted in this case. Then the Criminal Investigation Department of Haryana got my remand and took me to Sonapat and Rohtak in Haryana. From Sonapat I was taken back to the Inter-state Crime Cell in Delhi.

One evening it was drizzling and I was at the Inter-state Crime Cell. I was told that some people would be coming to see me and I must tell them that I was responsible for the blasts in Karol Bagh in an eatery called Roshan Di Kulfi. The police told me to say that I had placed a bomb on a thela (handcart) near that place. They warned that if I failed to do so I would be tortured again.

They took me upstairs to the first floor. I saw three or four people sitting there. I was told to sit on the floor and then ask those people for their forgiveness. I noticed that the people had burn marks on their faces. They had white scars. I realized that they were the victims of the bomb blasts and they had suffered injuries. One of the victims asked me why I had done such a terrible act against innocent people. I wanted to cry out and tell them I had not done it. I would never even think of doing such a heinous crime.

But the memory of the pain and humiliation of the torture was fresh and I told the people sitting before me that I had put the bombs in Karol Bagh and asked them to forgive me. I was made to make similar false confessions to other people as well. Then the police took me to the bazaar and made point out certain shops and say I had bought chemicals from them to make bombs. The shopkeepers were angry and asked if I had any receipts. The police made the shopkeeper give false receipts. Later, in court the police were exposed

because one of the shopkeepers had put the date of that in 1998---on the same paper where, on the top, the police had put a day in 1997.

At the Lodhi Road police station of the Special Cell there was a one-way glass where the witnesses could see me but I could not see them. I was terrified that someone would say they had seen me---after all, so many months had passed. Seeing my anxiety, a Muslim hawaladar in the police station told me that the witnesses had already identified me."

Then one day the police called three or four people and told them to say they had sold chemicals to me for making bombs. All those people refused to say they had sold chemicals to me or Shakeel, another innocent man framed by the police. Another man with a beard was the landlord of the room rented by Shakeel for printing bed sheets and bed covers. He was told to say that I had stayed with Shakeel and used to come and go. The man refused to make false accusation. He categorically said he did not know me but the police made him sign on blank pieces of papers."

Aamir further says that on 28 April 1998, he found himself in the blue jail vehicle. The vehicle started off. The windows had bars and wire-meshing so he could not see the route the vehicle was taking. When they reached they entered through massive gates and he saw another set of uniformed men who were the jail authorities. Then the vehicle finally stopped at Jail No. 5. They called out his name and he got up and moved to the vehicle door, stepped down and found himself entering through a small door which was a part of the massive gate. He along with all the new entrants, were told to go up the stairs on the left. It was a strange silence. He thought it was a silence of fear. They all sat there till the evening. Little by little their curiosity got the better of them and there were some whispered conversations. A man in front of Aamir asked him his name and what was his case. When Aamir said he had been booked in a bomb blast case, the man whispered, 'Which bomb blast?' Aamir replied he had no idea because he had not been involved in any bomb blasts. The man informed Aamir that he would be put into the high-risk ward. He told him that Aamir had been caught for theft and this was not his first time.

We sat till the evening.

Aamir recalls: "After the medical examination I was told to climb down the stairs and go to the other side. It was next to the meeting room where prisoners met their relatives. Next to that was a room full of files. Files were called warrants. There I discovered that I had been called Aamir alias Kamran alias Guddu alias Imran. I protested that I did not have any other names but the man in charge said these names had been put by the police. He read out the jail officer commented that my warrant was really big. It was then I began to realize that they had put many cases against me. I still did not know how many.

I went down stairs. The DSP told us to sit down. The security guard opened a massive lock of another gate and told me to step inside. He pointed to a tower in the middle and ordered: 'Go to the chakkar.'

The chakkar was the control room from where the jail authorities kept a watch on all the wards. We were called one by one and asked our particulars, which were written down in a huge register."

Aamir says that when his turn came, the officer looked at him and asked how he could be involved in such a big case. He again repeated that he was innocent. He told them his whole story. One officer said he should be sent to the high-risk ward or high-security ward. There was a doctor there who said Aamir was too young to be kept by himself in a cell. But the jail officer argued that Aamir was accused in very serious cases and he was a terrorist. However, the doctor said he would not take the responsibility for sending Aamir to that ward. Finally, a convict came and took Aamir to Ward No. 5 just behind the chakkar. For a long time Aamir sat staring out of the bars and finally he fell asleep on the smelly blanket. It was his first night in jail.

## Chapter V

### Proving My Innocence

Aamir says that he still did not know what he was being accused of; how the police had framed him. But then he says that he did not have to wait for long because in the month of May police filed the charge-sheet against him. Aamir read the charge-sheet and was shocked by the lies it contained. The First Information Report (FIR) was filed on 17 February 1998. Aamir says that obviously, there was no record of the way he had been kidnapped by the police and tortured for eight days.

The charge sheet says that the Inter-state Cell of the Crime Branch was carrying out an investigation in connection with the bomb blasts which took place in Delhi in 1997 when they got intelligence reports that the contacts of Pakistan-based terrorist Abdul Karim alias Tunda used to hide in house no.1001, Anarwali Gali Teliwala Dilli. So a strict watch was kept on the house.

Aamir says that this address was his Abbu's. He noticed there were no details from when such a watch had been kept, who kept the watch and how 'the activities' in our home had aroused suspicion.

The police stories continued in the charge sheet:

While watching the house the police found two men emerging from the house. The men walked towards the Sadar Bazar railway station via Azad market. They reached near Signal no. 10 when one man stopped to urinate and he saw the police party and the two started going faster when they were nabbed. The two men were from Bangladesh. They took out their pocket diaries and tore some sheets and put it in their mouths.

Both had bags hanging from their shoulders in which hand grenades (one in each bag) were found. There and then on arrest the two told the police that they had come to India on the 'ishara' of Abdul Karim alias Tunda alias Abdul Qadoos whose left hand is amputated. They also told the police that they were in touch with Tunda who told them to carry out a jihad in Delhi, Haryana, Punjab and UP. They said they would be meeting a young man in front of the Hanifi masjid near the Sadar Bazar railway station at six-thirty in the evening.

Acting on this information, the police went at the appointed time and saw a man by the name of Mohammad Aamir Khan alias Qamran alias Imran and alias Abbu Akasa alias Umar come out of a mosque. He was accompanied by Mohammad Shakeel alias Hamza, son of Sulieman, resident of 235 Sherwali Gali, Ashok Nagar, Pilkhua, Ghaziabad.

Aamir was searched and a revolver and live cartridges were found on him. He was carrying a briefcase in which there were various certificates, passports and five diaries. On interrogating Mohammad Aamir Khan they discovered that: '.....because Mohhammad Aamir Khan's sister married to someone in Pakistan he went to visit her and while he was there he went to a masjid where he was influenced by the sermons which were against India and about the atrocities done on Muslims and inspired the men to join the jihad against India. That is how Mohammad Aamir joined the jihad against India. That is how Mohammad Aamir joined the jihad against India. He got 'daur-e-aam' and 'daur-e-khas' training and then he came in contact with Abdul Karim alias Tunda who gave him training in bomb making. He was fully trained, that is why Abdul Karim included him in the jihad against India. In Delhi he was given a contact, Amaar of Cheechawatni, a Pakistani who told Aamir to meet him and start and continue the jihad. Before going to Delhi he was given contacts of existing organizations' names and addresses and also contacts for Pakistan and also various formula for making bombs and code names for cities and code names for various chemicals. Imam Sahib code for potassium chloride, badam rogan for nitro benzene.

Aamir says that believing the police version he got radicalized while he was in Karach on his visit to his sister and there after got training. He questions, if it was so then how come he had planted all those bombs without training and without contact with the radical elements before going to Pakistan? For him, it was obviously a blatantly untrue story. But, he feels, would the police accept that. According to Aamir: "I wonder how my lawyer was going to prove that the police had just made up all these lies." He further says that the argument on charges came up for hearing one whole year later in the Tees Hazari. On that day there were twenty men who stood accused in this case. Of these twenty, which included him two men were from well-off families, educated families. One was Abdul Baqi. He too had been kidnapped but since his parents were educated they had immediately sent off telegrams to various authorities that their son was missing. These telegrams were proof that their son had been picked up long before the date shown of his official arrest. He had a good lawyer who argued that there was no evidence of any recovery from him and the man was discharged.

Recalls Aamir: "I saw that there was a possibility of justice. But I also realized that it depended so much on the quality of arguments of the advocate. The police claimed that I had disclosed to them that I was involved in the bomb blasts of 1997 during the period I was in remand. It was on the basis of my disclosure statements that I had been charged with bombing various places in Delhi, Sonapat, Rohatak and Ghaziabad. All the bomb blasts took place before I had been to Pakistan. No one noticed the holes in the police story. But my lawyers told me that disclosure statements were not admissible evidence. I did not understand the finer points of criminal law. I just knew I was innocent and if there was any justice then I should have been discharged. Feroz Khan Ghazi assured Abbu that the evidence against me was weak and I would ultimately be acquitted; it was a question of time."

Aamir further recalls: "It really makes me angry and also so dejected when I think of how alone my parents were during the whole time I was in jail. I blame the leaders of our community, the Muslim leaders most of all, because they should have understood my parents' anguish; especially my mother's agony when she was left alone after my father's death. She must have been so alone, terrified and vulnerable.

No one came forward to offer any financial help or even to accompany her as she went on her rounds from court to jail and from jail to the lawyers.

In July 2000, Abbu wrote a formal complaints to the District Commissioner of Police (DCP) North about the harassment by the police. I saw a copy of the complaint after I was released. Abbu wrote that the police had been regularly coming to our house, both in uniform and in civil dress; they also called him to the police station. Abbu complained that the police 'used to abuse me in unprintable language'.

In November 2000, while I was in Jail No. 3, an incident happened that had far-reaching effects on my mental and physical health. I was going to the toilet one morning when suddenly I was attacked by a convict, Vijay Kumar, a dismissed constable of the Delhi Police. He attacked me for no reason. He bashed me up using his fists and elbows. I screamed for help and I could see that the warden was standing by watching. The warden, whose name was Sanjeev, did not intervene. Instead he shouted: 'Maro saale in deshdrohi ko' (Beat the bastard-traitor to his country).

I fell unconscious and when I recovered I found myself in the jail hospital. By this time I had become aware of my rights and insisted on being taken to DDU (Deen Dayal Upadhyaya) hospital outside the jail and registering a MLC (medical legal case). I was in DDU for the entire day. When I returned to the jail in the evening, I was shocked to learn that the jail authorities had decided to take action against me on the basis of complaint filed against me by Vijay Kumar, the man who had assaulted me in front of the warden.

I was in Kasoori cell for five long, cold winter months. During those months the proceedings in my trials were transferred to the court complex inside Tihar Jail. Now my parents had to come all the way to Tihar Jail instead of going to the courts in Tis Hazari which were nearer to home.

In the midst of this bleak scenario we had some good news. On 30th November 2000, Judge M.S.Sabherwal acquitted me in a bomb blast case. The judge said: 'There is absolutely no evidence on the record to show that the accused Aamir [sic] Khan had placed any explosive substance in the show case of Mohd Abid Hussain.'

I remember the day I was acquitted; it was the first time since my arrest that my mother smiled. I thanked the judge by putting my hand on my heart. Again on 15 December 2000, I was acquitted by the same judge in a bomb blast case of February 1997 in which a bomb had been placed in Murliwala Kuan in the Sabji Mandi area. My co-accused had already been discharged in April 1999. On 18 January 2001, the same judge acquitted both Shakeel and me in another bomb case.

The prosecution produced 24 witnesses. The judge observed that: 'A perusal of the statements of the witnesses examined by the prosecution shows that they have not stated anything against the accused persons, which could connect them with the commission of the offences alleged against them. All the public witnesses have not supported the version of the prosecution and none of them had identified any of the accused persons.'

The fourth acquittal came on 15 February 1997 in which I was supposed to have put a bomb in Gali Marketwali in Chawri Bazar. Shakeel, my co-accused, had been discharged in February 1999. The prosecution produced 40 witnesses but could not prove their false case against me. The next acquittal came on 23 March 2001. The Prosecution produced 37 witnesses. The court order acquitting me recorded that Ram Singh 'denied the suggestion that on 10/10/97 he had disclosed the description of a boy who had planted the bomb near the water radii [sic]. He also denied that he was called to the P.S.Bara Hindu Rao and had identified the accused person who was standing near the radii, at about 8 p.m. and was having a bomb [sic] containing a bomb.

This was the case in which the judge decided to record my statement under section 313 before acquitting me on 23 March 2001. This was the first opportunity I got to tell my story to the court. On 30 March 2001, I was acquitted in a bomb blast case which took place on 25 February 1997. In this case a prosecution witness stated that he had seen me placing a 'thalia' (bag) in the bus but when he was cross-examined he admitted that the first time he saw me was at the police station and the fact that the statement of that witness was recorded much after the event led the court to observe that no reliance could be placed on his testimony.

I was acquitted in five more cases between April and July 2001. The acquittals give me hope that I would be released soon and could look after Abbu and Ammi who seemed to be ageing very first because of the trauma of seeing their son in jail.

I still remember a young women, Veena, who came into the court limping. She had got injured in the bomb blasts in the Rani Bagh market on 18th October 1997. In that case the prosecution produced 58 witnesses. Kumari Veena was Prosecution Witness No. 4. When she was asked to identify me, she slowly turned to look towards me and our eyes met. Mine were full of fear and hers held a question in them. Her eyes seemed to be asking me whether I had done the act. And I wanted to shout out loud and clear that I was innocent and

that I had been framed. She looked at me and then turned to the judge and said no, she had never seen me before.

On 17 August 2001, I was acquitted in the Rani Bagh blast case. The judge held: 'Perusal of the entire records thus reveals that there is absolutely no evidence against the accused Aamir Khan [sic] which could prove his involvement in the commission of the offences against him.'

## Chapter VI

### The Politics of Hatred

In this chapter, Aamir Khan refers to 'The Politics of Hatred'. He says that after passing away of his Abbu, he desperately wanted to come out of jail so he could be with his Ammi. He thought he would soon be acquitted in the other cases but two events which occurred at the end of 2001 affected his chances of being free any time soon. He did not immediately realize the impact of the two events would have on his life.

Aamir recalls: "The attacks on the Twin Towers in New York on 11 September and the attack on the Indian Parliament on 13 December changed the attitude of the jail authorities towards Muslim prisoners, especially those accused in cases of terrorism. Those two events even changed the attitude of other prisoners towards Muslims. Even before those attacks I had encountered communal prejudice, mostly from the jail authorities rather than among the prisoners. In the barrack, the prisoners showed great respect for each other's religions. During the first days in jail when I was in the Mundakhana, I came in touch with Hindus, Shikhs and Christians. During my first few years in Tihar Jail, I noticed the Muslim prisoners were allowed to collect together to offer namaaz at the chakkar. After the Parliament attack on 13 December 2001, this practice was stopped. We were not allowed to offer namaaz together and the raised platform used for offering namaaz in Jail No. 3 was broken on some pretext but the Hindus were allowed to construct temples inside the wards."

Now Aamir tells us that in March 2001 he was transferred to a cell of Ward No. 8 --- the high-security ward where the prisoners accused of terrorism were housed. Now his movements were severely curtailed and he could not go around anywhere. Even before his transfer, the jail authorities had restricted his movements and curtailed his rights.

Recalls Aamir: "While I was in the high-risk ward or 'Highlight' as it is called in the jail, I had to share with myself another prisoner who was a Shikh man called Kulwinder Singh from Amritsar. Kulwinder carried a photograph of Bhindranwale and told me about Operation Blue Star. He said that the Indian Army drove a tank through the most sacred part, the Harminder Sahib Gurdwara. He also told me about how the Punjab Jails were full of people arrested under the TADA and many youth were killed in false encounters; sometimes these youth were killed even inside the jail or while being taken to the court. I also met Kashmiri prisoners. Many of them had been framed like I had been. The Kashmiris were regularly arrested around 15th August and 26th January; often the men were picked up from Azadpur Mandi where they had come to sell their fruits. Then they were tortured and told to confess to some terrorist act, made to sign blank pieces of paper and then they landed up in jail."

Aamir says that the Kashmiris were soft-spoken and polite and he did not see them as fundamentalists. Nearly all of them were well educated and could speak English. He wondered why Indian Muslims did not have that much education.

Aamir recalls: "The only thing I did not like about Kashmiris was that the moment they saw another Kashmiri they would start speaking in Kashmiri and exclude me. Once I was with two Kashmiris in one cell. They spoke in their language even though I requested them to speak in Urdu. I felt very excluded. Further, Kashmiri Muslims looked down on Indian Muslims because we were poor and uneducated. They told me that the barbers in Kashmir are all UP or Bihar Muslims. They thought the Mumbai Muslims were better than the Delhi Muslims. They pitied us. But when I asked them whether they would welcome us in Kashmir, they would reply it was not possible because they themselves were facing so many problems."

He recalls again: "Then we got the shocking news that our Parliament had been attacked in broad daylight. I was shocked and shaken. .... Suddenly, the attitude of the Warden, the Head Warden and Tamil Nadu Special Police all changed. They started looking at all the Muslim prisoners as one; as if we were all equally involved or complicit in the attack. They began regular and more vigorous searches of the cells; but in the name of searching they just wanted to humiliate us. .... I had never taken interest in politics but now questions came to my mind about the future of Muslims living in India. Would we always be looked upon with suspicion? I saw so many young Muslim men being thrown into jail. Many of these youths were members of SIMI. I had never heard of the organization nor did I hear any of the SIMI members talking of violence



..... I somehow knew that I would be effected by the growing hostility towards Muslims. I could feel that the attitude of the judge in the court had changed. Once he had even noticed that Abbu had not come to court and offered kind words of condolence, but now it seemed his attitude towards me had hardened. Despite all these changes I could not entirely give up hope that I would be able to prove my innocence one day."

## Chapter VII

### Caged Prisoners

In this chapter Aamir talks about cases against him and his acquittal. He says that there were six bomb blast cases pending against him; and then there was the main case in which he was supposed to have been arrested carrying a revolver.

He recalls: "The court proceeding was continuing but the judge was distant and cold. On 23 April 2003, he read out his judgement in two bomb blast cases in which I was accused of having planted bombs in the Karolbagh area on 26 October 1997. I waited quietly for the sentence. In the bomb blast case of Ghaffar Market, the judge sentenced me to ten years imprisonment; and in the bomb blast at the Roshan Di Kulfi, I was given life imprisonment. The same judge who had acquitted me in twelve similar cases now found me guilty. What was different now? I feel that witnesses had given false testimonies not because there was any personal enmity but now there was a growing enmity between Hindus and Muslims and Muslim youth were suspect in their eyes. I do not know how that fact can be brought before the court, but that is what I believe to be the real truth. The judge also observed that I had failed to adduce any evidence to prove that I had thrown the packet given by Guptaji at the Wagah border. In none of the earlier cases had he ever made such an observation."

Aamir says that he decided to appeal against the judgement in the High Court. He wrote an application through the Legal Aid cell in the jail on 5 March 2004 and he got a reply on 24 March 2004. He then sent another application to the High Court asking for a speedy trial.

Recalls Aamir: "My application was accepted and my appeal came up for hearing before Justice R.S.Sodhi and Justice P.K.Bhasin..... On 18 January 2006 Rajiv Mehra, the Addition Sessions Judge, gave his judgement in the main case against me. This was the case in which the police said I had been arrested coming out of a mosque. .... In that case I was sentenced to ten years' imprisonment. Now I would have to find a way to appeal to the High Court. Later that year, I got some good news. On that day, in August 2006, I was called to the Deodhi. I was told to go to the warrant room. There I found a havaldar who smiled at me and told me to make arrangements for mithai because the High Court had acquitted me in the case in which I was awarded a life sentence. I was jubilant and tears of joy came to my eyes..... My faith in the higher judiciary had been strengthened."

Aamir says that of course he was happy but he knew there were many more hurdles to be crossed before he could hope to be free and able to look after his Ammi. There was the case in which he was accused of planting a bomb in Baba Cinema in Sonapat in Haryana. The co-accused, one Mohammad Alam, had already been acquitted in September 2002 but his trial had not even begun. This case was pending in a court at Sonapat. Finally, he was put on trial after the Chandigarh High Court gave an order to the Session Court at Sonapat to conduct the trial speedily.

Aamir recalls: "Finally, on 16 March 2006, the judge acquitted me. He held: 'Simply the disclosure statement of the accused is no use to the prosecution but the same is hit by Section 27 of the Indian Evidence Act. The prosecution has not been able to prove its case.'

In almost all the 19 cases against me the prosecution produced the same public witnesses. The two main witnesses were Chander Bhan and Abdul Sattar. According to the police, Chander Bhan had accompanied them when they went to raid the factory where Shakeel printed his sheets in Pilkhua and there they found material used for making bombs. Abdul Sattar was the landlord whose room was rented by Shakeel.

Both these witnesses came for each case and testified. They were produced as prosecution witnesses but they refused to give false testimony. Chander told the court each time that he had never been to Pilkhua; Andul Sattar admitted he was Shakeel's landlord but refused to falsely testify that he had seen his tenant making bombs or ever seeing me there. It is remarkable how these two witnesses and so many others refused to tell lies despite considerable police pressure.

I decided to write directly to the Allahabad High Court and bring it to the notice of the court that a case against me was pending since 1997. My petition was read by Barkat Ali Zaidi, a judge of the Allahabad High Court and on 26 February 2007 he directed the district judge to proceed with the trial on a day-to-day basis

and to personally monitor the progress of the case and keep the High Court informed. Finally in April 2007, I was transferred to Dasna Jail in Ghaziabad.

In November 2007, there were bomb blasts in Uttar Pradesh. That was when the officers of the Local Intelligence Unit (LIU) started coming to meet me. One of them was Vijay Singh and he came in civil dress to the court and asked me whether I knew anything about any bomb blasts. He threatened to frame me in the latest bomb blasts and I got really scared. He even asked Ammi some questions while she waited for my case to come up.

The District Judge kept postponing the proceedings in my trial. There were long gap between one witness and the next. Even though the trial had began, it was going very slowly. Ammi had been admitted to hospital and my lawyer made an application in January 2009 for permission to visit her. But the judge refused. It was then that I felt there was discrimination against me because I was a Muslim. Attitudes had hardened and with it the officials had become dehumanized.

Now I could see the pattern in the discrimination. While I was still at Tihar Jail I had seen how jail authorities treated Shiv Sainiks with kid gloves when they were arrested for vandalizing the cricket match between India and Pakistan in 2005. They were treated like honoured guests, not criminals.

In contrast, the members of the PAC who had committed murders of so many Muslims in the 1980s were roaming free and had not been punished. They had murdered more than forty Muslim youth in broad daylight and dumped their bodies in the Ganga canal.

I had already been acquitted in fourteen bomb blast cases; it was obvious I had been framed. In any case I had been in jail for more than a decade and I was not allowed to visit my widowed mother who was seriously unwell. I was denied bail. When Ammi's condition worsened I tried again for bail but it was rejected.

The District Judge was transferred; but the one who came in his place did not do any better. The proceedings were just not moving ahead. Then a third judge came and under his supervision the trial did speed up.

The judge hearing the case suggested to Pancholiji that Ammi should be produced as a defence witness. Pancholiji brought her in his car and gently pushed her into the court in a wheelchair. Ammi could barely speak but she told the judge about how I disappeared in February 1998. My first defence witness.

On 18 July, I was acquitted by Judge Sanjeev Yadav. In his judgement he gave the details of my story and I felt he had genuinely listened to the defence.

## **Chapter VIII**

### **National Outrage**

Aamir says that on 12 January 2012 he stepped out of Rohatak jail a free man, after thirteen years and ten months in prison. It all happened so suddenly, so unexpectedly.

Aamir recalls: "My topmost priority was to look after Ammi. Before I went to prison she had done everything for me. Now I had to do everything for her. In prison I had learnt to wash clothes and clean my room but I did not know how to cook. So I could not cook a hot meal for her. I had to buy food from the bazaar and feed Ammi. Of course my sister sent food whenever she could. But for her too it had been a strain looking after her small children and Ammi.

I knew I must find a job quickly. Even before I could get one I needed an identity card for myself. All my certificates and passport were still lying in the court. I found a ration card in which my date of birth was given as 1981. On the basis of that ration card I managed to have my Aadhar card made and then a Pan card. The real struggle would be to get people to accept me; even now few had the courage to talk to me. Friends and neighbours avoided me. It was the Urdu press which came to my rescue. My story had already been published by Mohammad Ali of Two Circles Net. But it was when Sahara Urdu serialized my story that there was a breakthrough. Aziz Burney Saheb himself visited my home.

The newspapers and later the television channels carried pictures of me sitting with Ammi. People's perceptions started to change slowly; even the way they looked at me changed. The mohallahwale, the people of the neighbourhood, started talking to me; shopkeepers and old friends no longer avoided me. Now the neighbours greeted me and felt proud that our defamed neighbourhood had proved it was not a base for terrorism. From being portrayed as a dangerous terrorist, I was looked upon as a victim of a system which discriminated against Muslims.

I still live with fear because the situation in our country is not good. Many Muslim youths are targeted and picked up by the police and I still feel vulnerable. There are still two appeals pending in the High Court and I hope I will be acquitted. Sometimes I do wish I could leave India, my country, and settle somewhere safe. But then I wonder where that place is?"

## **Gujarat Files - Anatomy of a Cover-Up**

By :

Rana Ayyub

Published by:

Rana Ayyub

2016

## **Bird's Eye View**

This book is an account of an eight month long undercover investigation by journalist Rana Ayyub into the Gujrat riots, fake encounters and the murder of State Home Minister Haren Pandya that brings to the fore startling revelation. Posing as Maithili Tyagi, a film maker of the American Film Institute Conservatory, Rana met bureaucrats and top police officials in Gujarat who occupied important position in the state between 2001 and 2010.

With sensational disclosures about cases that run parallel to Narendra Modi and Amit Shah's rise to power and their journey from Gujarat to New Delhi, the book tells us the harsh truth of the state in the words of those who developed amnesia while speaking before commission of inquiry, but held nothing back in the secretly taped videos which form the basis of this remarkable book.

The truth regarding Godhra massacre and fake encounters of Sohrabuddin and Israt Jahan unfolds through a journey covering eleven chapters in the book. The truth of the disturbing event in Gujarat during 2002 and the saga of fake encounters make fascinating reading. According to the author, this book gives the reader an insight provided by the lens of a spy camera and a spy microphone both of which were freely used in a long drawn sting operation. The author says that whether the material presented in this book represents fact, or mere perspective vision of the events, is for the reader to judge.

### **Chapter I**

In chapter I, the author says that summer of 2010 was to redefine journalism for her. She had resumed work from at Tehelka sometime in 2010. Doctors across the city could not diagnose her condition. The author was disturbed by the assassination of her very dear friend Shahid Azmi, a young criminal lawyer taking up the cases of innocents who were framed in the 7/11 Mumbai train blast. The master mind behind the Shahid assassination remained mystery to this day, at least in the public eye.

The author says that the diagnosis was made after her paranoid parents got her to undergo every kind of tests, from bronchoscope to MRIs. She says that she chanced upon one of Mumbai's most acclaimed physician Dr Chitnis who saw her reports and asked, 'what's bothering you?'. The author says, it was as if his words woke her from a stupor. She said - 'I am just too drained and feel weak, can't figure out what's happening?' With a vague smile on his face, Dr Chitnis says, - 'get rid of this self-pity, stop glorifying your misery with these blood tests, you are absolutely fine. Get back to work, that's your panacea. Its all in your head.'

The author says that the next couple of days she tried to make sense of Dr Chitnis's recommendation. It was one of those lazy days that her mother decided to play the catalyst. True to her character, her mother sat down next to her on the bed and started reading the Inquilab (a prominent Urdu daily). Ten minutes into reading, her mother asked, 'Did you read about this Sohrabuddin?' The author says, 'For some reason that name piqued my interest. Of course I knew about Sohrabuddin, I thought to myself. He was the reason behind my first interaction with one of the most controversial figures of our times, Narendra Modi.'

She further says that having secured a job as a political journalist in 2007 with a television news channel, the first task at hand for her was to cover the 2007 Gujarat election. Narendra Modi, the Chief Minister of Gujarat, was on his way to what most analysts predicted as another sweep. The 2002 riots in Gujarat that had polarized the society had made him a hero

among the majority Hindu population. A victory sweep in 2007 did not look very for him. Accompanied by a camera person, Rana Ayyub went to her first election rally. She says, "There were other political rallies too which I had covered and this seemed no different at first. But as my producer back in Delhi had told me, Modi had a knack for making provocative speeches. And that day he didn't disappoint. 'Sohrabuddin, they ask me what do I do with a terrorist like Sohrabuddin.' The crowds cheered. The ladies in the front row clapped, that row was always reserved for them as it was believed that Modi was popular with women in Gujarat. Columnist Aakar Patel even wrote in a column that for Gujarati women, Modi was a sex symbol."

The author says that the response from the crowd was on expected lines: 'Kill him, kill him'. She further says that when Modi had finished speaking and stepped of the dais, the crowd gathered around him. She squeezed in, and addressed Modi - 'Modiji, ek sawal. Modiji, three officers have been arrested in Gujarat and have been charged with fake encounter of Sohrabuddin. Would you still justify what you said in your speech?' Narendra Modi stared at her for a good ten seconds and then walked away. His minister gave her a look of disdain. Ayyub says 'This was my first encounter with the man now holding the most coveted position in the country, that of the Prime Minister.'

The author says that the Sohrabuddin story clearly had to be told. Therefore within a month of her visit she made two important exposes by digging out call records and internal notes with the help of officers who shall remain unnamed. She approached them cautiously, knowing fully well that they were her only hope. She says that what she had encountered in Gujarat though was not a Gujarat-centric issue. Prosecution of honest police officers was routine in Uttar Pradesh and Manipur as well. She also realized that the same prosecution factor would turn out to be her savior. In her words, 'As it turned out, the officer who would go out to reveal some of the most incriminating notes to me turned out to be a batch-mate of an official I had reported about. That broke the ice. With able help from human rights activists and officers who provided me with evidence, I made one of the most sensational exposes of the year. These were the call records of then Minister of State for Home Affairs, Amit Shah, and top officers during the course of encounters. Accompanying the call records was a damning internal Official Secrets act note. The minister's activity was being monitored by the CID and the note alleged that the encounter was a sinister plot to kill innocents and label them terrorists.'

The author says that the expose created ripples in the political fraternity. Phone calls from the CBI poured in asking Tehelka to hand them those records which were later placed before the Supreme Court. She continued to stay at hotel Ambassador in Ahmedabad, which by now had become her second home. In her words, "Life had indeed changed: from that day on I changed my accommodation every third day, from the IIM campus in Ahmedabad to guest houses, hostels, and gymkhanas. I had began to operate like a fugitive. By this time, landlines had replaced mobile phone communication for me. Finally having provided all the evidence I could dig up to the CBI and writing my follow-up reports, I landed in Mumbai and decided to get back to some semblance of routine."

But, Rana Ayyub says, destiny had other plans for her. Within weeks of expose, the CBI arrested Amit Shah, the first serving Home Minister in the history of independent India to be arrested. As expected she had to return to Gujrat and report on the development that followed the sensational arrest.

But Ayyub was in a dilemma. The basic rule of journalism was evidence and she had none. There were only conversations and anecdotes, off -the-record confessions. How was she to prove it all? She says that it was then that she made the decision which would change her life, professionally and personally. Rana Ayyub had to give way to Maithili Tyagi, a Kayastha girl from Kanpur, a student of the American Film Institute Conservatory who had returned to make a film on the development model of Gujarat and Narendra Modi's rising popularity among NRIs across the world.

## Chaper II

In chapter II, Rana Ayyub says that an elaborate mail to my seniors and encouraging response from them to probe deeper was enough to set me thinking. Close to three months in Gujarat and the circumstances under which she had met those willing to help her with information was enough indication for her that the road ahead was tough. To bring out the truth from individuals who were in a position of power and had chosen to seal the truth within themselves was not going to be easy. She says that these were thick-skinned diplomats: to get them talking would require the skills of an able and astute investigator armed with power and authority. She admits that she did not qualify on any of these counts.

She further says that there were people who knew the truth and had chosen to live with it, going about life as if this incident, the cold political bloodbath that had taken place in 2002, was not a part of their career. In her words, "As a journalist with an investigation organization as Tehelka, I knew every door that could have

offered some help was closed to me. The only way out before me was what every journalist in the pursuit of truth uses as a last resort. Go undercover. I was all of 26, a girl, a Muslim girl at that. I have never been conscious of my identity, but when it came to a state polarized on religious lines, these considerations were to be considered judiciously. My family was to be told about it, who would I be? Would I be able to pull it off without help?"

She says that she thought a better idea would be to focus on changing her identity all together. As luck would have it, she found an e-mail on group ID that she was a part of with her ex-class mates in Mass Communication course from a colleague who had joined the prestigious American Film Institute Conservatory in Los Angeles. She says, she felt like an Eureka moment. This was to be her identity, a film maker from America in Gujarat to make some sort of film. She spent the next few days studying the work of the Conservatory, its alumni, the films it had made and doing research on the kind of films that had been made about Gujarat, and the subject they had most focused on. Now she had to have one name. One which was warm, conservative and yet strong in what it had to convey. She borrowed the 'Maithili' from the film Lajja. In the film, Manisha Koirala played a character called Maithili who explored the life of Indian women and caste-based and gender-based suppression. Moreover Maithili is the name of Sita, wife of Lord Ram.

The author says that armed with her visiting card, a pair of ash-grey lenses, a hair straightener, colorful bandanas and some recording instruments she landed in Ahmedabad. Since she was playing the role of a struggling film maker who had limited financial support, accommodation for someone like that could be arranged only by a local. The help came from an artist friend who was well-connected in the literary and cultural circles in Ahmedabad. He was kind enough not to ask too many questions. That Rana Ayyub was a journalist who had sent the Home Minister of Gujarat behind the bars on account of her investigation was reason enough for him to use his influence to help her get accommodation at an educational institute called the Nehru Foundation. She was introduced as a film maker to the warden of the hostel of the institute. Manik Bhai (name changed), the dean or the manager of the hostel was Ayyub's first acquaintance. Her friend introduced her to him by saying 'madam is here to make a film on Gujrat'. 'Oh nice, please say good things about my city and our CM', said Manik Bhai. 'It's a beautiful city, this Ahmedabad,' he said offering to show her around the city in the same breath.

Manik bhai was kind enough to give Mike (name changed), who was a Science student in France and happened to be in India on a student exchange programme and who also wanted to work in India with Indian journalists, a room adjacent to Rana for the next one month.

Ayyub says that in the meanwhile help arrived in the form of an email from an activist friend. She needed to establish some sort of contact with the officers, and the first in her list was G.L. Singhal, then posted with the ATS in Gujarat as its defacto head. Singhal was being probed for his role in the Ishrat Jahan 'fake' encounter. From what she has gathered during her research with her officer friends and journalists, he had isolated himself, had few friends, and did not entertain the media at all. She has been told that he was suspicious of almost everyone. How then could one approach him? The email had details of Naresh and Hitu Kanodia, both popular actors in the Gujarati film industry.

She says that she was informed in the mail that Kanodias were from the backward class and had a great rapport with many officials, including Singhal, who happened to be Dalit. Excited, she called up Naresh Kanodia who asked her to come and see him at the Gymkhana in Ahmedabad the following morning. When she met him he gave nothing away. He was absolutely expressionless while she spoke to him in her well-rehearsed accented English.

In her words, "I had clearly not done my home work well. I spent the next hour explaining the subject of my film to him---the lesser known things about Gujarat is what I wanted to make a film on, I Told him, for instance, the Gujarati film industry, and how those from the backward classes had progressed in Gujarat. Now I began to see a flicker of interest in his eyes. For a man who considered himself a 'star', but whose success is faded in his home state with popularity of Hindi films, an acknowledgement of his work from a 'vilayati' filmmaker seemed to finally have the desired effect. The next day, I was to drive 100 km to a village where Kanodia wanted me to interview him and watch his stunts on a film set.

I was given a chair to sit and watch the shooting. I went about task diligently taking notes and photographs of sequence. I was not the only one there, I noticed. A young man in his early 30s armed with a tripod and lenses was taking some stunning shots of the sequence. He was clearly not a part of the unit. He gave Mike and me an indifferent look when Kanodia introduced him to us as a documentary photographer and went about working on his frames. The photographer was Ajay Panjwani (name changed) with whom I was to develop

a strange camaraderie in the months to come, a friendship that I could never have had with my real identity, a friendship whose base was deceit, but Maithili needed that outlet.

Ajay who was a regular on the sets of his documentary on Gujarati films ultimately decided to be polite and in due course offered help if needed. It was on one of these visits to the film sets that I broached the subject of meeting some well-known cops in Gujarat, especially those from the backward castes. I told Kanodia that it would help if the official in concern held a sensitive position, one that involved bravado and had something to do with security in Gujarat vis-à-vis terrorism.

The last line had the required results. 'You should meet Mr Singhal, one of our finest, killed many terrorists.' I tried to conceal my excitement and went about noting down his name as if had heard it for the first time.

'So, what does Officer Singhal do, sir, where does he serve?' I asked with great show of naiveté. This was all I needed from my filmy friends, an entry point, a reference that would not draw suspicion with the officers. The last person Singhal would doubt would be a filmmaker who had been recommended by one of the topmost regional filmmaker. At around the same time, my source in Ahmedabad, whom I had briefed on the help that I needed, sent me another email. This had contact details of one of the city's most popular gynecologists, who shall remain unnamed."

In her words, "My meeting with the doctor turned out to be extremely fruitful. He was more than eager to help. I asked him if I could meet a female doctor, someone who was very popular in Gujarat, somebody I could shoot for the film. There was reason I had made efforts to meet a gynecologist after all. The 2002 Gujarat riots that had become a blot on the country's secular fabric had seen many agent provocateurs, and one of them was Maya Kodnani, an MLA from Ahmedabad who had been named in eyewitness accounts as one of the major instigators of riots in her constituency. Kodnani for me was an important character to explore, as I felt sure that she could help me go deeper into the story. That evening the doctor called Maya Kodnanai in my presence suggesting that a filmmaker with an impressive profile from USA wanted to interview her and that he could personally vouch for my credentials."

The next day she and her assistance Mike were to meet Maya Kodnani as an investigative journalist. Mayaben's clinic was situated on the main road at Naroda. The Nadora Patiya massacre took place barely a stone's throw away from this three-time MLA's clinic, a massacre which saw more than a hundred people being brutally lynched. The allegation against her was that it was she who had led the mob that attacked Muslims while making provocative slogans. Mike and I entered Kodnani's clinic.

'Maithili kaun che', asked Kodnani's assistant, as she stepped out of her cabin. She signaled for me and Mike to step in. I introduced myself and Mike with an accent. A warm handshake followed. 'You know, you have a beautiful name, it's the name of Sitaji,' said a visibly impressed Kodnani.

In her words, "With reference to the fact that Mayaben was the Minister of Child Welfare and Health, I praised her commitment to the welfare of women in her state. 'So what do you want from me,' she asked finally. 'I just want to know more about you ma'am, we want to profile you for our film, as an achiever from Gujrat.' We got an instant nod from her and an invite to her apartment for lunch the following Sunday.

We returned to the hostel room at around ten in the night. As soon as I stepped into my room, I got an eerie feeling, something seemed out of place. I had carefully made my bed before leaving but now the bed-sheet was crumpled, and my laptop was switched on. While the suitcase and drawers looked untouched, I felt someone else had been in my room that night. I was not surprised. I had actually anticipated something like this, which is why my laptop had been re-formatted before I entered Gujarat, and the admin name was set as Maithili Tyagi. On the desktop were files on filmmaking and research on Gujrat museums, the film industry and forests. Adorning the screen was a wallpaper of Lord Krishna. On the shelf next to my bed were books on filmmaking and photography. It was fairly clear that someone had frisked my room, and I was fairly sure that they had found nothing they weren't supposed to find. The game had only just begun. The next morning there was to be a telecom with G.L. Singhal. The next morning as I devoured the upma from the canteen I finally made that phone call to G.L.Singhal."

Those days he was in the eye of the storm. The High Court appointed Special Investigative Team (SIT) to look into the Ishrat Jahan 'encounter' was making headway in the probe and all eyes were on Singhal. He was the man who had shot Ishrat Jahan in an 'encounter' along with two other officers. A day after the encounter Gujarat top cop and chief of ATS D. G. Vanzara had called a press conference. It was a sensation, Ishrat's bloodsoaked body, along with those of three others, was lying on the road. She was named a woman fidayeen, the first of her kind in India, a LeT operative who was out to assassinate Narendra Modi, the Chief Minister of Gujarat.

Ishrat had become the talk of the town, narratives were written about Jihadist fundamentalism and how radical Muslim organizations were out to seek revenge for the 2002 riots. D.G.Vanzara was hailed as a hero; he had become an overnight sensation. Sharing the glory with him were other officers, N.K.Amin, Tarun Barot and the man who was of particular interest to me, Girish Singhal.

Ishrat's family in the meantime petitioned the Supreme Court for an inquiry into the 'murder' of their daughter, Ishrat Jahan. A judicial committee was appointed by the Gujrat High Court and the verdict was given in 2008. The Justice Tamang Committee headed by an ex-magistrate of the Gujarat High Court gave a verdict that stunned the nation, 'Ishrat Jahan's was a fake encounter-the case needed further investigation'.

Human rights activists and lawyers came out in the streets to protest the gross misuse of power by officials to kill innocents following the verdict. The case lay stagnant till the family petitioned the Gujarat High Court for further investigation. It was then that a three-member bench was constituted to look into the encounter. Later in 2013, the CBI team appointed by the Gujrat High Court to look the encounter called it fake, and listed top cops in the Gujrat police as accused officers.

It was thus in 2010, when the case was being investigated by the SIT ordered by the Supreme Court to do so, that I first sought an appointment with Singhal. The phone rang; I introduced myself in my accented English. The response was not very forthcoming. Singhal asked me to call him later. All my hopes were pinned on this man. He was the man I had to begin my investigation with. How would I proceed, I wondered. The newspapers that morning had spoken of Singhal's imminent arrest by the SIT. In a tense situation like this it was only normal that Singhal would concern himself with legal remedies rather than talking to some foreign-returned filmmaker.

The next morning I called up Singhal again, and this time he said he would meet me. The harrowing journey that my investigation was going to take me on had finally begun.

### Chapter III

In chapter III, the writer, Rana Ayyub, describes how she met G.I.Singhal. Mike and she met Singhal that morning in 2010 after their telephone conversation. At that time Singhal was in charge of the Gujarat ATS. She says at that time, due to SIT investigation, Singhal's moves were being monitored closely, and he was being cautious of the people he was meeting. His arrest was inevitable. The SIT was speeding up its inquiry. Two junior officers had already been arrested. Singhal could be the next. The charges against him and other officers included, among others things, conspiring, staging and killing an innocent girl in the name of terror. The phenomenon was not new for Gujarat. There was an atmosphere of hostility that prevailed post riots. It was clear that the not-so-amicable relationship between the two communities had taken the turn for the worse. Narendra Modi was being seen as the Hindu leader who had saved the Gujarati Asmita from invasion. Both communities had suffered with Godhra train burning and the carnage in Gujarat right after. Those who had come in the line of fire were bureaucrats and officers but nothing could be proved against them. Commissions of enquiry over the years have used the harshest words of criticism for the authorities and their actions, or inaction, at that time, but barring a few foot-soldiers, most remained in positions of power. Perhaps emboldened by this, a slew of encounters took place in Gujarat, most of which were labeled fake, by none less than the Supreme Court of India. Encounters which were a part of an effort to portray the danger ahead for Gujarati Asmita.

The trajectory of fake encounters in Gujrat has a sordid pattern. Samir Khan Pathan, Sadiq Jamal, Ishrat Jahan, Javed alias Pranesh Pillai, Sohrabuddin, Tulsi Ram Prajapati. These are some encounter cases from Gujrat which are being monitored by the highest judicial bodies in the country. A brief look at the cases is enough to blow the lid off a saga of meticulously planned and executed murders. In one of the most exhaustive exposes in Tehelka in December 2011, she wrote:

"However, what makes the Gujarat fake encounters particularly disturbing is the cynical and false propaganda that was mounted around them. All those killed in these false encounters were publicly billed as Lashkar-e-Toiba (LeT) terrorists out to kill Chief Minister Modi, then Deputy PM L.K.Advani and ultra-Hindutva firebrands such as Pravin Togadia and Jaideep Patel. In the community polarized aftermath of Gujrat 2002, such false propaganda was like a match to tinder. It can be no one's case that absolutely no Muslim boys were involved in terror blasts in the country but to cynically manufacture threats and bill petty criminals as 'terrorists' only served to tar the entire Muslim community as anti-national and helped consolidate Modi as the 'Hindu Hriday Samrat' - a man not only capable of teaching 'Hindu enemies' a lesson, but one under constant threat from jihadi groups.

She also points out that an earlier Tehelka story had demonstrated that Sohrabuddin, who was a petty criminal

and an extortionist, was well known to Shah before he was killed, and had raised uncomfortable questions about why Sohrabuddin was bumped off and billed as terrorist. It is significant to remember that Shah was not only the Home minister at this time, and directly responsible for the workings of the state police, but a man who was so close to Modi that he held over a dozen ministerial portfolios. Discredited police officer Vanzara, in turn, was very close to Shah. However, it was cold-blooded killing of 19-year-old Ishrat Jahan which had Singhal in the line of fire. His role in other encounters only amounted to obfuscation in the course of investigation by the concerned body."

In her words: "I first met Girish Singhal that morning as I reached his heavy security office with Mike in the Shahibaug area in Ahmedabad. Singhal's past laurels included the successful handling of Akshardham attack which got him the state bravery award. The security guard at the ATS office was confused. A woman in a skirt sporting a bandana and a foreigner want to meet the ATS chief? A note was sent in.

'Maithili Tyagi, aapko sahib bulaate hain,' said the orderly. Act one had began.

Girish Singhal, a man in his early 40s, well dressed, well mannered, held a half-smoked cigarette between his fingers as he asked us in. He was watching a video on his laptop. There were a couple of books by Osho on his table. 'Are you an Osho follower?' I asked even as I sat down, carefully placing my diary on the desk, my video recorder was attached to it. I had earlier decided that I would acquaint myself with my subjects before secretly recording their conversations. But Singhal was known to be a temperamental man. What if he said something significant and I did not have my recorder on me? And what if he refused to give me an appointment later?

I introduced Mike to Singhal, there was a brief acknowledgement and I turned to explain to him the reason for our visit in my fake accent. Singhal listened to me seriously, grasping each and every word I spoke, and nodding in intervals. Once I knew I had his attention, I attempted to drop some familiar names. 'Actually Mayaben was very impressed with you and thought you were one of the brightest officers in the state. We are also profiling her for our film.' It had the required affect. The grim, serious look on his face relaxed, he gave an acknowledging smile, and said, 'She is a very good lady, very spiritual.'

I thought it better not to focus on anything related to the controversies that he was surrounded by. A show of naivete and awe seemed to be the easier way to break the ice. He narrated stories of his childhood, his desire to fight the upper class, the Brahmanical attitude of his neighbours towards his Dalit family, and being the breadwinner for his family. Was joining the police force a source of redemption? 'Inequality breeds everywhere, even in this system which I am a part of, he responded.'

What started off as an appointment for 15 minutes stretched to an hour? Mike continued to diligently take notes of details every time I asked him to, while Girish Singhal narrated stories about what had made him who he was.

Q. So the CM and the HM do not see eye to eye now?

A. No, This CM, Modi jaise abhi aap bol rahe the, who opportunist hai. Apna kaam nikal liya, sab got his work done.

Q. So how many encounters have you done, besides this one?

A. Hmmm..... around 10.

Q. All prominent ones, can I know?

A. No no.

The fact that the investigations into the fake encounters dominated headlines in the Gujarat edition of all dailies only created an alibi for me to ask probing questions of Singhal without arousing suspicion. As days went by and as I met Singhal, there was a sense of guilt, an empathy that I began to feel. Was he really an innocent man wronged by the system as he would have liked me to believe?

I could not really figure what this man was all about, and on one of the days when I returned to my hostel, I headed straight to the PCO. I felt terribly confused and decided I had to as Amma. I was feeling sympathetic towards Singhal. I could not afford to do so. He did not have the brazen attitude of officers whom I had met earlier, who gloated about cold-blooded murders and encounters. But, there could be no justification for cold-blooded killings, if an individual was a part of it, or if he or she was an official who had decided to sleep over truth. As my mother said to me that day there would be individuals who could give you many reasons for their behavior, for their actions. All you have to do is go back and see what it was that they had actually done, and you would know if their justifications held any weight.

It was clear to me that by keeping quite over the years, Singhal was as complicit in the crime as others, but one could help but notice the brazen use of such vulnerable cops by the state administration. The use-and-



abandon policy about which Singhal had spoken on the hidden camera that I carried cropped up years later when another top officer D.G. Vanzara complained of it. Vanzara one of the topmost officers from the Modi dispensation who has been behind the bars for his role in four encounters, reiterated in a letter to the Gujrat government everything Singhal had said about this. The officers like him were being used to realize the ambitions of ministers like Amit Shah, and that the man whom he considered his God, Chief Minister Narendra Modi had betrayed him. Whether there is any political motive behind Vanzara's statement (who has since resigned from the state IPS) is something that will remain ambiguous. But the fact remain that many officers like him and Singhal had been used at the alter of what is now claimed as a terror-free state.

Q) You must have been grilled by the commission?

A) Yes, I still am. I have been questioned. It's going on, because with this stick, you can beat Narendra Modi. For them 2002 is a full-time occupation, it reaps the money.

Q) Their view is that he asked them to not act?

A) Yes, so they asked me that during the commission and I said I was given no such instruction. I said I had not received any such instruction from him. And I did, and in spite of that people get killed. Now I cannot say that I can protect everybody.

Q) So is this the only thing?

A) No, they have only this thing against me. Because this is the only way they can reach Narendra Modi, and that is through me.

Q) And also because you are very close to him?

A) Supposing I say anything against him, then they would be happy.

Q) But see, Modi was made Modi by the riot right?

A) Yes, before that who knew Modi? Who was Modi? He came from Delhi, before that Himachal. He was in charge of the unimportant states, neither Haryana nor Himachal.

Q) This was like a trump card, no?

A) That's what ..... if this had not happened, he would not have been known internationally. That gave such a push, although negative, at least he became known.

Q) So you like this man?

A) I mean yes, considering I was there with him during the 2002 riots so it's OK.

These conversations have been recorded over a span of two months of meetings and conversations with various equipments. Pande who considers himself a favourite of Modi does not shy away from talking about his proximity to Modi. He has no qualms telling me that Modi is no saint to give postings to those who are ideologically opposed to him. He justifies the murder of Kausarbi saying that she was 'living in' with Sohrabuddin who was killed in a fake encounter as already proved by the CBI.

At various points in the conversation every time there is a reference to activists, he does not shy away from describing them as scoundrels who have brought Gujarat a bad name.

Towards the end I was not very astonished when he said that I should now go for a walk in Parimal Garden and see how Guajarati's feel liberated after the riots.

#### Chapter IV

In Chapter IV, the writer says that She had reported extensively from Gujarat and knew most police officers there, or so she believed, except Rajan Priyadarshi. She had not met many, but news reports and interviews with the police fraternity ensured that she had enough information on the relevant ones.

Therefore, it was surprising for her when Singhal mentioned this name that she was entirely unfamiliar with. Rajan Priyadarshi was an accidental takeaway for her. It was divine intervention as one would say, going by the immense value-addition this retired cop made to her investigation. She had absolutely no research on him before she went to meet him.

Rana says that there was an interesting aspect about Rajan Priyadarshi. In an interview given to Times of India in June 2004, Priyadarshi, a 1980-batch IPS officer had said that despite being one of the high-ranking officials in the state he was still treated as an untouchable in his village.

She further says that technically this made her job much easier from the point of view of the film.. Additionally, by the end of the investigation there was enough material to suggest that most of the officers being manipulated and mistreated by the administration were from the backward classes. But she had missed something very important. Rajan Priyadarshi was the Gujarat ATS Director-General in 2007 when the investigations into the fake encounters were undertaken by the Gujarat CID. Not just this, he also held a very significant posting as the IG of Rajkot during the 2002 riots.

In her words: "And so Mike and I met Rajan Priyadarshi. He had a one-storey bungalow in one of the middle-class localities of Ahmedabad-Naroda Patiya. It was also the same area which saw the most gruesome communal riots and where the maximum casualties took place.

Priyadarshi was anxiously waiting for us, waving to us as our taxi entered his compound. 'Welcome', he cheered from the first floor of his residence. Both of us entered his house soaking in its rather unassuming details.

The conversation was a monologue. In a span of an hour we realized that Priyadarshi had given us enough material to write a brief for his biography. He was in every sense a character. But this meeting would help me with some very relevant insights into the manner in which the state machinery worked in Gujarat. He soaked us with details about the village barber who would refuse to cut his hair and therefore he had to build a house in the Dalit nivas, despite holding the position of IG, Border Range of Gujrat. The Dalit tag continued to haunt him. On many occasions during his tenure in the Gujarat police force he was forced to do his seniors' dirty work. But he refused to take orders. 'It was very strange; you know it was like if you are a Dalit, anybody in the office can get away with saying anything. There was no dignity attached. I mean a Dalit officer can be asked to commit cold-blooded murder because he (apparently) has no self-respect, no ideals. Upper castes in the Gujarat police are the ones in (everyone's) good books.'

As our meeting progressed, Priyadarshi seemed to become anxious, but by then he had already said too much. During his third visit with us, I went to see him alone. That day when I met Priyadarshi, he had shifted through copies of the newspaper he had published. 'You can take whatever you want from these. I think you have all the information about me now. When do you start shooting?' He was anxious, his body language made that clear. He had divulged a bit too much for his own good, Details of the time when he was posted as the State ATS head, of his clandestine meetings with the then Home Minister Amit Shah late at night at his bungalow and who once asked him to kill an accused in custody. Every time I met Rajan Priyadarshi, I felt I came back with more.

Q) Your CM Narendra Modi is very popular here, in Gujarat?

A) Yes, he fools everybody and people get fooled.

Q) In that case, as additional DG, you would have had a tough time working under him?

A) They never had guts to force me to do anything illegal.

Q) Lawlessness is rampant here too? Hardly any officers who are upright?

A) There are very few of them, this man Narendra Modi has been responsible for the killing of Muslims across the state.

Q) Most of the officers say that they have been implicated wrongly?

A) What wrongly, they have done it which is why they are now going behind the bars. They killed a young girl. They called her a Lashkar terrorist and created a story saying she was a terrorist, who had come to Gujarat to kill Modi.

Q) And it's false?

A) Yes, it's false.

Q) And ever since I came here, everybody is talking about Sohrabuddin encounter.

A) The entire country is talking of that encounter. They bumped off that Sohrabuddin and Tulsi Prajapati at the behest of the minister, Amit Shah, who never used to believe in human rights. And now look at this, the courts have given him bail too.

Q) So, you never served under him?

A) I did, when I was the ATS chief. He transferred Vanzara and brought me in. And I am a person who believes in human rights. So this Shah calls me to his bungalow. When I reached he says, 'Achcha aapne ek bande ko arrest kiya hai na, jo abhi aaya hai ATS mein, unko maar daalne ka hai.'

I didn't react. I immediately came to my office and called a meeting of my juniors. I feared that Amit Shah would give them direct orders and get him killed. So I told them, see I have been given order to kill him, but nobody is going to kill him. I have been told, I am not doing it so you also are not supposed to do it.

So basically I could have become the DG but Modi did not allow me to.

Q) So why isn't any DG in your state?

A) Because Modi has to take revenge against an officer called Kuldeep Sharma.

Q) And I have been told that he has his own team of officers.

A) You know when I was IGP Rajkot, there were communal riots near Junagadh. I wrote FIRs against some people. The HM called me up and gave me three names and asked me to arrest all these three men. I said, 'Sir these three are sitting with me and they are all Muslims and because of them normalcy has been

restored. And these are the people who brought the Hindus and Muslims together with their efforts and brought the riots to an end. So he told me that it was the CM's (Narendra Modi) order. I said, 'Sir I can't do it even if it's the CM's order because these three are innocent.'

Q. So is the police anti-Muslim here?

A) No, actually these politicians are. So if an officer does not listen to them they send them to a side posting so what are they supposed to do.

## Chapter V

In Chapter V, Rana Ayyub talks about her meeting with G.C.Raigar, Intelligence Head of Gujarat during the 2002 riots and later DG of Police during the Sohrabuddin encounter. She recalls - "This was one meeting I was extremely apprehensive about as I had absolutely no idea on which side of the fence Raigar stood, and how much truth I could elicit from him. Raigar, who was named by Bhatt in his affidavit to the Supreme Court, refused to confirm or deny if Bhatt had indeed attended the CM's meeting on 27th February 2002. Raigar was one of the key figures in both the Mumbai riots and the fake encounters that ensued, too unfortunate and yet glaring examples of criminal conspiracy in Gujarat."

She further says, "In the first meeting with us he was more than willing to talk. But what Raigar revealed on the 2nd day of my conversation with him was stunning. With a great show of naivete I asked him if Gujarat was indeed as polarized as it was made out to be. He said, 'Ah, you have no idea what happened here in 2002.' I told him that I have some notes on it from the other officers. Raigar was the Head of Intelligence which meant he held a crucial post during the Gujarat riots. The conversation between us went like this:

Q) Tell me that Modi part, that everybody holds him responsible?

A) Don't make me talk about it. I have just gotten out of it.

Q) You were in the midst of it when it was happening?

A) I was.

Q) Quite a sore point?

A) Yes. I want to forget those three months of the riots. Certain things happened which should not have happened.

Q) Really? Hurt your conscience too?

A) Yes, it did, it did.

Q) Ashok Narayan also said that.

A) Yes, he was also in the thick of things. It's still fresh in people's minds, it's everywhere.

Q) But were these the worst [riots] that the country had seen. Worse than Mumbai?

A) Yes, Mumbai was just for two days. This one lasted for months at a stretch.

Q) But were all of you disillusioned?

A) Yes, most of us were disillusioned, pained, except those who were toeing the government line then, [they] sided with the government. It's not just politicians who were playing, even policemen were responsible.

Q) So, was it more like a politician-police nexus during the riots?

A) Limitedly yes, because once the situation goes out of hand, not much can be done.

Q) But he [Modi] drew a lot of political benefit from that. He is what he is today because of the riots?

A) Oh yes, absolutely. The very next election they were jittery. But this came in handy. They thought they had done this for him.

She further recalls - "Soon after the conversation moved on to the fake encounters. Raigar was the additional DGP when the investigations were carried on. He had been grilled over 10-hour sessions each day in May and June of that year by the CBI about the fake encounters. Yet, he was happy to give his side of the story to me.

Q) What's with the encounter here? You were there?

A) I was in just one. One criminal [Sohrabuddin] was killed in a false encounter. What was foolishly done was they killed his wife.

Q) Some minister was also involved?

A) Home minister Amit Shah.

Q) It must have been difficult serving under him?

A) We disagreed with him. We refused to take his orders, which is why we were saved from being arrested in the encounters.

Q) Is it as bad everywhere?

A) Gijarat was much better 10 years ago.

Q) Is it because of the political change?

A) In a democracy if a person becomes too big, it can be detrimental, like this minister, the home minister [Amit Shah]. He controls transfers, postings, promotions. And [if] somebody does not do his job, he's sent to a side posting and nobody wants to be sent to a side posting. Which is why I asked to be transferred during the Sohrabuddin case.

Q) And they wanted YOU to investigate the wrong way?

A) Yes.

Q) How does a man get to do all this? How could Amit Shah be allowed to get away.

A) He found his way. He was close to people in power.

Q) He was close to the CM?

A) Yes, he was very close to the CM. He was the closest to the CM.

Q) So the CM could not protect him from being arrested?

A) He could not do it [there was evidence against him]

If he interferes he goes, that way this fellow [CM] is clever. He knew everything but he kept a distance so he was not caught in it.

Q) Somebody asked me to meet an officer called Rahul Sharma. He apparently is upright and so not in the good books of the government?

A) He's under scrutiny [by the government] for saving Muslim lives. He saved Muslim children in a school. Not only saved but he also arrested some people and [he] arresting a ruling party member so they got him transferred from his posting.

Q) Is it true that they wanted to go soft on Hindus [who were] against Muslims?

A) Initially yes, not realizing that it will get so bad. But what you said is true.

Q) There was a CM called Keshubhai before Mr Modi? How was he?

A) In comparison to Modi, he was a saint. By comparison. I mean Keshubhai will not deliberately want somebody to be harmed. Whatever religion. He will not let them be harmed because they were Muslims.

Q) Sir, also you brought up something interesting. For instance, when you said that during the encounters investigation you were under political pressure, can't you then arrest the same people who pressurized you? For instance, this Home Minister?

A) There has to be certain evidence. This is the evidence available against us. I told that Shah that I won't do such things when he asked me to. There are many who would say 'yes sir we would do it', because they had other interest

Q) So the State can't really harm you if you directly went against the HM.

A) Well, not directly, unless they indirectly get me killed. But yes there is democracy here. So we can survive.

Q) I was reading up on you and apparently there was an allegation against your HM Shah that he used to ask the officers concerned for witnesses, statements?

A) But he never got them. He indirectly would ask: who are the people who are speaking against me?

Q) What happened of Mrs Johri? She said that Sohrabuddin was a terrorist.

A) See, the point is not about Sohrabuddin as about his wife. Even if Sohrabuddin was killed in a right or lawful encounter it would not have been a problem. The point was the wife, why was she killed? And that too three days later.

Q) So you were investigating it?

A) We investigated when this entire thing about the encounters being false came up. So Geeta did it, she was working under me. Till I was there she did a good job after that you know..... [smiles].

Q) Which is why you were transferred?

Miss Aayub observed - "Raigar had said everything. Indeed, he had left nothing unsaid. In every word he had said to us, the involvement of Modi, Shah and the complicit cops stared us in the face. I was simmering inside.

## Chapter VI

In Chapter VI, Rana Ayyub talks about her meeting and conversations with P.C.Pande, a man whom the CM trusted most and who had Modi's ear and Shah's on all pertinent matters in the state. Pande was Commissioner of Police when riots took place in 2002. About whom The Telegraph news paper wrote the following description on 2nd March 2002 -

"Nothing illustrates police role better than police commissioner P.C.Pande's statement that, 'Police were not insulated from the general social milieu .... (When) there's a change in the perception in society, the police are part of it and there's bound to be some contagion effect.'..."

Recalls Rana Ayyub - "During one of our conversations while discussing Hindu-Muslim polarization in Gujarat, Pande told me that one of his lawyers and friend who dropped in frequently at his place was a Muslim. From that day on every time I sat at Pande's residence I would have palpitations as I was acquainted with this lawyer from Ahmedabad whom I had met in relation to various criminal cases he was dealing with. As my nerves played havoc, the conversations with P.C.Pande flowed smoothly in the months that followed.

Q) How integral is Gujarat to the RSS?

A) You see, it is the backbone of the BJP, of the Gujarat government. It is the only organization that could counter the Islamic parties.

Q) And how close is he to the RSS?

A) Oh yes, he is very close to the RSS. It's very key to him. He was a cadre.

Q) I hear a lot rumblings about your ministers here whether it concerns riots or the state affairs. The RSS here was very fond of Haren Pandya?

A) Yes, he was a very popular leader here, the Home Minister, Haren Panday, he was very close to the RSS. For that matter we had Amit Shah here who is now behind bars. He was very close to RSS. Another leader called Gordhan Zadaphia here; he was very close to the VHP in between.

Q) And all were Home Ministers. Is it a conscious decision to have them.....?

A) Yes, because Home Department controls the police officers so it's good to have your [own] men. So when Keshubhai was the CM, Haren Panday was the HM.

Q) Should I speak to Modiji about riots?

A) Don't, he won't talk.

Q) It's like his Achilles heel?

A) Yes, do not.

Q) SO, you were there during the riots?

A) Yes, it was one of the most horrific times of my life. I had already seen 30 years of service. But look at this; there were riots in 85, 87, 89, 92 and most of the times Hindus got beating. And the Muslims got an upper-hand. So this time in 2002, it had to happen, it was the retaliation of Hindus. Also post-1995, people felt that the government was theirs, especially because it was BJP government. They say I did not reach people. Not a single person called me; I am not a clairvoyant to figure who is calling me.

Q) So Modi is the poster boy?

A) You know Mallika Sarabhai, that dancer; she is a big Modi basher. They say the riots of 2002 are because of him. He says I didn't go and burn the train at Godhra. So if I didn't do that, how can you blame me for whatever took place after that. If that had been done by me, this was also done by me. See, this was a reaction to what happened there. I mean if you see it logically, here is a group of Muslims going and setting fire on a train, so what will be your reaction?

Q) You hit them back?

A) Yes, Yes, you hit them back, now this hitting back, you must have already done research that they [the Hindus] got a beating in 85, 86, 92 and so on, what happens, here is the chance, give it back to them ..... Why should anybody mind it?

Q) And I am sure he would not have stopped it.

A) See once people get this passionate about it, you can't stop them, like in Egypt.

So you tell me would you want to open fire on a population like this?

What if he does? Will that fellow be allowed to walk the streets again?

Q) So, Hindus were targeting Muslims was what media projected?

A) Yes, what else would they show? Muslims were targeting the Hindus also. You see correspondingly, ok, if not in as much percentage but here we are not matching evenness. Or [making it] evenly balanced. But then Muslims were the aggressors in the first place with the train burning at Godhra, so naturally the reaction would be there. Muslims receive larger damage. But they also give back. So if a Hindu comes in the way he also gets killed. So this you ask him. He will speak out.

Q) And didn't they try to pin you down too?

A) Oh yes, they said officers who worked for him were given postings post-retirement. I say what posting? Mine is a posting which does not give me any money.

Q) But again if you are working for the state why shouldn't he award you? Then should it be given to people who went against him?

A) Yes, Why should he give postings to people who went against him?

Q) Of course not.

- A) No question, no question.
- Q) He's not a saint
- A) That's what.

## Chapter VII

In Chapter VII, Rana Ayyub talks about her meeting with Chakravarthy, who was the Director General of Police during the Gujarat riots. She recalls - "I had asked Ashok Narayan to put a word of recommendation to Chakravarthy who was a bit of a recluse when it came to the media and his peers from the Gujarat officialdom. He had been hounded by the media, international press and commissions. He lived a life of comparative tranquility with his wife and two daughters in the posh suburban area of Khar in Mumbai. I had taken an AC bus to Bandra from where I had to take an auto to Khar where Chakravarthy lived. Chakravarthy asked me about my life in the United States and his wife informed me that her daughter was an aspiring actress living in US."

Rana Ayyub met Chakravarthy three times over a period of one month. The first visit was very short and she restricted herself to sharing the details of her shooting in Kutch. She promised to visit them again the following week which she did. But Chakravarthy was a man of few words. He had built a world for himself with few visitors and friends, mostly from his professional circle.

In her words: "I knew exactly how to break his silence while speaking to his more-than-willing-to-talk-better-half. I dropped names of all officers I had met in Gujarat and narrated all the gossips that I had heard. All these as part of a superlative display of naivete and awe. It worked by breaking the ice."

Rana Ayyub says that Chakravarthy was clearly one of the most critical names when it came to the investigation into the Gujarat riots and Gujarat under Narendra Modi and Amit Shah not just during the 2002 riots but during other critical periods of criminal investigations. On her second visit to the Chakravarthy residence he broke his silence at last on her spy camera. There were reports on him having taken a stand on behalf of his officers but none could have been substantiated. After all, he had refused to speak to the media as well as to his colleagues.

She recalls: "As I narrated various anecdotes from my meetings with other officials, Chakravarthy finally began to open up, perhaps because he realized that I already had access to too many off-the-record conversations. I finally had him speaking about the riots in Gujarat ----

'It was the worst one could ever witness. The long and short of it is that there were no rational grounds to the riots. Here the riots followed the burning of the train at Godhra. Now no doubt the compartment belonged to the VHP guys who had gone to Ayodhya. The full train was theirs. So what had happened was [that] rioting followed. What [I] am saying is [that] normally when riots take place there is a cause and mostly local. Here was cause that seemed to threaten the Hindu community at large.'

'Now in riots who are the people who participate in riots. Poor people.... Here all the rich people were on [the] streets. Some people called up to say, "Sir, Shoppers Stop mein Mercedes mein log aakr loot rahe hain."

'Since time immemorial History has taught Hindus that Ghazani and Babar invaded India and plundered Somnath. So this has been ingrained in the psyche of Hindus here. And riots have taken place in India since 1965. Thousands were killed earlier too.'

Now Rana Ayyub enters into conversations with Chakravarthy:

- Q) What really went against him [Modi] I guess was the fact that he was from the RSS and he supported the RSS and the VHP during the riots?
- A) That compulsion was inevitable. A person who was grown up as an RSS cadre, he has to bow down to their demands.
- Q) That's what I was told that during the riots he bowed down to the RSS.
- A) In his position he could not have done anything else, especially if you have been groomed by an organization which involved. And this especially if you are a power hungry minister.
- Q) Is he very power hungry?
- A) Yes.
- Q) Is it not because most of the people who were serving with you found themselves embroiled in controversies or had a role to play, so you also came in the line of fire?
- A) But then you can't do much about it.
- Q) But the kind of person that you are it must have been difficult for you to survive as the DGP of Gujarat.
- A) My approach was within my powers I would do my best. I tried to help as many Muslims as I could. A large number of people were saved, just because Ehsan Jaffrey was not saved.....

- Q) Who's Ehsan Jaffrey?
- A) He was a Muslim ex-MP who could not be saved. He was killed by the mob. His house was burnt. The entire pocket was attacked. Police could not reach on time.
- Q) Is it because you were the DG you got the flak?
- A) See, under me too many people work ..... there is a hierarchy. Commissioner of Ahmedabad, his IG and then his junior. I gave orders to the Commissioner, I did ask him but the Commissioner says that he told his officers but by the time they went he [Ehsan Jaffrey] was already killed, the damage was done. So the Nanavati judicial enquiry is looking [at this] and the Supreme Court too has taken cognizance of this.
- Q) You are paying for what others did and they are now reaping the rewards via the state?
- A) That is inevitable.
- Which is why I am saying that the media has been biased, it has not heard both sides of the story.
- Q) You were never their favourite because of the stance you took during the riots?
- A) I believe so. I never became that. Somehow I always felt like expressing whatever I did. It wasn't gibberish.
- Q) You expressed your displeasure then during the riots?
- A) Yes, certain points I brought to notice but then there are hierarchies and hierarchies which you have to face.
- Q) You didn't have direct access to CM?
- A) See there is a system, you cannot dictate to the government.
- Q) Were you upset that no cognizance was taken of whatever inputs you were giving?
- A) Yes, but then this is a part of the game.
- Q) So what about the inquiries being set up to look into the riots.
- A) One was the Banerjee Committee Report which said there was a conspiracy, but that had nothing to do with the judicial process so that can't be taken into account as there were no witnesses who were cross-examined. Then there is the Supreme Court-appointed SIT which is set to look into the individual cases. Then there is the Nanavati Commission set up by the state.
- Q) You were grilled by all?
- A) Yes.
- Q) Whose was more effective?
- A) Well, the Nanavati [Commission] was more effective for them. You know what I am saying.
- Q) The government you mean?
- A) Exactly. See, their people, [the] prosecution, Muslim defence lawyers. See, I am not going to the media to talk, I will talk before the proper commission.
- Q) And the SC-appointed one should be neutral?
- A) It so happened that Ehsan Jaffrey's wife, his widow, she was the one who complained.
- Q) Your HM was also arrested? Did you serve under him?
- A) Oh yes, I had daggers drawn with him always.
- Q) During the riots also?
- A) No, post riots, he came in after Akshardham.
- Q) And you can't serve [under] a man who is corrupt?
- A) Not just corruption, it's also the mindset. He got arrested. There were call records which were incriminating evidence.....
- Q) Achcha that Subbarao, nobody likes him? Narayan's wife said he will tomtom the government.
- A) The Chief Secretary. He has been rewarded by them so he is bound to talk only about the good stuff.
- Q) So, Subbarao was the one hand in glove with the government during the riots?
- A) Yeah, totally, very close to the boss.
- Q) So everything or everybody is mired in the controversy, either encounters or riots?
- A) Yes, like a HM has also been arrested.
- Q) All the officers dislike him?
- A) Yes, everybody hates him.
- Q) But why is a man like him serving as home minister?
- A) Because of the political connections. Amit Shah and I had daggers drawn [for each other]. Kuldip registered a case against him when he was in ACB.
- Q) So what did Shah do to you?
- A) Well, on paper I never signed.

Q) Why didn't you all complain?

A) Politically Amit Shah was too strong. As long as they were giving written orders. And the only good thing was that he would sign the letters himself. He would first try to reason ki inko badalna hai, inko change karna hai. But later he would himself sign orders. So he would sign orders that were to be done by junior functionaries, first time in the history of the country.

Q) What orders?

A) Transferring officials. Ye mera aadmi hai, usko yahan rakho. So I would tell him, sir government orders dega to main karega. So promptly next day the orders would come. So Ashok Narayan was saved the agony of Shah.

Q) And then there was this minister Maya Kodnani?

A) Oh yeah, she was involved in the Naroda case. The matter is up in the Supreme Court.

Q) But she looked so innocent. Was she really involved?

A) She was, RSS walas, looks can be deceptive.

### Chapter VIII

This chapter talks about Maya Kodnani and others.

Rana Ayyub says that when she entered Ahmedabad second time, It was in the year 2013 to get hold of some documents. Maya Kodnani was back behind bars. The sting was done and Ayyub was still waiting for it to light of the day while continuing to work for see the Tehelka.

She recalls: "On one of my afternoon lunch visits during the sting to Mayaben's place, she had served me aamras..... That evening we began to talk. There was no doubt about the hatred she had for Muslim Community but more than anything else it was her disdain for Modi which emerged in her conversation with me. She minced no words in suggesting that Modi had conveniently used cases against her and Gordhan Zadaphia to eliminate the people he did not like."

Kodnani said to Ayyub:

'This new generation here, has got nothing, no ideology, even if anything happens it will never come on the streets.

See in our religion what they teach, do not even hurt an ant and from the beginning child is taught this. And what are these people taught from childhood, that you have to kill. Only if you kill, you are a Muslim. Ye log kya sikhaate hain ki aap ek aadmi ko bhi musalmaan baanao toh aap ko jannati pari milega. And all this is taught in Madarssas. But at least teach your children that they are Indian. It is not tolerable that you burst crackers when Pakistan wins.'

The conversations between the two follows like this:

Q) So you spend about eight hours in court?

A) What to do? I am losing my practice. But they can't save me from court because there are 80 others. People like Teesta will start shouting.

Q) But tell me something, there is a lot of psychopancy around Narendra Modi, isn't it? I mean all good work is credited to him?

A) It is good now, but for the long run it's bad.

Q) Are you one of his favourites?

A) I was a favourite.

Q) At least if nothing, the Gujaratis will not forget what you did for them?

A) They will never forget that. They stand by me.

Q) What is happening with Modi post that Amit Shah thing?

A) I haven't spoken to him post my arrest and bail. We have met twice I think on two occasions.

Q) So how does he react when he sees you?

A) He does not react, does not say anything. And even I don't. Anyway it is my problem, I will handle it. God will help me. Why should I expect any help from anybody?

I know I am innocent and God will help me. I was not there Maithili; I was 20 kms away from that place. I was at Sola. I went to the assembly, which started at 8.30. I went there. I started from my house, went to Anandiben's office. We went there. We chatted there.

Q) So, Anandiben should also have been questioned?

A) I don't know.

Q) So what's the allegation?

A) They are using witnesses to prove that I was instigating riots. That I was leading the mob. I came to my



hospital ..... attended a labour patient. 3 o'clock I went to the hospital. They said that the mobile was there in this particular locality so I was there.

Q) Gordhan Zadaphia was Home Minister. He was also removed for the same reason?

A) No, he was removed because he was not in the good books of the CM.

Q) So the CM didn't use witnesses like he used in the Amit Shah case to save Gordhanbhai?

A) No [laughs]

Q) So he also got rid of Gordhan Zadaphia because of the riots?

A) Yes, he went.

Q) So, it became a good way for him to eliminate people he didn't like?

A) Yes.

Q) What's with this Amit Shah?

A) He's his man, very close to him.

Q) I thought Anandiben was more his person.

A) Anandiben is the right hand and he is the left. He did every possible thing to get Amit Shah out. Advani came down to meet him. Sushma Swaraj went down to his residence.

Q) But that wasn't done when you were arrested?

A) What to do. Anyway there's God there.

Looks like he will be portrayed as the PM candidate. Aur usko takkar dene waala bhi koi nahi hai. He will make Anandiben the CM.

Q) Ye sab log kitna bolte hain unke peeche. Ye aapke encounter cops bhi yahi bolte ki use and throw kiya?

A) Haan, Vanzara bahut achcha tha. Dekho encounters toh kiya in logon ne, lekin jo sahi wajah hai, the reason why the encounters happens ye kyun nahi saamne aa raha. Jaise ki Sohrabuddin ko maara terrorist bolke, uski wife ko kyun maara, woh tau terrorist nahi thi naa. That Kausar Bi. He was bad person, you can encounter him, but why his wife?

Q) Haren Panday and Gordhan Zadaphia dono ko nikal diya na?

A) Gordhanbhai toh theek the, Haren Pandya was a very dynamic man.

Q) Lekin Gordhanbhai ko bhi toh riots mein use karke phenk diya isne?

A) Yes, yes.

There were riots in all of Gujarat, but they were after the Naroda MLA, me.

Q) Made you into a scapegoat?

A) Yes.

Q) So what happened in the Modi interrogation?

A) He also went to the SIT but he has been let off.

Q) But by the benchmark used against you, he too should have been arrested?

A) haha ..... [nods]

Q) I am meeting him tomorrow, your Modi?

A) When you meet Modi, ask him why is he such a controversial man?

Q) Really?

A) He turns everything in his favour.

Q) So you could go behind bars any day?

A) Yes any day, any day, once the judgement comes in.

Q) What should I ask Modi, now he will dodge [my questions]?

A) Praise him and his style of working, and then he will talk. You know what he will tell you, trademark answer, 'I love Vivekananda, I love Sardar Vallabh bhai Patel'. Ask him about me and he will say 'Achcha hum kiya karein, SIT was there, phone call records the' or he will just give a short and sweet answer 'the matter is subjudice'.

Q) Then all these points apply to him too?

A) Haha ..... ask him that.

Says Ayyub - "There is no doubt about the rumours that Maya Kodnani complained to the RSS that she was convicted while Modi was let off by the SIT. There is no ambiguity that Maya Kodnani not just believed that Amit Shah was close to Modi but also that Modi would go to any extreme to save Shah. During her conversation with me, she reasserted the facts I had heard many times before that officers were used and then abandoned as per convenience."

### **Geeta Johri**

In the Xth chapter, Rana Ayyub also talks about Geeta Johri, Gujarat's first Woman IPS officer. Her career

graph had seen many ups and downs since 1990s. In September 1992, Johri catapulted to fame when she took a mafia don Abdul Latif by raiding his den in Popatiawad at Dariapur and arrested his gunman Sharif Khan. But Latif managed to escape. In 2006, while on a posting with CID (Crime), Geeta Johri headed the investigations into the Sohrabuddin Sheikh fake encounter and the killing of his wife Kausarbi, following a petition filed by Sohrabuddin's brother Rubabuddin in the Supreme Court. Her detailed and rigorous inquiry confirmed that the encounter was a fake one. The inquiry also exposed the involvement of several police officers and on the basis of the evidence gathered by her, 13 police officers were arrested, including controversial DIG D.G.Vanzara, SP Rajkumar Pandian and Dinesh MN. Johri was the most crucial element in the fake encounter case.

Recalls Rana Ayyub, "Geeta Johri had given me an appointment. I had spoken to her about profiling her as a woman achiever and also sent her a fake script. I began by talking about all the accounts of her bravery and then expressed surprise that one of the reports had something negative to say about her. Johri exclaims 'Oh, it's the Sohrabuddin encounter, you wouldn't know much about it. It was a killing for which all officials in Gujarat are under scrutiny.' I began my conversation with her by enquiring if everything was fine, as she was looking quite stressed. She told me that she was going through a very rough patch for the last couple of months."

The conversations between us progressed in the following ways -

Q) When these controversies started, were you anticipating them?

A) Sometimes you don't expect them. I wasn't, there was no reason for me to have anticipated them. Especially when you are doing a good job, you don't expect anybody to find anything wrong. But things go wrong at times due to reasons, sometimes they are political.

Q) I have been reading a lot about you. I had told you almost stalled the Parliament.

A) Ha ha, yes that Sohrabuddin case. There were some nasty press reports.

Q) Everybody has been talking of this encounter ....the Sohrabuddin encounter? Interesting case.

A) More than him, his wife Kausar Bi. He's a criminal, an extortionist.

Q) And because of a criminal a state went into an upheaval?

A) Well he was a criminal and they wanted to kill Sohrabuddin in an encounter but they did it foolishly. They picked him up from a bus full of people. You don't do that. These are things supposed to be done in a clandestine manner, not so openly. This is how they got caught.

Q) And hence the woman also got encountered?

A) No, she refused to leave him because she realized that they will encounter him. When they killed him they realized that Kausar Bi will speak out so they killed her. So basically the issue was that Sohrabuddin got encountered, the issue was that Kausar Bi was killed.

Q) Why was the Home Minister involved?

A) Because they came out with this that it was illegally directed, illegally killed Sohrabuddin got killed and Kausar Bi was killed and when you start and when you start investigating everything comes out. That [it] must have been done at the behest of the Home Minister. But there was no direct evidence.

Q) That must have been a hell of a time for you?

A) Yes, I was not very convinced, comfortable in arresting the officers at least in the Sohrabuddin case. Kausar Bi, I was convinced.

Q) The HM was not arrested then?

A) No I did not arrest him because if you are arresting your own men you go by pure evidence.

Q) But the CBI arrested him?

A) The CBI arrested only the HM and one more officer. 13 were arrested by me. They did not arrest any other person or have put one item more in it. They arrested the HM on legally flimsy evidence and I didn't.

Ayyub says that many people insist that Johri, who was initially doing a fine job with the fake encounters case, was blackmailed with certain corruption cases that were linked to her husband Anil who was an IFS officer was the reason she obfuscated the process of investigation and saved Amit Shah from the case. But it is still baffling that a police officer who rode into the den of a noted gangster in an auto could have been made to buckle via blackmail. That there was a concerted effort to save Amit Shah especially after Geeta Johri wrote of pressure from the CBI spoke volume.

Towards the end, Ayyub says --, "Within months of the BJP coming to power at the centre in Delhi, bail was granted to D.G.Vanzara and he was given a hero's welcome in Gujarat. Other officers like Rajkumar Pandian and Abhay Chudasama who had been arrested as two of the main accused in the Sohrabuddin case are now out on bail and have been reinstated by the Gujarat police. Earlier this year the CBI dropped all charges

against Geeta Johri who was promoted to DGP of Police Gujarat. The wheels of justice in all cases in Gujarat clearly seemed to have turned backwards.

### **Haren Pandya**

Recalls Rana Ayyub: "Once back home I had tried to read up every possible story on the Haren Pandya assassination. There had been an element of doubt ever since Pandya was assassinated by alleged Muslim men. But Pandya's father Vitthal Pandya maintained till his last breath that his son has been murdered by his political rivals in Gujarat. His wife Jagruti Pandya who had contested the elections in Gujarat had also said that the CM and Amit Shah were involved in Pandya's murder. But her claim had been taken as manifestation of the anguish that the grief-stricken family members were feeling.

The first time Rana Ayyub met Jagruti Pandya was in 2010, a little before she began her sting and she was still investigating the Sohrabuddin encounter.

Recalls Rana Ayyub: "There was a sense of bitterness in Jagrutiji for Muslims as one of them had allegedly killed her husband. .... Every time she spoke about her husband's assassin she would refer to Muslims as 'these people' and at times she would call them 'a violent lot'. But from the moment I met Jagrutiben her conviction that the Muslims boys were 'used' by somebody powerful baffled me. Jagrutiji had pertinent questions about her husband's death based on the phone call records which she gave me, and details of Mufti Sufiyan and his family whom she tried to meet. She had also brought up the detailed report by the senior journalist Sankarshan Thakur with me. I had met her right after Amit Shah was sent behind bars and when details emerged about Tulsi Prajapati (who was also killed in a fake encounter) having held critical information about Pandya's murder."

She further recalls: "I met Jagrutiben on many occasions later; we would go on drives, or out for dinner. She had found a confidant, and I had found a friend who gave me the strength to uncover the truth. I remember once meeting Jagrutiben to get the charge-sheet filed in the case of her husband's murder. She sat with me going through the pages of charge sheet and call records and diligently answered my questions. She explained that her husband had deposed before V.R. Krishna Iyer-led citizen's inquiry into the Gujarat genocide of 2002. It was a secretly arranged deposition, but she believed Modi had found out about it. Modi had various prestige issues with Haren, she insisted, which is why he disobeyed the BJP high command and forced her husband to vacate his Ellisbridge seat. Pandya, she said, had become a political thorn for Narendra Modi as he had always been in the good books of RSS and enjoyed their patronage."

Rana Ayyub says that there were too many officials involved in the Haren Pandya investigation. CBI officials had taken up the case within days of the murder and FIR as per protocol was prepared and signed by the Gujarat police. She went through the FIR and found that the investigating officer was an inspector called Y.A. Sheikh. Ayyub recalls: "Sheikh was scared of his colleagues and of the state because he had filed the FIR in the Pandya case. He was the one who was involved in the investigation before it was transferred to the CBI after Pandya's father complained that there was more to the case which was being suppressed. There was a lawyer in Gujarat who knew Sheikh well and to whom Sheikh often went for advice. I requested him to arrange one single meeting with Sheikh. I asked him to play the religion card if need be saying that I was a Muslim sympathetic to cops like him who were feeling suffocated under the current dispensation..... It had been ten years since Pandya's killing and there was no hope of any headway in the case. I thought of carrying my spy cam and recording his conversation but to use it only when nothing else came my way. After my meeting with Sheikh I made every possible effort to find that one bit of evidence. I even visited Mufti Sufiyan's residence but all they would do was praise the cops. They had clearly been tutored well.

Ayyub says that Sheikh spoke openly when we met the next time. Before starting the conversation, Sheikh told me that I was being shadowed by the IB. I asked him:

Q) State IB or Central IB?

A) State IB. He told me that you were visiting me. They have come to know that you visited me so they have asked me to be careful. That is their job..... so I am telling you to be careful.

Q) But why would they be against me?

A) You know this Haren Pandya case is like a volcano. Once the truth is out, Modi will go home. He will be jailed, not go home. He will be in prison. Look at this, two days after Jagruti Pandya's plea to look into Azam Khan's statement in the Haren Pandya case he was shot at in Udaipur. He survived so he was threatened and politically pressurized.

Q) But I am really intrigued. How did the IB come to know about me?

A) Madam, because the IB works for Mr Modi. Why don't you sting the witness Anil Yadram?

- Q) But why, what will he have to say?  
 A) Arre, he will say the real story, who approached him first, what he knew and what he was supposed to say. Chudasama was also involved in this case. He is hand-in-glove with many criminals.
- Q) Why did the witness Anil Yadram give a wrong statement?  
 A) Madam, they tutored him in custody. They had Asghar Ali in custody before assassination so they tutored him.
- After the assassination of Mr Pandya they wanted to plant Asghar Ali, and they needed a witness.
- Q) Why did they have to keep Asghar in detention?  
 A) They had to put the blame on any Muslim henchman. He was in illegal detention. What will he say later in his defence? And you don't need Asghar Ali's confession. All they need is evidence.
- Q) So are you saying that Tarun Barot, Chudasama and Vanzara were complicit in this?  
 A) Yes. Kanhiyya just narrated that he was going in a car and he saw Haren Pandya lying in a car.
- Sushil Gupta the CBI officer approved the concocted story of the Gujarat police. Gupta resigned from the CBI, he is now a lawyer with the SC. He's on the payroll of Reliance. Ask him why did he resign from the CBI. He sits in the Supreme Court. Meet him.
- Q) So the CBI did not do its investigation.  
 A) It just did patch up. It bought the entire theory given by the Gujarat police officers
- Q) Is it a political murder?  
 A) Everybody was involved. It was at Advani's behest that the case was handed over to CBI. Because he was Narendra Modi's mentor. So to clear him, I mean, people will not buy the story of the local police but they will buy the story of CBI. Mufti ran much later.
- Q) Whose role was there? Barot or Vanzara?  
 A) All three.
- Barot was somewhere else and Chudasama was brought on deputation. They had got Chudasama. He works for the government. There is a Porbander connection in this encounter. It's a blind case. They have just fit Asghar Ali and the witness. The investigation was done by the Crime Branch and nobody believed the investigation. Not even Vitthal Pandya.
- Q) Why did CBI buy it?  
 A) The CBI rescued Modi in this case.

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