

Blast after Blast

Who is responsible?



The news in April 2006 that a bomb had accidentally exploded in the house of an RSS man in Nanded in Maharashtra, killing two persons and injuring four others – all Bajrang Dal activists – created a national sensation. Initially, the first information report (FIR) on the incident registered by a local police officer unquestioningly recorded the injured activists' claim that the unfortunate incident was the result of an accidental ignition of firecrackers stored at the site. But within days the police investigation itself revealed that the incident was in fact the result of an unintended explosion of bombs that were being assembled by Hindu extremists with the clear intention of targeting mosques and terrorising Muslims.

There have been past instances elsewhere in the country also linking Hindu extremists to bombs. But in the numerous blasts that have rocked city after city in India with frightening regularity in recent years the intelligence agencies and the police have invariably pointed their fingers at Muslim extremist outfits, either indigenous or from across the border.

Indian Muslims have repeatedly complained that almost immediately after every blast only Muslim names crop up among the accused and only Muslim organisations are named as sus-

pect but the charges are rarely, if ever, proved in court. There is consequently a widespread feeling that terrorist acts by unidentified individuals are being used to demonise the entire Muslim community.

It is against this backdrop that the Nanded incident attracted considerable attention from secular activists and Muslim organisations. A close watch was kept on the investigating agencies to ensure that in a case where Hindu extremists had clearly been caught red-handed there would be proper investigation and prosecution. As a result of this sustained public vigilance the case was handed over from the police to the Anti-Terrorism Squad (ATS) and then from the ATS to the Central Bureau of Investigation (CBI).

Communalism Combat has been closely monitoring the Nanded case from the start. CC's sustained investigation unravels a story of police bias, half measures by the ATS and, worst of all, an all too apparent bid, 'Operation Cover-up', by the CBI. Much was expected from the CBI by way of a thorough and non-partisan investigation but its conduct has been the most shocking. This raises the obvious question: is the apex investigation agency in the country communally tainted?

BY TEESTA SETALVAD

ON THE night of April 5-6, 2006 a bomb exploded in the house of Laxman Gundayya Rajkondwar, a retired executive engineer at the PWD, Nanded. Two persons – Naresh Rajkondwar and Himanshu Panse – died on the spot while four of their accomplices – Maroti Keshav Wagh, Yogesh Deshpande (alias Vidulkar), Gururaj Jairam Tuptewar and Rahul Manohar Pande – were seriously injured.

On hearing of the incident, an assistant police inspector (API) from the local Bhagyanagar police station, Ravindra Purushottam Dahedkar, who was on patrol duty, registered the first complaint. On the say-so of the surviving injured, he registered an FIR. The FIR said Naresh Rajkondwar was running a firecracker business from his home. The blast occurred because Rajkondwar and Wagh were smoking too close to where the firecrackers were stored. In short, it was an unfortunate accident.

Was Dahedkar just lazy, naïve, or were his actions influenced by the popular assumption that only people of a certain community engaged in the creation of bombs and bomb blasts?

It must have been a matter of some embarrassment, in retrospect, for the then district superintendent of police, Fatehsingh Patil, and the district collector of Nanded, Radheshyam Mopalwar. Relying presumably on Dahedkar's FIR, both of them repeated the firecrackers-did-it story to the media.

Within days however the inspector general of police, Nanded range, Dr Suryaprakash Gupta, set the record straight, telling the media that the incident involved a bomb blast. During examination the police (Dahedkar himself) found "splinters" on the bodies of the deceased and the injured. A live pipe bomb was also found at the explosion site. It was thus obvious that the firecracker story was a deliberate fabrication in order to mislead the police.

Further investigations revealed that the deceased and wounded persons were all active workers of the Bajrang Dal who had been assembling bombs to target

Muslim places of worship, camouflaging their entire operation to resemble a terror operation run by Muslims. Laxman Gundayya Rajkondwar, in whose house the bombs were being manufactured and whose son Naresh died in the explosion, is an RSS man. Diaries, important documents, suspicious maps and mobile telephone numbers that were unearthed from the houses of the accused incriminated them further. In a manner of speaking, members of the sangh parivar were literally caught red-handed with bombs in their basement.

A frantic effort was made to somehow divert attention from the facts. A large quantity of firecrackers, valued at Rs 1,20,000, was later found on the site of the explosion. These had obviously been brought in after the event; despite the occurrence of a high intensity blast the firecrackers remained intact! Where did this large stock of fire-

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crackers come from? Why was it stored in a home illegally, without licence? The victims were now the accused.

In the first few days following the blasts the police arrested 16 persons who were then remanded to police custody. The remand application highlighted two points. One, the accused persons knowingly provided the police false information on the day of the crime, saying the blast was caused by firecrackers when in fact it was a bomb blast. Two, investigations had revealed that the accused persons possessed diagrams, maps and other documentary material related to the manufacture and storage of bombs and the identification of target areas for the purpose of creating terror in the country.

Named among the accused were a practising advocate at the Nanded district court, Milind Arvind Ektate, and a medical practitioner, Dr Umesh Dinkarrao

Deshpande. One of the accused men, Rahul Manohar Pande, had sustained serious injuries in the blast but had escaped from the scene and sought surreptitious medical attention. Advocate Ektate was among those who helped Pande go into hiding while Dr Deshpande provided medical care without notifying the police. Curiously, neither of the two men had any difficulty in obtaining anticipatory bail from the district court. Ektate applied for and was granted anticipatory bail through an ad interim bail application on April 10 while Dr Umesh Dinkarrao Deshpande made a similar application on April 13. He was also granted ad interim bail the same day following an oral "no objection" from the assistant public prosecutor, AJ Kurtadikar.

As of today, all the accused, apart from the absconding Rahul Manohar Pande, are out on bail.

Heinous deeds by Hindu extremists

On May 4, 2006 the case was transferred to the Anti-Terrorism Squad (ATS) of the Maharashtra police. By the time the ATS filed its first charge sheet on August 24, 2006, it had already amassed a mountain of damning evidence against a whole network of Bajrang Dal and other sangh parivar workers engaged in terrorist activities. Reproduced below are some highlights and excerpts from the ATS charge sheet:

Highlights

➤ The accused persons involved in assembling the bomb(s) at Nanded were also responsible for three earlier bomb blasts in neighbouring districts: at the Mohammadiya Masjid in Parbhani (November 2003), at the Quadriya Masjid in Jalna (August 2004) and at the Meraj-ul-Uloom Madrassa/Masjid in Purna in Parbhani district (August 2004). (So far state police efforts to track down the

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perpetrators of these blasts had drawn a blank.)

➤ Four of the six prime accused in the case under investigation – Sanjay Choudhary, Himanshu Panse, Maroti Keshav Wagh and Yogesh Ravindra Deshpande – had planted bombs at the Parbhani mosque on November 21, 2003.

➤ Two of the six accused – Sanjay Choudhary and Gururaj Jairam Tuptewar – admitted to planting bombs at the Purna mosque on August 27, 2004.

➤ One of the six accused – Maroti Keshav Wagh – was charged with planting bombs at the Quadriya Masjid, Jalna, also on August 27, 2004.

➤ Five of the main accused in the Nanded blasts were involved in throwing acid on a Muslim teacher, Shaikh Yousuf Shaikh Gafoor Sahab, in Nanded on April 8, 2001.

➤ The target of the bombs which blew up in their faces on April 5-6, 2006 was a mosque in Aurangabad. Both Himanshu Panse and Maroti Wagh had visited and taken a close look at the Aurangabad mosque and its surroundings in May 2004.

➤ Police raids on the houses and other establishments of the accused persons and subsequent search operations uncovered materials in the possession of the accused which establish that they were all active members of outfits like the Rashtriya Swayamsevak Sangh (RSS), the Vishwa Hindu Parishad (VHP) and the Bajrang Dal.

➤ Evidence against Maroti Wagh includes a register and an identity card that clearly links him to the RSS. Papers linking him to the RSS were confiscated by the ATS.

➤ A house search of the accused, Gururaj Jairam Tuptewar, revealed that Himanshu Venkatesh Panse, Naresh Laxman Rajkondwar, Maroti Keshav Wagh, Yogesh Ravindra Vidulkar (Deshpande), Gururaj Jairam Tuptewar, Rahul Manohar Pande, Sanjay Choudhary, Ramdas Ananda Mulange (an employee of one of the accused) and Laxman Gundayya Rajkondwar were/are hardcore activists of the RSS and the Bajrang Dal.

➤ Ten live 7.65 mm cartridges were found at the site during investigations and seized by the police. Laxman Rajkondwar kept the live cartridges in his home illegally. This was one reason why the ATS included Laxman Rajkondwar among the prime accused in the crime.

Excerpts

➤ “Propaganda by these organisations made them propagate that innocent Hindus were being attacked by the extremist Muslim organisations day in and day out and hence the accused Himanshu Panse, Rahul Manohar Pande, started a gymnasium to mobilise youth.”

➤ “The gymnasium, named Power Zone, was set up in order to unite youths and draw them towards their version of Hinduism. Panse and Wagh started a branch of Sangh at Nanded,

‘Panse and Wagh underwent 40 days’ training at Bhonsala Military School at Nagpur. After returning from Pune in the year 2003 (they) exploded bombs at the Gousiya Masjid, Parbhani’

Bajrang Nagar, opposite MGM College. Accused Yogesh Vidulkar has also started (a) hostel for orphans at his residential house.”

➤ “They have created an anti-Muslim atmosphere by organising seminars and giving speeches aimed at emphasising how the Muslims commit injustice to Hindus and motivating the Hindus for doing something for Hinduism; they have organised religious ceremonies on the occasions of Hindu New Year Day, the birth anniversary of Ram, Vijaydashmi, Ganesh festival, Durga festival and various other Hindu festivals through the organisations RSS and Bajrang Dal in Nanded city and Nanded district.”

➤ “In order that the aim of revenge is effectively fulfilled, accused Wagh, Panse, Choudhary and Vidulkar (injured) went to ‘Akanksha Resort’ at the foot of the Fort Sinhgad near Pune in 2003 and got training (in) making pipe bombs from a man named Mithun Chakraborty. They got themselves trained for making three types of bombs, such as timer

bombs (IEDs). After demonstrating (to) them how to explode these bombs, the explosives were handed over to Panse by Chakraborty. Panse (also) underwent training by the VHP and Bajrang Dal at Goa for two years.”

➤ “Panse and Wagh underwent 40 days’ training at Bhonsala Military School at Nagpur... After returning from Pune in the year 2003 (they) exploded bombs at the Gousiya Masjid, Parbhani, for which crime No. 61/03 has been registered at the Nanal Peth police station.”

➤ “The accused Laxman Rajkondwar allowed his house to be used for the making of bombs even though he was aware of the consequences of the bomb blasts and possibility of damage to life and property.

➤ “The said bombs were to be used at some place for terrorist and anti-na-

tional activities and they were well aware that these bombs could kill many persons and they themselves could lose their life while handling the said bombs. They (father and son) had purposefully kept (a) huge quantity of firecrackers at their house with intentions to make people believe that it was an accident involving firecrackers and not bomb blasts if any such untoward incident took place. It has been informed, in writing, by the honourable collector, Nanded, that there was no legal permission for such accumulation of firecrackers.”

➤ “From the ‘Ramdas Raznishi’ and pocket diary confiscated during the house search of Wagh, and the map found in the pocket diary, it is revealed that while he was staying at Aurangabad for (a) BPEd diploma along with his friend in the year 2004 Panse visited the place in May 2004 and at that time witness Shrikar Shivsamb Sonawale and three others went round Aurangabad city and Panse inspected the masjid carefully.”

➤ “From the false beard and moustache confiscated during the house search of Himanshu Venkatesh Panse and the conversation on mobile No. 9822297494 of witness Atul Vinod Kamtikar, it was revealed that Wagh was to visit Aurangabad on April 5, 2006... and hence (a) motorcycle was kept ready on April 4, 2004 at Dhoot Motors, of Sachin Suresh Kadam, for carrying out some work at Aurangabad.”

➤ “All these facts reveal that these accused had preplanned a bomb explosion at some mosque for the purpose of creating unrest among Hindus and Muslims.”

Highlights

➤ Based on its findings, the ATS included Sanatkumar Ragvithal Bhate, a Pune resident, in the list of witnesses. In his statements given to the ATS on April 20 and May 18, 2006 Bhate revealed that he had been with the RSS since 1996 and was formerly a member of the Indian navy. Bhate confessed that in March or April 2000 he received a telephone call from the office of the Bajrang Dal situated behind the Saraswati Mandir School, Pune. Dal leader Milind Parade requested Bhate to train his activists, due to arrive in Pune for a camp, in the use of “short sticks” (gelatine sticks). He admitted to attending the camp to carry out the requested training. Around 40-50 state-level activists attended the camp at which one of the accused, Himanshu Panse, was the group leader. Bhate said he met Panse at the camp. Parade then requested Bhate to also participate in an upcoming national-level camp of activists at the Bhonsala Military School, Nagpur. Parade and three of his disciples from Pune carried 300 sticks with them for this camp, said Bhate. Why was Bhate not named among the accused by the investigating agencies, not even by the ATS?

➤ Bhate stated that on arriving at the Bhonsala Military School he learnt that the camp had been organised by the RSS to give karate, ground obstacles and revolver firing training to participants. Two retired ex-servicemen who were present at the camp trained

‘Hindu bombs’ and ‘Muslim bombs’

In May 2006 Communalism Combat had interviewed the then chief of Maharashtra’s Anti-Terrorism Squad (ATS), KP Raghuvanshi. The text of the full interview was published in CC in June 2006. Reproduced here are excerpts from the interview:

Q: There have been two recent incidents of alleged terrorism (in the state): in April (2006) when youth manufacturing bombs at Nanded died as a bomb exploded unexpectedly and the attempt on the RSS headquarters at Nagpur in May. How do you view these incidents?

A: Unfortunately, one (Nanded incident) is a terrorist act by Hindus and the other (Nagpur incident) by Muslims trained in Pakistan.

Q: The administration is perceived to be tight-lipped about the Nanded incident while speaking repeatedly of Nagpur, Malegaon and Aurangabad (the arms haul). Is there any policy decision behind this selective treatment?

A: Both incidents are being handled with the same vigour. Both are serious. In the Nanded case the very fact that the investigation has been handed over to us, the ATS, shows how the administration and government are viewing it. Investigations are on. Two persons making the bombs died on the spot... The house was the residence of the local Bajrang Dal and VHP activist.

This is the same group of terrorists responsible for the bomb blasts at the Parbhani mosque in (November) 2003, an incident in which 25 persons were injured. Until now we do not know for sure if they are linked to the other masjid bomb blasts at Purna and Jalna (August 2004, in which 18 persons were injured). Now we are awaiting the go-ahead from the doctor to interrogate them to get further leads. We have applied the provisions of the Unlawful Practices Act. It is clear that these bombs were not being manufactured for a puja. They were being manufactured for unlawful ends to wreak violence through terror. There is no question of going slow on the investigation.

Q: Is there a specially worked out drill that is followed by the police for such ‘terrorist operations’? Some serious questions about the Nagpur incident were raised by a citizens’ fact-finding committee. One general criticism is that the ‘terrorists’ are often killed and diaries with a long list of convenient details found?

A: I accept that there is this general criticism that terrorists captured in such operations are killed, diaries found, etc. I can only state that for such operations the police are trained so that if there is firing, they must shoot to kill.

May I ask you a question? Why are no questions raised by fact-finding teams about the arms hauls in Malegaon and Aurangabad and the identity of the accused who have been arrested? The haul is there for all to see. The accused are alive, not dead. No parents or relatives have cried foul saying that they are victims of a ‘false arrest’. Do you have any idea of the amount of ammunition hauled? Huge caches of AK-47s – no one can say that they had been falsely placed there by us! RDX in quantities several times’ larger than what was found and used in the multiple bomb blasts in Mumbai in 1993.

Nanded is a serious development and has frightening repercussions if we find, through investigations, that this was not an isolated incident but also part of an organised pattern. But the incident that was foiled in Nagpur and the arms hauls in Malegaon and Aurangabad – which we see as distinct and separate transactions – cannot simply be underplayed or overlooked either.

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participants in revolver handling. Also attending was a senior retired officer from the Intelligence Bureau (IB). In all there were 115 participants from all over India at the camp.

➤ Govind Nagacharya Puranik, a BSNL employee at the Nanded telephone exchange, also played a key role in the nefarious activities. A member of the Bharatiya Mazdoor Sangh trade union affiliated to the RSS, Puranik revealed in his recorded statements to the police and the ATS between April and June 2006 that he had been attending RSS camps since 2000. Puranik, a well-educated man, was fully aware of the terrorist designs of Himanshu Panse, Naresh Rajkondwar, Rahul Pande and others. He nonetheless provided logistical support for their criminal activities for a number of years. He financed and helped the accused persons both before and after the Nanded incident. Fearing an arrest, Puranik filed an anticipatory bail application before the sessions court, Nanded. The court readily granted him anticipatory bail!

➤ Also implicated by the ATS was Shrikar Shivsambh Sonwale, a Nanded resident. In a recorded statement to the ATS in May 2006 Sonwale admitted to a close friendship with several of the main accused in the Nanded incident. He stated that while they were drinking together one evening Maroti Wagh had told him in great detail how Himanshu Panse and he had detonated a bomb in a Parbhani mosque (November 2003). This showed that Sonwale knew about Wagh and Panse's involvement in a terrorist act. But he withheld this vital information from the police. Had he informed the police at that point in time Panse and gang could have been apprehended and the explosions that followed at other places could have been prevented.

➤ The search operation at Panse's house unearthed items of disguise – an artificial beard, *shervani*, etc – used in order to assume the appearance of a Muslim. The police and the ATS collected sufficient evidence against all the accused to establish that they were perpetrators and masterminds of the blasts

carried out at regular intervals in different districts of Maharashtra. The obvious conclusion drawn was that it was the intention of Bajrang Dal activists and their sangh parivar affiliates to target Muslims with terrorist acts and make it appear that Muslim extremists were involved in targeting fellow Muslims. This would help advance the sangh parivar's agenda of spreading hatred against Indian Muslims, projecting them as the perpetrators of every blast in city after city in India.

The first charge sheet filed by the ATS on August 24, 2006 named seven accused – Rahul Pande, Laxman G. Rajkondwar, Sanjay Choudhary, Ramdas Mulange, Dr Umesh Deshpande, Himanshu Panse (deceased) and Naresh Rajkondwar (deceased). (Maroti Wagh,

tions 18 (attempting to commit or abetting a terrorist act) and 23 (unauthorised possession of bombs, etc with intent to aid terrorist act) of the Unlawful Activities (Prevention) Act 1967 (as amended in 2004).

The most serious charges against the accused, and for which the most stringent punishments are provided, are the ones that fall within the purview of the Unlawful Activities Act and Section 304 of the IPC. (*See box for punishments provided under the former.*)

After conducting further investigations the ATS filed a supplementary charge sheet on November 11, 2006 naming four more accused – Maroti Wagh, Yogesh D. Vidulkar, Gururaj Jairam Tuptewar and Milind Ektate. They too were slapped with identical charges.

To its credit, the ATS did a reasonable job at the level of investigation. It appears from what follows that at some point in the course of proceedings the ATS took a sudden U-turn. A public outcry then forced the government to transfer the case from the ATS to the CBI. But the CBI's conduct was questionable in the extreme; doing little to follow up on the many leads provided by the ATS, it only served to weaken the case.

Yogesh D. Vidulkar and Gururaj Jairam Tuptewar, who were all present at the bomb-making site, were absent from the first list of accused).

They were charged under Sections 304 (culpable homicide not amounting to murder), 286 (negligent conduct), 338 (grievous hurt), 201 (destroying evidence), 202 (withholding information on a crime), 203 (providing false information), 212 (harbouring an offender), 120B (criminal conspiracy), 34 (common intent) and 109 (abetment) of the Indian Penal Code (IPC); along with Sections 3 (causing an explosion likely to endanger life, person or property), 4 (attempting to cause or making or keeping explosives likely to endanger life or damage property), 5 (making explosives under suspicious circumstances) and 6 (abetment) of the Explosive Substances Act 1908; Sections 3, 25 and 35 (unlawful possession of arms) of the Arms Act 1959; and Sec-

However, none of the abettors or masterminds behind the conspiracy, Mithun Chakraborty or Bajrang Dal leaders, were incriminated.

To its credit, the ATS did a reasonable job at the level of investigation, uncovering a hitherto unknown terrorist network in Maharashtra of Hindu extremists linked to the sangh parivar. Given the seriousness of the case, evident through its own findings, one would have expected the ATS to proceed with both promptitude and determination to ensure that all those who were guilty were brought to book and the terrorist network was exposed. The two charge sheets filed by the ATS do not however reflect the very gravity of its findings. It appears from what follows that at some point in the course of proceedings the ATS took a sudden U-turn. A public outcry then forced the government to transfer the case from the ATS to the CBI. But the CBI's con-

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duct was questionable in the extreme; doing little to follow up on the many leads provided by the ATS, it only served to weaken the case.

The investigating agencies themselves warrant investigation and this is CC's "charge sheet" against them.

State police: inefficient or biased?

What is the explanation for the Maharashtra police's earlier failure in identifying and booking the real perpetrators of the bomb blasts at the Parbhani, Jalna and Purna mosques which took place in 2003 and 2004, two years before the blasts in Nanded? A lack of professionalism in intelligence-gathering and in conducting investigations? A sanghi mind-set that believes only members of a certain community would commit terrorist acts? Or intentionally shielding the guilty, acting either of its own volition or under political pressure?

ATS: Half measures?

➤ On July 29, 2006 the ATS sought permission from the district collector, Nanded, to file its charge sheet against 21 accused persons. To make such a plea the ATS must have been confident that it had sufficient evidence to prove that all 21 persons were party to the crime. But inexplicably, barely three weeks later it wrote to the additional chief secretary of Maharashtra, seeking sanction for the prosecution of only seven persons from its own list of 21 accused, dropping all charges against 11 others and seeking permission to bring forth evidence against the remaining two – Advocate Milind Ektate and the elusive Mithun Chakraborty – only one of whom was ultimately charged. (As mentioned earlier, a supplementary charge sheet added four more persons, including Ektate but not Chakraborty, to the list of accused.) Mithun Chakraborty was mysteriously excluded from the scope of further investigation even after the CBI took over the case. In fact, the CBI

has not explored any leads on the training and finance provided to the terrorist network, leaving gaping holes in the bureau's charge sheet.

The ATS, despite evidence gathered through investigations and supplemented by narco analysis test reports, was similarly reluctant to probe the role of institutions like the Bhonsala Military School in Nagpur or the Akanksha Resort in Sinhgad, Pune, in the possible training of terror groups.

"During the course of investigation,

Wagh, Jairam D. Tuptewar, Deviprasad Jairam Tuptewar, Raju Vithalrao Choudhary, Ravindra Ramrao Vidulkar and Mukul Ramesh Pande. From their names it appears that some of these men are relatives of some of the accused.

Was the ATS acting under political pressure, prompting it to make a U-turn at the last minute only to shield many of the accused?

➤ The ATS had earlier charged all 21 accused with seven crimes, three of which related to the bomb blasts



no sufficient evidence is found against the below-mentioned arrested accused persons hence they are discharged from the case vide Section 169 CrPC," said the ATS missive addressed to the additional chief secretary. The ATS then proceeded to file its charge sheet on August 24, 2006 along with a request to discharge 11 accused, absolving them of any links to the crime.

The accused persons whom the ATS wanted to discharge were: Vinod Venkatrao Mahalkar, Santosh Prakash Parlikar, Nimesh Sudhakar Limaye, Janardhan Yashwantrao Wakodikar, Santosh Keshavrao Wagh, Keshavrao P.

at Parbhani, Purna and Jalna. What stopped the ATS from booking them under the draconian Maharashtra Control of Organised Crime Act (MCOCA) which the ATS freely applied in the 7/11 blasts, the Malegaon blasts and the Aurangabad RDX haul?

(CC agrees with other human rights activists and groups who argue that given the right professional orientation and training, the existing laws of the land are more than adequate for the police to deal with even the worst kinds of crime. Conferring greater powers on an inept, unprofessional and highly po-

Punishment for terrorist activities

(Unlawful Activities (Prevention) Act 1967)

What constitutes a terrorist act (Sec. 15):

Whoever, with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people in India or in any foreign country, does any act by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature, in such a manner as to cause, or likely to cause, death of, or injuries to any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community in India or in any foreign country or causes damage or destruction of any property or equipment used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any state government or any of their agencies, or detains any person and threatens to kill or injure such person in order to compel the government in India or the government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act.

Punishment for terrorist (Sec. 16):

Whoever commits a terrorist act shall –

(a) if such act has resulted in the death of any person, be punishable with death or imprisonment for life, and shall also be liable to fine;

(b) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for funding terrorist act (Sec. 17):

Whoever raises funds for the purpose of committing a terrorist act shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for being part of terrorist conspiracy (Sec. 18):

Whoever conspires or attempts to commit, or advocates, abets, advises or incites or knowingly facilitates the commission of a terrorist act, or any act preparatory to the commission of a terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for hiding terrorist (Sec. 19):

Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person is a terrorist shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine:

Provided that this section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

Punishment for being member of terrorist gang or organisation (Sec. 20):

Any person who is a member of a terrorist gang or a terrorist organisation, which is involved in terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.

Punishment possessing explosives etc. for aiding terrorism (Sec. 23):

(1) If any person with intent to aid any terrorist contravenes any provision of, or any rule made under the Explosives Act 1884 or the Explosive Substances Act 1908 or the Inflammable Substances Act 1952 or the Arms Act 1959, or is in unauthorised possession of any bomb, dynamite or hazardous explosive substance or other lethal weapon or substance capable of mass destruction or biological or chemical substance of warfare, he shall, notwithstanding anything contained in any of the aforesaid acts or the rules made thereunder, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Any person who, with intent to aid any terrorist, attempts to contravene or abets, or does any act preparatory to contravention of any provision of any law or rule specified in subsection (1), shall be deemed to have contravened that provision under subsection (1) and the provisions of that subsection in relation to such person, have effect subject to the modification that the reference to “imprisonment for life” therein shall be construed as a reference to “imprisonment for ten years”.

Definition of a terrorist gang (Sec. 4l):

“Terrorist gang” means any association, other than terrorist organisation, whether systematic or otherwise, which is concerned with, or involved in, terrorist act.

Definition of a terrorist organisation (Sec. 4m):

“Terrorist organisation” means an organisation listed in the schedule or an organisation operating under the same name as an organisation so listed;

Definition of unlawful activity (Sec. 4o):

“Unlawful activity”, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise) –

(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the union, or which incites any individual or group of individuals to bring about such cession or secession; or

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or

(iii) which causes or is intended to cause disaffection against India

Definition of unlawful activity (Sec. 4p):

“Unlawful association” means any association –

(i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or

(ii) which has for its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity

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liticised police force through draconian laws like MCOCA will only result in the misuse of these powers even against innocent citizens. But given that an act like MCOCA does exist, why is it being selectively used? Do our investigating agencies also discriminate between “good terrorists” and “bad terrorists”?).

CBI: Operation Cover-up?

Considering the circumstances in which the CBI was brought into the picture, one would have expected the country’s premier investigating agency to conduct nothing less than a thorough, free, fair and transparent investigation so that the real culprits and masterminds of the crime could be identified, caught and punished. Instead, the CBI chose to function behind a veil of secrecy, refusing to brief the public at all about the investigations and thus raising suspicions about its unprofessional conduct.

Although the CBI submitted its charge sheet in the case more than five months ago, CC had to make repeated applications under the Right to Information Act before we were allowed to access the charge sheet and the accompanying records. And the reason why the authorities were so reluctant to part with these documents becomes evident from a perusal of the charge sheet. Far from rising to the occasion, the CBI has proved unwilling or incapable of pursuing the leads provided to it by the ATS investigations. Far worse, it has ended up diluting the ATS case. Presented below are some of the obvious lacunae in the CBI’s charge sheet, examples of the bureau’s acts of commission and omission:

Acts of commission

The two ATS charge sheets accuse 11 persons of being part of a criminal conspiracy involving terrorist acts: a very serious charge against all of them. But the CBI did not even consider the possibility of such a conspiracy. In glaring contrast to the ATS approach, it simply refused to explore the forward or backward linkages to the accidental explo-



sion at Laxman Rajkondwar’s house in April 2006 except to the very limited extent of naming those who sheltered the injured fugitive, Rahul Pande, from the police or gave him surreptitious medical help. The CBI divided the 11 accused into three categories and then proceeded to completely dilute the charges against 10 of them. The one remaining accused was absolved of all charges.

The CBI holds the six accused who were present at the explosion spot (and who died or were seriously injured in the incident) as collectively responsible only for the following offences: for causing the explosion with the full knowledge that such an explosion can claim lives (Sec. 304, IPC: culpable homicide not amounting to murder), for negligent conduct (Sec. 286, IPC), for causing grievous injury (Sec. 338, IPC), for possession and control of explosive substances (Sec. 4b and 5, Explosives Substances Act) and for unauthorised possession of 10 live cartridges (Sec. 25 of the Arms Act).

As for the other four co-accused – Sanjay Choudhary, Ramdas Mulange, Dr Umesh Deshpande and Milind Arvind Ektate – the charges against them are limited to: culpable homicide not amounting to murder (Sec. 304, IPC), negligent conduct with respect to explosives (Sec. 286, IPC), grievous hurt to others (Sec. 338, IPC), intentional omission to give information of an offence (Sec. 202, IPC), harbouring an offender (Sec. 212, IPC), and abetment of an assault (Sec. 134, IPC).

Laxman G. Rajkondwar, the owner of house where the explosion took place, who, according to the ATS charge sheet, was as involved in the crime as his deceased son, has been let off the hook.

In short, the Unlawful Activities (Prevention) Act 1967 (as amended in 2004) was conspicuously not applied against any of the accused. Similarly, Section 120B of the IPC, for criminal conspiracy, has not been applied against anyone.

Acts of omission

The CBI’s acts of omission are as serious, if not more so, than its acts of commission:

➤ For the ATS the accidental explosion in Nanded turns out to be only one

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episode in a diabolical terrorist plot involving a nefarious network of Bajrang Dal activists functioning with covert support from other wings of the sangh parivar. But for the CBI the sole concern appears to be to treat the Nanded incident as an isolated case so that the trial, which is conducted on the basis of the charge sheet, does not even examine the possible existence of a terrorist network in Maharashtra. A network that is engaged in hate-mongering, is linked to institutions where former intelligence officials and army men train cadres in the handling of arms and explosives, and which collects funds and provides other logistical support.

➤ Why did the ATS not apply the provisions of MCOCA to the accused when according to its own findings the accused were implicated in terrorist acts? This is a question that the CBI should have probed. But it did not even raise the subject. Why not?

➤ Contrary to the findings of the ATS, the CBI does not utter a word about the links that the accused per-

sons had with the RSS, the Bajrang Dal and the VHP. Why?

➤ The ATS investigation clearly establishes the existence of a terrorist nexus operating under the wider sangh parivar umbrella. The CBI should have followed this up after it took charge of the case. What is the real agenda of the Bhonsala Military School in Nagpur? Who owns and runs the Akanksha Resort in Pune? Is it linked in some way with the Bajrang Dal/VHP/RSS? Who among the RSS/VHP were involved and where in Goa were the Bajrang Dal activists trained? Who are the financiers, trainers (Mithun Chakraborty and Sanatkumar Ragvithal Bhate) and other individuals who actively participated, either directly or indirectly, in perpetrating terror attacks? Who are the retired officers of the military and intelligence services who provided martial arts and military training to Bajrang Dal activists? Why have officers who during their professional careers swore to serve secular-democratic India now chosen to place themselves at the service of Hindu extremists? For reasons best known to itself the CBI has not

followed up on the leads that the ATS investigation provided.

➤ The ATS named Laxman Rajkondwar, the owner of the house in which the blast occurred, among the prime accused. But the CBI charge sheet absolves him of all charges. Investigators found that firecrackers worth Rs 1,20,000 had been illegally stored at the site. Such a large quantity of highly combustible material would undoubtedly have blown up in the blast. Thus the only inference one can make is that the stock of fireworks was put in place after the blasts, as a subterfuge. From where was such a large stock of firecrackers procured at such short notice? This is a question that does not seem to concern the CBI. How did the CBI allow Laxman Rajkondwar to go scot-free?

➤ The CBI not only chose to completely disregard the information gathered by the ATS through narco tests conducted on four of the accused (*see box*), but also gave little credence to the incriminating material seized during house searches and the admissions of some of the accused during interroga-

The Bhonsala School

The CBI did not find it necessary to probe the possible role of the Bhonsala Military School in the training meted out to young recruits of the sangh's bomb-making brigade as revealed by the ATS investigations. The school has two known branches – in Nashik and in Nagpur.

A quick exploration of the websites of both branches reveals that the inspiration behind the Bhonsala Military School was 'Dharmaveer' Dr BS Moonje, a founder of the Rashtriya Swayamsevak Sangh (RSS). Clearly then, the institute is at least ideologically tied to the sangh parivar. The school is graced by regular visits from senior army officials:

"Dr BS Moonje was a firm believer in military training to Indian youth; he formed the Central Hindu Military Education Society at Nashik in 1937 and started the school on June 12, 1937. It started functioning in the 'surgana palace', Nashik city, with 90 students. It moved to its present location, named 'Rambhoomi' by Dr Moonje, on September 1, 1938.

"Spread over 65 hectares of land surrounded by azure hilly landscape, the school campus consists of the main school building, 14 *bhawans* (hostels), a common mess, playground (including a 400m athletic track), stables and a riding school. The academic section has a well-stocked

library. The school also maintains a health centre with full-time medical personnel.

"Boys between nine-and-a-half and 10-and-a-half years of age are admitted to Class V, which is the lowest class in the school. A number of scholarships have been instituted by the state government and the society for deserving students. The KC Mahindra Education Foundation also offers some scholarships.

"The motto of the school, as given by the founder, aptly and precisely sums up the aim of the school. It is not obligatory on part of the students of the school to join the military services. However, those who are really willing to join the noble profession of arms will certainly find their training useful towards their aim. Whereas the rest will find themselves mentally and physically fit to pursue any career in the present competitive world.

"Air Marshal JS Apte, senior maintenance staff officer of HQ Maintenance Command, IAF, visited Bhonsala Military School, Nagpur, in 2007. Air Marshal Apte appreciated the high standards achieved by the school in all spheres of activities. He congratulated all ranks of the school for their dedication and committed hard work put up by them for the glory of their institution. "

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tion. If the CBI had acted as it should, it would have applied for the earlier cases of bomb blasts by several of those accused in the Nanded blasts (in mosques in Parbhani, Jalna and Purna in 2003 and 2004) to be clubbed together and prosecuted as part of a wider conspiracy. Had it done so it could also have set into motion the many stringent provisions of the Unlawful Activities (Prevention) Act: Section 16 (committing a terrorist act), Section 17 (punishment for funding a terrorist act), Section 18 (being part of a terrorist conspiracy), Section 19 (punishment for harbouring a terrorist) and most importantly, Section 20 (punishment for being a member of a terrorist gang). The findings of the ATS leave little room for doubt that the Bajrang Dal falls well within the act's definition of a "terrorist gang". To pursue this line of investigation the CBI would no doubt have needed to follow up on the leads provided by the ATS. But, as mentioned earlier, it was disinclined to even consider the option.

Conclusion

Through its creditworthy investigation of the accidental blast in Nanded, the ATS uncovered a dangerous terrorist network. Its investigations revealed that the bomb blasts at Parbhani, Jalna, Purna and Nanded were no ordinary crimes with simple motives. Involved in each of them were activists of the Bajrang Dal who had sought and received systematic training from experts in bomb-making and bomb explosion. Their insidious acts of terror at mosques include not just planting the bombs but also disguising themselves as Muslims while committing the crimes.

The ATS investigations further revealed that it was not just a handful but as many as three dozen Bajrang Dalis from all over Maharashtra who received training in Pune where more than a hun-

dred of them from all over India were similarly trained at the Bhonsala Military School in Nagpur. While the Pune camp was organised by the Bajrang Dal, the Nagpur one was organised by its parent body, the RSS. And while those directly involved in lobbying the bombs were Bajrang Dal members, there are clear indications that the RSS and the VHP



also form part of the nexus. The men who imparted this training to the Dal's cadres included retired officers of the country's military and intelligence services.

According to the admissions of several of the accused, their agenda was to challenge what they regarded as "Muslim bombs" with "Hindu bombs". At the same time it was clearly part of the Hindu extremist strategy to make their malevolent actions appear as if they were the work of Muslim extremists.

All of this is truly sinister and raises several very disturbing questions:

➤ Is "Hindu terrorism" now an integral part of the sangh parivar's "Hate Muslims" agenda, at least for the Bajrang Dal, acting with the covert blessing of and logistical support from sections within the VHP and even the RSS?

➤ How do we know that the Bajrang Dal and others have not been conducting similar bomb training camps in states other than Maharashtra? (After all, but for the bomb blowing up accidentally in Nanded the Maharashtra police might still be clueless about the people involved in the local terror plot. The way investigations have been conducted into the second accidental blast in Nanded in 2007 – see *accompanying story* – raises other serious issues.)

➤ Has communal violence now donned a terrorist garb on both sides of the communal divide?

➤ If as part of their strategy Hindu extremists disguise themselves as Muslims and then engage in terrorist activity, could they also be responsible for sending out emails claiming responsibility for blasts under assumed Muslim names and using an Islamic vocabulary?

➤ How then can we know who is responsible for the series of blasts that have ripped through a succession of Indian cities?

➤ What then of national security, public peace and communal harmony?

➤ Are our investigating and intelligence agencies also handicapped by their ideological blinkers inasmuch as they are blind to or soft on acts of "Hindu terrorism"?

The spate of blasts in Panvel and Thane in May-June 2008 where once again some Hindu extremist outfits have been implicated lends an added urgency to these questions. Given the CBI's miserable failure in taking the ATS investigations forward, only an open and in depth inquiry carried out by a high court judge will help trace the tentacles of this hitherto unsuspected monster that threatens national security, public peace and harmony. ■

Nanded accused indict themselves

Based on the ATS narco analysis reports

Sanjay alias Bhaurao Vithalrao Choudhary

Himanshu was his friend and was involved in the Parbhani (mosque) blast. He (Sanjay) owned a gym in partnership with Rahul Pande. He would often go to Pune, as he had his brothers there, staying near Sinhgad. Regarding the training to prepare the bombs, he said that there were four of them (who received training): himself, Maroti Wagh, Himanshu Panse and Yogesh Deshpande Vidulkar who had undergone training at Sinhgad in Pune.

He said that he did not know whether Himanshu had undergone any of the training programmes earlier or (whether this was) for the first time. He said that the training programme was for two-three days. They were trained to prepare three types of bombs. (He gives details of the three types.) Regarding the explosive material (used), he said that both red and white powders are used and the bombs they had learnt to prepare were very small.

The person who had given them training was called 'Sir' by Himanshu. His name was Mithun Chakraborty. He had a beard, was tall and stoutly built. After the training Chakraborty gave them a bag containing the materials used for preparing a bomb.

About the blast at the Parbhani (mosque), Sanjay said that Himanshu had asked him to visit Pune to meet an important person. Neither Himanshu nor "the important person", who met him on his arrival at Pune station and drove him to the Kshatriya Lodge himself, disclosed his name. Nobody visited Sanjay during his stay at the Lodge and he was advised not to go outside. On Himanshu's suggestion, Sanjay travelled to Pune and checked into the Lodge in his real name. Himanshu paid for all the expenses and asked Sanjay to remain in Pune for two-three days. Sanjay said that this arrangement was made due to Himanshu's plan to blast a bomb at Parbhani. He said that Naresh and Maroti had accompanied Himanshu to Parbhani. All three had travelled on a bike. He further said it was Himanshu who hurled the bomb.

Sanjay also revealed that in the Jalna blast Rahul had accompanied Himanshu. In all the blasts the main leader was Yogesh Vidulkar and Himanshu was next in line. Himanshu had more faith in Naresh Rajkondwar. Regarding Gururaj, he said that during one of his visits to the gym he had seen Gururaj with Himanshu. Sanjay said that he belonged to the SC (scheduled caste) category and these people had identified him for his boldness and had helped him in his education.



Sanjay said Himanshu often called up senior leaders, Balaji Pakhare and other leaders of the RSS in Mumbai. Himanshu was receiving financial support for these activities from the Bajrang Dal and RSS in Mumbai and Pune.

Regarding the explosion at Naresh's house (in Nanded), he said that Naresh and Himanshu had died on the spot. He said following this blast there was no leader for their group. Sanjay added that he was now afraid, as they had indulged in illegal activities. However, they would keep coming to him (Sanjay) and persuade him to carry out the work of fighting terrorism. He was told terrorists had killed (Kashmiri) Pandits at the Vaishno Devi temple for no reason. So they had decided to see to it that this was not repeated. Himanshu planned to take revenge on Muslims and

to safeguard the rights of Hindu women. At one of the meetings that Himanshu had set up Himanshu enjoined all those present to join the fight against Pakistan-supported Muslim terrorism.

He revealed that Himanshu wanted to take revenge on terrorists like Abu Salem who, he said, had blasted a bomb at India Gate (Gateway of India) in Mumbai, killing lots of innocent people. He added that during the meeting Himanshu had talked against terrorist Abu Salem and Dawood Ibrahim for going unpunished even though they had committed a series of crimes. So they decided to target the Muslim population in general. By doing so they thought they would safeguard Hindus. Himanshu had thus decided to take revenge by blasting bombs and killing a minimum of 300-400 Muslims. They would be treated as *hijras* (transsexuals) if no retaliatory action were taken, he had said.

Sanjay said the bomb that was prepared and kept at Naresh's residence was to be blasted at the Aurangabad masjid near the railway station on Id day in 2006. The plan to blast the bomb at Aurangabad was triggered by the Varanasi blast (targeting the Sankat Mochan temple in March 2006). Himanshu had said that he would carry out his plan after he received an order over the phone from a senior leader. He said that he would not carry out the plan until he received the order.

Himanshu had a separate SIM card for receiving these orders. Sanjay had also received a phone call where the caller told him not to be afraid and that (if need be) he would get him released from jail at the earliest. He said that the caller was from the Bajrang Dal and his name was Balaji Pakhare. He was a resident of Bajrang Nagar (Nanded).

(Narco analysis test conducted at the Forensic Science Laboratory – FSL, Bangalore, on June 22, 2006.)

Rahul Manoharao Pande

Rahul said that on the day of the blast he was also present at Naresh's (Rajkondwar's) house. Regarding the profession of Naresh and Himanshu, he said Naresh was a road contractor and Himanshu was working in a company.

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He was also an active member of the Bajrang Dal, the RSS and the VHP. Himanshu was a good speaker and intelligent. He (Rahul) said that on the day of the blast he was drunk when he went to Naresh's house. There were five other (group) members in the house and they were talking. Naresh asked him why he had come to his house after drinking. He said Naresh put a cigarette in his pocket. He also said that Himanshu was also angry with him for being drunk. He could not understand how the blast took place. He felt something hard had hit his head and he fell unconscious for a while and he was told that there was only one bomb that had blasted at Naresh's house.

Regarding the other five members who were there at the house, he said that Himanshu, Naresh, Guru, Maroti and Yogesh were his friends. He said that after he regained consciousness he was afraid. So he ran away from that place to Pusad. The doctor at Pusad treated him for his fractured hand. When the doctor asked what had happened he told a false story... never uttered a word about the bomb blast.

He said that he had met Naresh twice in the space of four months. Regarding preparation of the bomb, he said that it was prepared by Himanshu. Regarding the leader of the gang, he said Himanshu was the leader. Regarding the blast at Jalna, Purna and Parbhani (mosques), he said that all the blasts had been planned by Himanshu. To accomplish the task of bursting the bomb at Jalna he had also accompanied Himanshu.

He said that some of the bomb materials were kept in the gym. The materials to prepare the bomb were brought by Himanshu from Pune. He said that Rahul and Guru were to help him to get the materials. Regarding the financial support for the tasks to be completed, he said that he was to help Himanshu, paying him from the earnings from the gym. Guru also helped mobilise funds.

Regarding the preparation of the bomb that went off at Naresh's residence, he said that Guru had collected around Rs 45-50,000 from people for the act. For the Jalna blast also, Guru had helped financially. Regarding the persons who helped and supported Himanshu, he said there

were politicians who were there to support him. Also, members of the RSS, VHP and Bajrang Dal were supporting Himanshu. Yogesh from Warad was one of the leaders who helped Himanshu. The person from Varanasi who helped him was Mukesh. The leader from Nanded who was helping Himanshu was Govind Puranik. Regarding the preparation of the bombs, he said that two persons had given training to Himanshu. One of the persons he named was Mithun Chakraborty from Pune.

Regarding the plan to blast, he told that it was fixed on Gudi Padwa day. The bomb that blasted at Naresh's house (Nanded) was planned for Id day and the target of the blast was a mosque in Aurangabad.

Mentioning Praveen Togadia, he said that he had come to their place once to give a speech. Himanshu was the person who had made all the arrangements for Togadia's visit. He said that Himanshu had gone to Goa with Yogi in the month of December for sightseeing." ■

(Narco analysis test conducted at the Forensic Science Laboratory – FSL, Bangalore, on June 7, 2006.)

An accident too many

Occurring under similarly suspicious circumstances less than a year after the first incident, another blast in Nanded is similarly mishandled by the police and raises similar demands for a thorough investigation

AROUND midnight on February 9-10, 2007, Nanded town was rocked by yet another accidental explosion, the second in less than a year. This time it was a bakery shop: Amol Biscuits. Two persons were killed in the incident. One of them, Pandurang Bhagwan Amilkanthwar, a former Shiv Sena *shakha pramukh* (branch leader) was apparently also linked to the Bajrang Dal. His cousin, Dnyaneshwar Manikwar, also present on the spot, sustained over 70 per cent burn injuries. Initially admitted to a Nanded hospital, Manikwar was inexplicably moved to the JJ Hospital in distant Mumbai. He succumbed to the burn injuries a week after the incident.

The explosion bore a marked resemblance to the earlier blast on April 6, 2006 (see main story on Nanded blasts). There is a disquieting similarity between

the two incidents. Both were accidental. Those present on the spot in both incidents were Hindu extremists. And in both cases the local police attempted a cover-up.

The April 2006 incident was sought to be explained away as an accidental explosion at a site where fireworks were stored. A similar cover-up was attempted in the 2007 incident, with the local police initially registering a case of accidental death and injury caused by a fire due to an electrical short circuit. But a day later the critically injured Dnyaneshwar Manikwar told senior police officials that in fact his deceased cousin and he were trapped in a fire they had intentionally started using five litres of petrol, hoping to make false insurance claims.

A three-member Concerned Citizen's Inquiry (CCI) team headed by a retired

judge, Justice Kolse Patil, and with this correspondent as convener, visited Nanded for an on-the-spot inquiry on February 17 and 18, 2007. During the visit the team met the superintendent of police, Nanded district, Fatehsingh Patil. In the presence of other senior police officers, Patil stated clearly that though investigations were still on and the police was open to receiving information from all quarters he was prima facie confident that this incident was nothing like the earlier incident of April 2006 and was simply a fire created to claim insurance money. In a separate interview the inspector general of police (IGP), Nanded range, Dr Suryaprakash Gupta, said the same thing. According to the police, the fire story made more sense because a bomb blast would have blown the deceased Pandurang to bits. It would not just leave his body badly charred.

The team's investigation however indicated that the facts on the ground simply did not cohere with the theory

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the police seemed convinced about. Following its own field visit and interviews with a cross-section of top district officials and local citizens, the CCI commissioned a team of experts to visit the site and give their findings on what could have caused such an explosion. The major findings of the CCI team, incorporating the findings of the expert group, are as follows:

➤ According to the police *panchnama*, the injured person gave two statements to the police while in the Nanded hospital. But the police *panchnama* is silent on whether this severely injured person, who had a tracheotomy tube through his throat, was in any position to speak. Nor does the *panchnama* mention whether the severely injured person was conscious and had any time or place orientation at the time.

➤ The explosion hurled the large metal shutter in the shop front across the road to a distance about 40 feet away. Window frames were burnt and glasses cracked. Walls had cracked and the site was in complete disarray. Glass panes of the ventilators located not just in the godown but in neighbouring rooms of the house owned by Shankarrao Shivram Mangalikar, including the kitchen, sitting room and bedroom, had shattered. There were marks of some substances on the kitchen floor.

➤ A scooter parked on the road outside the godown at a six-seven foot distance from it was completely charred.

➤ Spot inspections by the CCI team and photographic evidence showed that the gas cylinder in the kitchen adjacent to the bakery shop remained completely unscathed. This would be inexplicable in case of a fire fuelled by five litres of petrol in the adjacent room.

➤ The godown had two wooden doors, one iron shutter, one window and two ventilators. One door flew and landed in the hall because of the explosion. The ventilators did not have any glass. One window was broken and

burnt and had fallen out. Food items, plastic and organic materials used for packing were still lying unburnt in the godown when the team visited the spot 10 days after the incident. If there was a fire, as the police claimed there was, all these things would have been completely burnt and the windows and ceilings of the rooms would have been blackened and charred. The plaster on the walls and ceilings displayed cracks indicative of shock and heat effect. The indicators are that there was a disproportionate development of shock waves but correspondingly no burns. This suggests a blast, not a fire.



➤ An explosion caused by some unstable and liquid organic substances *cannot be ruled out*. According to the expert group, such substances are highly unstable, can generate a very high temperature, start a fierce chemical reaction resulting in an ignition, then flames and thereafter an explosion. The flames are at such high temperatures that a person can be burnt alive in five-10 seconds. This is the most plausible cause of the explosion in the godown.

➤ There was no explanation from the authorities for the existence of nails and blades strewn in some quantity around the godown. These could have been used as pellets for the potential explosive.

➤ The team was also told by citizens requesting anonymity that a police officer from a neighbouring police station who is closely involved in the ongoing investigation actually supervised critical evidentiary material being collected and spirited away from the spot.

➤ Taking into consideration all the factors mentioned above, the inference is that it was not a planned explosion *but an impact explosion created due to the handling of large stocks of explosive/flammable materials stored here*. The handling could have been for transportation to another place.

The CCI's preliminary findings were

made public through press conferences organised in Mumbai and in Delhi. Over the next year four applications under the Right to Information Act were filed with the police for an update on their investigations but no reply was forthcoming. In response to a complaint in this regard filed by this correspondent in mid-June 2008, the Maharashtra State Human Rights Commission has issued a notice to the police. The hearing is scheduled for mid-September.

— TS

(A full report of the preliminary findings of the Concerned Citizen's Inquiry is available at www.sabrang.com/nanded/nanded.htm.)

Sequel of terror

February 20, 2008: A bomb is planted at the Cineraj cinema in Panvel town, about 50 km from Mumbai, during a screening of the film, Jodha Akbar. Fortunately, the bomb caused no more stir than a small firecracker and went unnoticed until the end of the show.

May 31 2008: The Bomb Detection and Disposal Squad (BDDS) from the police department defuses a bomb found in a plastic carrier bag at an auditorium in Vashi, Navi Mumbai. The bag contained batteries, gelatine sticks, detonators and ammonium nitrate. Fortunately again, no damage was done.

June 4, 2008: A bomb explodes in the Gadkari Rangayatan theatre in Thane where a Marathi play, Amhi Pachpute, was due to be staged. Seven persons are injured.



Thane, June 2008

WHU was targeting cinema halls and auditoriums on the outskirts of Mumbai with such alarming frequency and why? The ATS team of the Maharashtra police suspected that Hindu extremist organisations were behind the blasts, as some of these groups had been protesting against the film and the play for weeks. Their grouse was that Hindu gods and goddesses were being shown in a poor light and permission to stage such plays or films must not be granted.

Working on their assumption, 16 teams of the ATS checked the records of all vehicles that entered the premises of the Gadkari Rangayatan theatre on June 4. After cross-checking the list with the RTO the police pinpointed a motorcycle that was registered in the name of a Hindu trust, the Guru Kripa Pratisthan. The police then traced the organisation's office to Panvel where it is located in the

premises of another Hindu organisation called the Sanatan Sanstha (SS). Set up in 1999, the SS, a revivalist group run by the Hindu Janajagruti Samiti, has an ashram in Sukhapur village near Panvel.

By June 23, the ATS had arrested six Hindu extremists belonging to the Sanatan Sanstha and the Hindu Janajagruti Samiti (HJS). It later learnt that the two organisations were closely associated. The first two to be nabbed – Hanumant Gadkari (50) and Mangesh Dinkar Nikam (34) – belonged both to the SS and the HJS. Two more *sevaks* (activists) of the Sanatan Sanstha, Santosh Angre (26) and Vikram Bhave (26), allegedly part of the network that reportedly planted the bombs at the Bhave auditorium in Vashi and Thane's Gadkari Rangayatan, were the next to be arrested by the ATS. Unemployed, Angre and Bhave were full-time residents of the Sanatan Sanstha ashram.

On June 23, the Anti-Terrorism Squad (ATS) also arrested Dr Hemant Chalke, a member of Sanatan Sanstha, for conducting a recce of Vashi's Bhave theatre where a bomb was found on May 31.

The ATS also seized 19 gelatine sticks, 20 detonators, two timers and three circuits, which were dumped in the Balganga river in Pen. The police also seized six batteries, one timer and half a dozen detonators from the Satara residence of another accused, Mangesh Nikam.

"We are proud of what we did to deter those who were trying to show our gods and goddesses in poor light," the accused reportedly told the investigators. "We have extracted the names of the places from where the material used in the bombs was bought by the accused. We know where the circuit material, the ammonium nitrate and the timer were bought. We also know the place from where the soldering work was done for the bomb. In fact, the accused had availed of a 10 per cent discount on the timer," said the ATS chief, Hemant Karkare.

The ATS is also examining the records of those arrested for the Jalna, Purna and Parbhani mosque blasts to check if there was any connection between the accused in the cases and whether the SS and the HJS have any organisational links.

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According to information gathered and made public by the ATS, in early January this year activists of the Sanatan Sanstha, which is known for the ashrams it operates across the state, decided that to stop the 'wrongful' portrayal of Hindu gods and goddesses they needed to send out a 'loud' message. They tried to put together a crude bomb made of gunpowder and attempted to set it off, using a fuse wire, at a cemetery in Raigad district. The attempt failed. Their choice of location for the trial, a cemetery, is significant.

This was before they met Nikam, who turned out to be the perfect complement to Gadhari. Nikam's past experience and knowledge in the use of high intensity explosives like gelatine was complemented by Gadhari's knowledge of electric circuits (he was an electrician). Following some basic research the group assembled its first improvised explosive device (IED) containing two gelatine sticks, 300 gm of ammonium nitrate, detonators and a battery-powered electric circuit as a trigger mechanism. This was the device they exploded at the Cineraj cinema in Panvel on February 20, without much success.

Three months later, according to the ATS, the group had upgraded its skills enough to assemble a second, more sophisticated IED. Though similar in composition to the earlier one, it was operated by a far more refined trigger mechanism – a digital timer controlled by a remote control device. The group planted this IED at Vashi's Vishnudas Bhav Natyagruha where

the play, *Amhi Pachpute*, was being staged on May 31. But it was found and defused before any damage was done. Gadhari and Nikam are held responsible for the three blasts between February and June. Nikam was allegedly also involved in a February 2006 case in which a bomb was planted outside the home of a Catholic family in Ratnagiri.

The Sanatan Sanstha was quick to deny any organisational responsibility or link to the blasts. At a press conference held soon after the arrests both the SS and the Hindu Janajagruti Samiti, the latter claiming to be an 'umbrella

organisation of many bodies', said: "We cannot deny their association with us but we had nothing to do with the blast. Sanatan Sanstha will never support such violent acts," said Abhay Vartak, the organisation's spokesperson. "Our protests have always been peaceful, through dialogue," said Dr Uday Dhuri, coordinator of HJS' Mumbai chapter.

The SS also condemned the blast through an editorial in its SS newspaper, *Sanatan Prabhat*, but with a rider: "Though we condemn the act, the mindset and the anger of these (arrested) people should be understood and the mocking of Hindu gods should be stopped."

The HJS, whose declared aim is "uniting Hindus globally", has no headquarters or formal membership. But it has a strong online presence. It owes its genesis to an October 2002 meeting where Hindu deities were "blasphemously criticised" and the lone man who protested was attacked. "With a view to protest against this attack, all Hindu organisations came together and the Hindu Janajagruti Samiti was established on October 13, 2002 [at the] initiative of seekers of Sanatan Sanstha," says the outfit's website. Currently, the group's global agenda is to protest against the "anti-Hindu" Hollywood movie, *The Love Guru*, and "anti-Hindu textbooks" for schoolchildren in Goa, and to save the Ram Sethu.

Media investigations and reports of

'Our investigation is raising serious questions'

Hemant Karkare, head of the Anti-Terrorism Squad, Maharashtra, told the media soon after Gadhari and Nikam had been interrogated by the ATS that the bombings were "definitely terrorist acts as they were carried out by people motivated by an ideology". He added that if the organisations to which the men belonged were found to be involved in the planning or the execution of these incidents, the ATS would "certainly write to the centre and seek that they be banned". CC spoke to Karkare in the second week of August on the progress of investigations. Excerpts from the interview:

Q: What stage have the investigations into the Thane-Panvel-Vashi blasts reached?

A: We are on the verge of filing the charge sheets, which we will accomplish within the legally stipulated 60 days' time.

Q: Can we expect some major breakthroughs?

A: Some recovery of material is pending. Also, on the basis of the investigations and confessional statements we are still inquiring into the persons who gave shelter to the accused, those who bought the materials that went into making the explosives, etc, the organisational links.

Q: Have any organisational links been established?

A: Our investigation is raising serious questions. The organisations, the Hindu Janajagruti Samiti, the Dharmakranti Sena and the Sanatan Sanstha, all have full-timers. Then there is also the Guru Kripa Pratisthan. The SS ashram is large, can house a hundred people, ostensibly learning yoga... The question our investigation is asking is can we charge sheet these organisations? Were these acts furthering the objectives of these organisations? They are all trusts with the charity commissioner. We are investigating the sources of their funding with the charity commissioner. Are there common sources of funding, etc? Can they be linked to the acquisition of violent substances?

The Sanatan Sanstha also publishes a regular newspaper, the *Sanatan Prabhat*, from four centres – Ponda (Goa), Navi Mumbai, Indore or Khandwa in Madhya Pradesh and North Karnataka.

a sinister network of hard line Hindu outfits across Maharashtra and Goa pose a particular challenge to investigation and intelligence agencies. According to a report in *The Indian Express* (June 22):

"The five men were members of the Sanatan Sanstha (SS) and the Hindu Janajagruti Samiti (HJS), hitherto little-known groups operating in the hinterland of Maharashtra and Goa. Two of them are also members of another newly launched outfit called the Dharmashakti Sena, pictures of whose inaugural rally in April show young men dressed in military fatigues.

"These groups, which work like wheels within wheels, have been quietly mobilising Hindus on a cocktail of Ramrajya (Rama's rule), Hindu dharma and 'dharmakranti' (religious revolution) in and around Mumbai for a few years now.

"While the SS and the HJS are both registered in Goa as charitable organisations, the Dharmashakti Sena was set up in 16 Maharashtra towns and cities on Gudi Padwa day this April. Its stated aim: establishing 'Ramrajya' and to make Hindus 'capable of action'.

"Publications linked to the three groups say the Dharmashakti Sena offers free training in self-defence and the training involves inculcating 'mental courage'. It also reminds readers of the 'armed battle of revolutionaries and saints', RSS guru Golwalkar's work on 'protecting Hindus' and his teaching that 'weapons should be countered with weapons'.



Thane, June 2008

Thackeray: Hindu suicide squads needed

A Hindu *fidayeen* band is necessary to combat Muslim fundamentalism, Shiv Sena mouthpiece, *Saamna*, edited by party boss Bal Thackeray, said on June 19.

In a leader comment, the paper said a "Hindu bomb" was needed to combat the "Muslim bomb", in response to the arrest of those allegedly involved in the bomb blasts in Vashi and Thane.

"Think big", advised the editorial, describing the low intensity bombs as "*phusky*" (timid) and targeting of fellow Hindus by the extremists as "ridiculous and stupid".

"The need of the hour is to plant a strong bomb in Bangladeshi *bastis* that have mushroomed in Thane and elsewhere in Maharashtra," it added.

Responding to the outrage over the *Saamna* editorial, Thackeray convened a press conference two days later to reiterate his appeal to militant Hindus to form suicide squads to counter Pakistan-sponsored terrorism. He said that he was not worried about the legal implications of his appeal.

BJP vice-president Gopinath Munde said no case could be made against Thackeray since the Sena chief had spoken against terrorism and not against any section of the population. What Thackeray preached was nothing but pure patriotism, he added.

"'Conversions of Hindus', 'genocide', the Congress government's alleged poor track record against Islamic terrorism, 'persecution at the hands of anti-Hindus', are recurrent themes alongside a call for Hindus and Hindu organisations to unite. Unlike leaders of the RSS, VHP and Bajrang Dal, the men and women behind these new outfits are low-profile activists who have been quietly chipping away at the mind-set of Hindus in Maharashtra and Goa. The founder of the SS, the oldest of the three groups, is Dr Jayant Athavale, a clinical hypnotherapist who practised for two

decades and also set up the Indian Society of Clinical Hypnosis and Research. A former resident of Goa, Dr Athavale is now a resident of New Bombay. His students are quick to exonerate his role in present activities, however.

"HJS and SS leaders are also cagey talking about Dharmashakti Sena chief Vinay Panvalkar, thought to live in the Dadar area of Central Mumbai and who has travelled extensively across Maharashtra after the outfit was launched. At a 'dharmajagruti sabha' (religious awakening conference) in Pune in mid-May 2008, Panvalkar is quoted as saying: "Hindus are cornered from all sides but there is no retaliation from them." At a later meeting in Thane he said, "The war in future will be a *dharmayudh* (religious war) and Dharmashakti Sena will be the guiding force."

The *Indian Express* investigation shows that the linkages to these

groups from Maharashtra and Goa go all the way to Australia and the United States with centres in New Jersey, Brisbane, Melbourne and Dubai.

The top leaders of these organisations are: Dr Jayant Balaji Athavale, founder of Hindu Janajagruti Samiti, Virendra Marathe, managing trustee of Sanatan Sanstha, Vinay Panvalkar, chief of Dharmashakti Sena, Dr Durgesh Samant, national spokesman of HJS, Abhay Vartak, Mumbai spokesman of Sanatan Sanstha, and Shivaji Vartak, Mumbai con-
venor of HJS. ■

■■■ BLAST AFTER BLAST

Bloodstains

Major terrorist attacks in India over the past decade

July 26, 2008: Seventeen low intensity bombs explode in several areas of Ahmedabad, leaving 58 people dead and over 100 others injured.

July 25, 2008: A string of nine synchronised bomb blasts during the busy lunch hour in Bangalore leave two dead and injure 12 others.

May 13, 2008: Eight bomb blasts in the span of 12 minutes rock Jaipur, leaving 67 dead and over 277 others injured.

January 1, 2008: A pre-dawn terrorist attack on a Central Reserve Police Force camp in Rampur, Uttar Pradesh, kills eight, including seven security men, and injures five others.

October 11, 2007: A bomb blast during the month of Ramadan at the Khwaja Moinuddin Chishti dargah in Ajmer kills two and injures 17.

August 25, 2007: Twin bomb blasts, at an open-air auditorium and a popular eatery in Hyderabad, leave 42 dead and injure 50 others.

May 18, 2007: A bomb blast at the Mecca Masjid in Hyderabad kills 11 people and injures 50 others. Five people are also killed in subsequent police firing.

February 18, 2007: Two fire bombs explode on the Samjhauta Express bound for Pakistan, killing 68 passengers, most of them Pakistanis, and injuring 50 others.

September 8, 2006: Twin bomb blasts go off after Friday prayers near a mosque in Malegaon, Maharashtra, killing 40 people and injuring 125 others.

July 11, 2006: Seven bomb explosions rip through crowded commuter trains and stations in Mumbai, killing 200 people and leaving about 700 others injured.

July 11, 2006: Five hand grenade attacks in Srinagar kill eight people, including tourists and pilgrims, and injure 43 others.

June 1, 2006: Three militants are killed in an exchange of fire with security personnel during an attempted attack on the RSS headquarters in Nagpur.

May 25, 2006: A powerful bomb explosion kills four tourists in Batpora, Srinagar.

May 21, 2006: Seven people, including two terrorists, are killed as militants attack a Congress party rally in Srinagar.

May 1, 2006: Thirty-five Hindu villagers are killed in two separate terrorist attacks in the districts of Doda and Udhampur in Jammu and Kashmir.

April 14, 2006: Two explosions rip through the Jama Masjid in Delhi, injuring 14 people.

March 7, 2006: Twin bombings at the Sankat Mochan temple and at the Cantonment railway station in Varanasi kill 23 people and injure over 100 others.

December 28, 2005: One person is killed and five others are injured when a heavily armed assailant opens fire and lobs grenades on the Indian Institute of Science campus in Bangalore.

October 29, 2005: Three bombs explode in busy New Delhi markets a day before Diwali, killing 65 people and injuring 210 others.

October 18, 2005: Jammu and Kashmir minister of state for education, Ghulam Nabi Lone, is shot dead by a militant while CPI(M) state secretary, MY Tarigami, escapes unhurt during a similar bid in Srinagar. Two security guards and a civilian are also killed in the incidents.

July 29, 2005: Twelve people are killed and 52 others injured in a bomb explosion on the Shramjivi Express in Jaunpur, Uttar Pradesh.

July 5, 2005: Six militants are killed during an attempt to storm the makeshift Ram temple in Ayodhya. Two civilians are also killed and three security men are injured in the attack.

May 9, 2005: Three people are killed as terrorists open fire on people coming out of a mosque at Chakka village in the Baderwah area of Doda district, Jammu and Kashmir.

August 27, 2004: Bomb blasts at local mosques in the towns of Purna and Jalna in Central Maharashtra injure 18 persons.

August 15, 2004: Three bomb explosions in the Dhemaji district of Assam kill 16 people, mainly schoolchildren, and injure 40 others.

November 21, 2003: A bomb blast at the Mohammadiya Masjid in Parbhani in Central Maharashtra kills one person and injures 40 others.

August 25, 2003: Two powerful car bomb explosions at Jhaveri Bazaar and at the Gateway of India in South Mumbai kill 60 persons and injure about 160 others.

July 28, 2003: A bomb explosion on a BEST bus at Ghatkopar in north-eastern Mumbai kills four people and injures 32 others.

March 13, 2003: A bomb blast shatters the bogie of a local train at the Mulund railway station in Mumbai, killing 11 people and injuring more than 65 others.

December 2, 2002: Two persons are killed and 31 others injured in a bomb explosion in a bus outside the Ghatkopar railway station in Mumbai.

September 24, 2002: Armed terrorists attack the Akhshardham temple in Gandhinagar, killing 39 people and injuring 74 others.

May 21, 2002: Abdul Gani Lone, senior leader of the separatist All Parties Hurriyat Conference, is shot dead by unidentified gunmen in Srinagar.

May 14, 2002: At least 30 people, including women and children, are killed and over 60 injured in a militant suicide attack on an army camp in the Kaluchak cantonment area in Jammu.

March 30, 2002: Seven people, including three security forces men, are killed in a militant attack on the Raghunath temple in Jammu.

January 22, 2002: Militants attack the American Centre in Kolkata, killing four police officers and injuring 21.

December 13, 2001: Armed terrorists attack the Indian Parliament in New Delhi, killing 12 people, including six policemen, and injuring 26 others. All five terrorists are also killed.

October 1, 2001: A car bomb explodes near the Jammu and Kashmir state assembly in Srinagar, killing 38 people and injuring 40 others. The bombing was followed by an armed assault on the assembly premises by three armed terrorists.

June 8, 2001: Unidentified terrorists lob a grenade into the premises of the Charar-e-Sharif mosque near Srinagar. Four persons are killed and 60 others are injured in the incident.

December 22, 2000: Militants attack the Red Fort in Delhi, killing two army men and one civilian.

March 20, 2000: Militants massacre 35 Sikhs in the village of Chattisinghpura in the Anantnag district of Jammu and Kashmir.

December 24-31, 1999: An Indian Airlines flight from Kathmandu to New Delhi is hijacked and flown to Afghanistan where 189 passengers and crew are held hostage for eight days. They are ultimately freed in return for the release of three militants held in Indian prisons. One hostage is killed.

February 14, 1998: Forty-six persons are killed and more than 200 injured as 13 bomb blasts rip through Coimbatore in Tamil Nadu.

Gujarat blasts: Case closed?

The so-called breakthrough in the Ahmedabad blasts case raises more questions than it answers



BY TEESTA SETALVAD

REPEATED terror attacks are invariably followed by near instantaneous polarisation in our public sphere – in classrooms and *mohallas*, in buses and train compartments and in our newsrooms. A polarisation that echoes the Hindu vs Muslim divide, carefully fomented by ideological processes that threaten at heart the survival of India as a society and as a nation.

Rational discourse barely gets an edge in as hate hysteria claims our psyche. Peace, reason, dialogue all seem passé as intelligence experts bay for blood and press for a tighter security regime. Overnight the police, intelligence and other investigating agencies – which have been repeatedly hauled over the coals for their failures, rank complicity and unprofessional conduct – emerge unscathed as our protectors in times of terror.

The most recent example of this is in case of the Ahmedabad blasts on July 26 when miraculously, within 21 days of the tragic event, we have a complete

solution to the case presented to us by the Gujarat police.

Ironically, both men at the helm in Gujarat, the state's chief minister, Narendra Modi, and the director general of police (DGP), PC Pande, stand seriously indicted for criminal conspiracy and mass murder of the state's 2,500 Muslims in 2002. A significant section of the Gujarat police, especially its crime branch, has been found guilty of unprofessional and criminal conduct vis-à-vis the state's minorities. Unfortunately, such discriminatory policing enjoys highest political sanction in Gujarat.

The swift solution presented to the public by the Gujarat police on August 16, 2008 contains several loopholes that require explanation. We also need to question the ethics of entrusting such a sensitive investigation of bomb terror to a police force and an administration that stands severely tainted by the carnage of 2002. Or are such elementary questions prohibited in today's India?

To begin with however we take a look at the investigations into the Ahmedabad bomb blasts of July 26,

2008. Fifty-six people were killed and over 150 injured in the serial blasts that hit Gujarat's major commercial nerve centre last month. A total of 19 blasts took place in 10 different areas of the city and apart from the minority-dominated Sarkhej and Juhapura all of them occurred in the labour-dominated eastern parts of the old city. Most of these were crowded and congested areas battling peak evening hour traffic: Sarkhej, Maninagar, Bapunagar, Thakkarbapanagar, Naroda, Raipur, Narol and Sarangpur. The Civil Hospital and LG Hospital campuses were the last to be hit, about 40 minutes after the first round of blasts, and 27 people were killed here.

At a press conference held at the police commissioner's office late that same evening the chief minister, Narendra Modi said confidently that ammonium nitrate and gelatine sticks had been used in the bombs. He also said that the Ahmedabad Crime Branch would be handling the investigation. Intelligence sources said the needle of suspicion pointed to the Students Islamic Movement of India (SIMI) and the Lashkar-i Tayyeba.

A. Outfits named: In Ahmedabad, as elsewhere, the moment the bombs exploded both the political class and "intelligence sources" held SIMI and Lashkar responsible for the attacks even as they admitted their ignorance about how these outfits operate.

B. Arrests of the alleged accused: By August 16, 2008, when the Gujarat police claimed they had 'cracked' the case, 10 persons in all, nine of them Gujarat residents, had been arrested. Mufti Abu Bashar from Azamgarh in Uttar Pradesh was named as the mastermind.

Abdul Halim, an alleged activist of the banned SIMI who the police claimed was wanted in the 2002 Gujarat riots (we are not told for what offence), was arrested in Ahmedabad (*Deccan Herald*, July 27, 2008). The police claimed that he had been in hiding since 2002. What is the actual evidence of Halim's involvement? Reports suggest that far from

■ ■ ■ BLAST AFTER BLAST

absconding, Halim was an active community leader in Dani Limda and police claims that he had been absconding were untrue.

Media reports quoting authorities stated that Abdul Halim allegedly told the Crime Branch that he was associated with Syed Abdul Karim 'Tunda', the top Lashkar-i Tayyeba operative wanted in connection with several blasts in the country between 1993 and 1998 (*DNA*, August 1, 2008).

The Gujarat police must also explain the prompt arrest of Sajid Mansuri, who we are told was the link between the planners and executors of the blasts. The police said he had been on the run for over seven months. How was Mansuri suddenly located and conveniently arrested 20 days after the Ahmedabad blasts? (*DNA*, August 17, 2008).

When was this information, which is now being offered so readily by the authorities, actually collected? We are talking here of 15 and 12 year-old facts, so what were the authorities doing with this knowledge until now? Incidentally, Halim's family has denied all the 'facts' obtained by the Crime Branch allegedly under torture.

On August 18, 2008 *The Times of India* reported on the arrests of an alleged ISI agent, Vishal Upadhaya of Jharkhand, an engineering student, in 2007 and of a former jawan, Shailesh Jadhav of Satara, who was arrested in Pune in 2008 for his alleged links with the ISI. Has there been any follow-up of these arrests, any further investigations?

The facts surrounding the arrest, by the Crime Branch, of another alleged accused, Zahid Shaikh, are also under serious dispute. Ahmedabad city Detection of Crime Branch (DCB) officials claim that Zahid attended two terror training camps in Kerala and Gujarat and the two masterminds of the Ahmedabad blasts, Mufti Abu Bashar and Abdul Subban Qureshi alias Tauqir, were constantly in touch with him. Zahid, a resident of Gujarat, owned a mobile (repair) shop at the Alishan Complex in Dani Limda and lived, along with several members of his family, not far from the Sarkhej highway. Zahid's sister, Saleha, refuted the charges levelled against him. "They (the DCB) say Zahid had gone to various places for training and had arranged

for vehicles used in the blasts. But he has not left home for the past five months. They also said some meetings were held at our house but we are not aware of any such meeting," she said (*The Indian Express*, August 18, 2008).

C. Substances Used: On the very day the blasts occurred Narendra Modi asserted that ammonium nitrate and gelatine sticks were used in the bombs, also stating that the Ahmedabad Crime Branch would be handling the case (*DNA*, July 27, 2008). An obvious part of the investigation ought to have been probing the leakage of these volatile substances right from the production stage up to retail sale to the end user (in this case the terrorists).

The chain begins with industrial producers who are given special licences to manufacture hazardous substances of this nature. Investigations could possibly reveal clandestine sales by producers. Next in line are the retailers, also licensed, who are supposed to maintain a proper stock register precisely because

In Ahmedabad, as elsewhere, the moment the bombs exploded both the political class and "intelligence sources" held SIMI and Lashkar responsible for the attacks even as they admitted their ignorance about how these outfits operate

of the potential hazards of the materials they deal in. Here too underhand sales are possible. Investigators should have examined and tallied all the relevant records to determine if any quantity of these substances was not legally accounted for at either stage.

Nothing in the Gujarat police 'breakthrough' makes any mention of any investigation into these leaks.

According to DCB officials, LPG cylinders, each of a five-litre capacity, were used in the blasts at the LG and Civil hospitals. The cylinders were found to have been manufactured at Meerut in UP while their distributors were traced to Kalupur in Ahmedabad. The DCB named at least two manufacturing agencies from Meerut, Mayur and Golden Click, who are said to have sent the cylinders to Ahmedabad. The Kalupur distributor was reportedly detained for questioning (*The Indian Express*, August 4, 2008).

CC: How did the Crime Branch conclude that the source of the cylinders used was/is a Kalupur distributor? Do cylinders have any identification marks or serial numbers?

D. How were detonators leaked from manufacturers?: According to initial media reports, the detonators used both in the blasts at Ahmedabad and in the unexploded bombs in Surat, according to markings recovered from the sites, were manufactured by AP Explosives (P) Ltd, a company based at Bommalramaram village and Mandal in the Nalgonda district of Andhra Pradesh, about 170 km from Hyderabad. AP Explosives makes detonators and detonating fuses. (*The Indian Express*, July 30, 2008). Nothing in the announced 'breakthrough' of the Gujarat police indicates how the detonators had been accessed from AP by the terrorists or what these linkages mean in terms of the network of terror.

Another report two days later said that an explosives-manufacturing company in Rajasthan, in which the state

government has a major stake, may have been the source of the detonators in the 27 bombs defused by police in Surat (*The Times of India*, August 2, 2008). The detonators found in the unexploded Surat bombs were said to have originated from the Dholpur-based Rajasthan Explosives and Chemicals Ltd (RECL).

A joint sector company in association with RIICO, a Rajasthan government undertaking, RECL makes more than 25 lakh detonators every month. Integrated circuit detonators, such as the ones used in Surat, are supplied to mines to trigger explosions mainly for stone quarrying and coal mining. Investigators say the terror outfits may have procured these detonators from mining companies who engage a large number of contractors, especially in stone quarrying which is big business in Rajasthan.

RECL had reportedly already given the Gujarat police a list of all those who

GUJARAT

had bought detonators from them. The superintendent of police, Dholpur, Gaurav Srivastava said that batch numbers of product consignments would help identify the dealer from whom the detonators then went to the terror outfits. "As many as 1,500 detonators are usually packed in a single carton on which the batch number is properly written. The manufacturing companies maintain a record of the batch numbers of cartons supplied to the dealers."

RECL's senior manager (works), K. Edward Kelly said there are more than 80 approved dealers who sell the detonators to firms involved in mining activity. "Detonators are transported in trucks and are sold through registered dealers. The records are properly docu-

mented. The ultimate delivery is the prerogative of the dealers and we have no control over it," said Kelly. He also said however that his company does take measures to prevent the detonators reaching the wrong hands. Most of the company's dealers are in Andhra Pradesh. RECL detonators are supplied to states like Bihar, Jharkhand, Assam and Rajasthan.



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This is not the first time that terrorists have used RECL detonators. Police found that they had been used in some of the serial blasts that rocked Coimbatore in 1998 when about 46 people were killed and more than 200 injured in 13 explosions. In another in-

cident, 1,500 detonators from RECL were recovered from a man in the Hazaribagh district of Jharkhand in August 2005. He was said to be a supplier of arms to Maoists in Jharkhand (*The Times of India*, August 2, 2008). Forensic investigators have concluded that the improvised explosive devices (IEDs) used in July's serial bombings in Gujarat were assembled by the same bomb-makers responsible for a string of earlier attacks in AP, UP and Rajasthan. Experts from the Gujarat police and the National Bomb Data Centre have determined that the IEDs deployed in Ahmedabad and Surat were identical in their design to the devices used in the May 2008 serial bombings in Jaipur; the November 2007 attacks on trial

court buildings in Lucknow, Varanasi and Faizabad; the August 2007 bombings at the Gokul Chat Bhandar in Hyderabad; and the March 2006 attack on the Sankat Mochan temple in Varanasi (*The Hindu*, August 7, 2008).

Twenty days later we are told at the press conference announcing the "breakthrough" that the "material for the explosions was brought from Madhya Pradesh and assembled in Ahmedabad and Vadodara".

CC: Have the AP and Rajasthan leads fallen by the wayside?

Were any follow-up investigations carried out to probe the Rajasthan connection? Why were they dropped? Why

are the Rajasthan and Gujarat police quiet now on the supply of detonators from AP and Rajasthan? Are the 1,500 detonators within each carton properly/serially numbered? If that is the case it should be very easy to trace the source of the leakage which would then lead to the network involved in the terror attack and its modus operandi.

Did the investigations in the earlier blasts also reveal a common pattern? Were the detonators used in those explosions also manufactured in the Rajasthan and AP factories?

E. *The vehicle trail:* A 'failed plan' to explode over a dozen bombs in Surat put investigators on an interstate trail of vehicles suspected to have been used

in the Ahmedabad explosions. The Surat police seized two cars containing RDX and detonators packed in separate bags. The bombs were yet to be assembled. The seized vehicles, it was claimed, bore fake numbers from Vadodara but their authentic registration had been traced to Navi Mumbai in Maharashtra. Both vehicles were CNG-run WagonR cars.

A connection between Surat, Ahmedabad and Navi Mumbai was found. It was a CNG-run WagonR that was reduced to mangled steel outside the Civil Hospital. The car seized by the Surat police, which contained a can of RDX, was also a CNG-run WagonR. The car has enough boot space to carry gas cylinders similar to those found at the Civil Hospital (*The Telegraph*, July 28, 2008).

The Maharashtra ATS says that it has detained car thieves from Navi Mumbai and Thane but is cagey on all other details (*The Times of India*, August 18, 2008).

CC: Since vehicles have been seized, why has the vehicle trail been dropped? (The culprits of the 1993 Bombay blasts were traced through vehicle numbers and registrations.) Why are the Gujarat and Maharashtra police suddenly silent on this? The Surat vehicles bear Vadodara number plates yet their registration has been traced to Maharashtra; both the ATS Maharashtra and the Gujarat police are reluctant to release any details about the vehicles' registration.

■■■ BLAST AFTER BLAST

F. Missing CCTV records: On August 1, 2008 newspaper reports revealed that vital CCTV data which could have provided useful clues to the identity of those involved in the Ahmedabad terror attacks was missing or tampered with. The ATS's great hope of putting a face to the Ahmedabad blasts had been dashed said the reports. The hard disk of CCTV footage that it had seized from the Talasari toll *naka* (check post) was 'corrupted' and did not contain any footage of the suspected terrorists crossing the *naka* in the cars stolen from Navi Mumbai.

The ATS had seized the hard disk after it received specific information that the suspected terrorists had stolen four cars from Navi Mumbai and crossed the Talasari toll *naka* while fleeing to Gujarat where explosives were then planted in these cars. Since the Talasari toll *naka* has an elaborate network of CCTV cameras which not only record the registration number of the vehicles crossing the *naka* but even take pictures of the driver, the ATS had hoped it could finally put a face to the men behind the terror attacks. The Thane police told the media that a few weeks earlier they had been informed by toll *naka* officials that the CCTV apparatus was malfunctioning. As the entire apparatus was installed and maintained by a private firm it took some time for the police to fix the problem. Police say it is possible that the cars crossed the *naka* during this time

(*Mumbai Mirror and The Times of India, Pune*).

CC: From reports appearing in sections of the media it appears that CCTV data at the Talasari toll collection centre were either *missing* for those crucial dates or *tampered with*. It is now up to the investigating agencies to verify whether there was in fact some defect in the CCTV or the data was intentionally tampered with. None of this information was made public at the 'break-through' press conference.

If the CCTVs were malfunctioning, and this had been reported to the authorities, how often has such malfunctioning been reported before this? Who was the person on duty for the relevant dates, operating the CCTV or manning

the Talasari toll *naka*? Who monitors the functioning of toll *nakas*? Serious questions need to be asked of whichever agency controls the entire toll collection operation, state or private.

G. Terror threat email: In a 14-page manifesto emailed to the media minutes before the serial bombings, an organisation calling itself the "Indian Mujahideen" claimed responsibility for the Ahmedabad attacks. Titled "The Rise of Jihad", the manifesto said the bombings were carried out to avenge the 2002 anti-Muslim violence in Gujarat. "In the light of the injustice and wrongs on the Muslims of Gujarat," it said, "we advance our jihad and call all our brethren under it to unite and answer these irrelative *kafireen* (infidels) of India" (*The Hindu*, July 27, 2008). The email from the Indian Mujahideen, which reached the media five minutes *before* the first bomb went off in

Was the Indian Mujahideen an organisation known to the Intelligence Bureau before the recent spate of bombings? Was this organisation linked to any known terrorist/extremist groups, their activities and their terror attacks? What are the antecedents of Kenneth Haywood? Who within the central IB and the MHA were responsible for letting Haywood leave the country?

Ahmedabad, was sent from the Yahoo mail account of "alarabi-gujarat" through an internet connection used in the name of Camp Kell White. The Internet Protocol (IP) address was traced to a Kenneth Haywood, living in Navi Mumbai.

As we go to press, Haywood has been allowed to flee India despite a 'lookout notice' against him, which means that his name is intimated to all airports and border checkpoints. Immigration at airports falls under the jurisdiction of central intelligence while airports fall under the purview of the ministry of home affairs (MHA).

CC: Was the Indian Mujahideen an organisation known to the Intelligence Bureau (IB) before the recent spate of bombings? (At his August 16 press conference DGP Pande said that SIMI minus the S and I equalled IM – Indian Mujahideen.) Was this organisation linked to any known terrorist/extremist

groups, their activities and their terror attacks?

What are the antecedents of Kenneth Haywood? Who within the central IB and the MHA were responsible for letting Haywood leave the country?

H. Other email threats: An accountant, Deepak Shivshankar Pandey, was arrested by Mumbai Crime Branch officials on July 31, 2008 for allegedly sending an email to a news channel in which he threatened more blasts. Though Pandey hailed from Mumbai, he was arrested in Ludhiana. The police said the email was traced back to the Punjab city from where he was then arrested (*The Asian Age*, August 1, 2008). According to *Pudhari*, a prominent Marathi daily published from Pune, Pandey is a committed activist and member of the RSS. *Pudhari* also reported on August 4 that Pandey had earlier been arrested for sending emails to the Maharashtra chief

minister, Vilasrao Deshmukh, and deputy chief minister, RR Patil, threatening to blow up religious places.

CC: Is there a link between this arrest and the other terror emails?

I. Farce of the Surat bombs: All the confidence exuded by DGP Pande as he talked of how police had solved the Ahmedabad serial blasts and the arrest of 10 SIMI activists as prime suspects fizzled out when media persons quizzed him about the Surat bombs and why they never went off (*DNA*, August 16, 2008). Pande was unable to answer whether the bombs were planned before or after the Ahmedabad blasts.

In another strange twist to the case of mysterious live bombs found and defused in Surat over several days the local police revealed that the Surat bombs were actually planted hours before the Ahmedabad serial bomb blasts took place. Surat police commissioner

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(CP) RMS Brar categorically confirmed that a citizen who had spotted the bombs and informed the police said that he first spotted the bomb at 11 a.m. on Saturday, July 26. (*The Asian Age*, August 1, 2008). The first bomb blast in Ahmedabad took place at around 6.45 p.m. i.e. nearly eight hours later.

The Surat CP concluded from this that the Surat bombs were planted before the Ahmedabad serial blasts and that if they had actually exploded they would have caused much more havoc than all the Ahmedabad bombs put together. He also said that fortunately none of the Surat bombs had timers and the live bombs had all been de-

➤ On July 30, a live bomb was found hidden near a signboard at Mahidharpura Hira Bazaar.

➤ On August 3, a live bomb was recovered from a billboard at a bus stop in the Athwalines area (*The Times of India*, August 19, 2008).

CC: How can the Surat police confidently assert – five days *after* the Ahmedabad blasts – that they have subsequently defused bombs in Surat that were actually meant for explosion before the Ahmedabad blasts?

VM Parghi, an officer of the Gujarat police who was seriously indicted by the courts for perjury in the Best Bakery case (*see CC, March 2006*), is the man from the Gujarat (Surat) police who has been

months ago the Crime Branch reportedly discovered that Mohammed was making phone calls from the jail to Pakistan and Dubai where many absconding criminals from India are suspected to have fled. (*The Telegraph*, August 1, 2008).

CC: How is it that information about phone calls to Pakistan from a jail in Gujarat, a clandestine and illegal act, was not made public before the Ahmedabad blasts?

K. *Failure of intelligence*: The Gujarat police have been severely criticised for inefficiency or worse in intelligence-gathering (*The Times of India*, July 27, 2008).

Maharashtra's Anti-Terrorism Squad (ATS) suspects that the conspiracy to carry out the bomb blasts in Ahmedabad was hatched by SIMI during a meeting in Gujarat in January. Around 15 SIMI men, including its chief, Safdar Nagori, his deputy, Shibli Abdul, and Sajid Mansoori and Asif Kagzi, two high-ranking activists from Gujarat, are said to have attended the two-day training camp in a forest area near Halol, around 50 km from Baroda, on January 13-14, the ATS said (*DNA*, August 4, 2008).

According to the Gujarat police, Safdar Nagori, the SIMI Madhya Pradesh unit chief who was arrested along with 12 others on March 27, 2008 from Indore (and has been in a Madhya Pradesh jail since then), had trained SIMI activists in the Halol jungle. Now we are told that another training camp also took place 30 km from Indore while yet another one was held in Kerala.

The Gujarat police's breakthrough mentions the Halol training camp. It also emerges that the ATS Maharashtra had detained Nagori for almost a month before the Ahmedabad blasts and then sent him back to the Rewa jail where he is still in custody (*The Times of India*, August 17, and *DNA*, August 18, 2008).

CC: If the ATS had gained such incriminating evidence of a training camp attended by Nagori and others, including Mansuri, why were these leads not followed through? Why did they not inform the Gujarat police of the training camp when they learnt of it? If they did, how is it that the Gujarat police



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fused by the local bomb disposal squad before they exploded.

➤ On July 29, a bomb was recovered from a treetop at Mini Hira Bazaar in Varachha.

➤ On July 29, a bomb was recovered from a flyover at Hira Baug Circle in Varachha and later defused.

➤ On July 29, a live bomb was recovered from a treetop near Mohan Chawl in Varachha whereas another bomb was recovered from an advertising banner stuck on the Flyover Bridge.

➤ On July 30, a live bomb was recovered from where it was hanging atop a tree near the Surat Municipal Corporation swimming pool in Kapdoara.

investigating the Surat bombs. Can this investigation have credibility?

The fact that the Surat bombs were defused in such a cavalier manner also prompted a section of the media to raise questions about the nature of these bombs.

J. *Alleged phone calls to Pakistan*: Police sources said that a life convict in a Sabarmati jail, said to be close to Pakistan-based fugitive Rasool Parti, would be interrogated in connection with the blasts. They said grilling Gulam Mohammed, jailed under the Prevention of Terrorism Act (POTA) in connection with the murder of Congress leader Rauf Valiullah (1991), could help them trace the link to Pakistan where they believe the blast conspiracy was hatched. Five

■■■ BLAST AFTER BLAST

were clueless about the terror training camp held in the Halol forest in January 2008? Is it at all credible that SIMI, a banned organisation, could hold such arms training camps in Modi's Gujarat? Besides, how did information about this camp, which took place on January 13-14, 2008, six months ago, miraculously surface through the Mumbai ATS only after the Ahmedabad blasts? What were the ATS Maharashtra and the Ahmedabad Crime Branch doing with this information all this time? What evidence do they have to definitively say that this meeting actually took place in January 2008?

What were the Madhya Pradesh, Gujarat, Kerala and Maharashtra authorities doing with this collective knowledge of training camps until now?

Why did the Gujarat police not go in for early arrests or impose surveillance on suspects if they did know that the perpetrators were in the state?

Did the states of Madhya Pradesh, Maharashtra and Rajasthan lack coordination and fail to share crucial details of the interrogation?

Was it plain complacency or worse on their part?

The breakthrough claim of the Gujarat police raises more questions than it answers.

Criminal antecedents of the Gujarat police and administration

The same individuals who occupy top positions in the state executive and administration have now presented us with an open-and-shut case. Of the 10 persons arrested for planning and planting the bombs, nine hail from Gujarat. Apart from Modi and Pande, 66 others (ministers, civil servants and policemen) face serious charges of being part of a mass criminal conspiracy – deliberate dereliction of duty to protect the lives of innocent members of the minority community. Despite glaring evidence of the conspiracy, the Gujarat police have consistently refused to register a first information report (FIR) and the matter is pending before the Supreme Court.

The tragic burning alive of 59 persons in the Sabarmati Express at Godhra was itself manipulated to suit a sinister game plan orchestrated by the state's chief minister, aided by central intelligence and the country's home minister at the time, LK Advani. Both tried their

hardest to project what the then district collector, Jayanti Ravi, had termed an 'accident' as an 'ISI-led conspiracy'.

Prompted by members of his sangh parivar and aided by submissive officers like PC Pande, the chief minister allowed the burnt corpses to be carried in open cavalcades into Ahmedabad city thus stoking hatred against the Muslim minority which had already been declared guilty in this diabolical plan for the Godhra burnings.

An obliging police commissioner delayed the imposition of curfew in Ahmedabad until the afternoon of February 28, 2002 even though 26 violent incidents had already been registered the previous day. In the six-and-a-half years since the genocide of Gujarat

Faced as we are with a cynical system that delays judicial trial of gross human rights abuses, a media that reports honestly on the blood on the streets but wears blinkers on the ideological and systemic rot in the system, we are today expected to put aside the unsavoury track record of the Gujarat government, bureaucracy and police and accept, unquestioningly, their claim that they have solved the Ahmedabad blasts case in 21 days

2002 the state administration and police continue in their efforts at subversion of the criminal justice system. This includes instances of perjury on oath before the Supreme Court of India. Given such antecedents, how can one be sure that the same government machinery has functioned professionally and with integrity during investigations into the recent bomb blasts?

Pande's appointment to the highest police post in the state has been challenged in the apex court. Citizens for Justice and Peace – an organisation of which this writer happens to be secretary – has questioned the decision of the state government to appoint him as DGP when another case charging him of gross dereliction of duty during the genocide in 2002 is pending in the Supreme Court.

At the last hearing of this writ petition in early August CJP filed an affidavit in the Supreme Court. Attached to it were two letters, written on April 19 and 29, 2002 by Pande, the then

police commissioner of Ahmedabad to K. Chakravarti, the then DGP, Gujarat, complaining about the role of sangh parivar leaders, including a BJP minister, Bharat Barot, in the continuing communal violence in the city. While he spoke the truth to the DGP in these confidential letters in April 2002, Pande has continued to delude the Supreme Court even in his counter-affidavit filed on July 31, 2008.

Do we still remember that a big question mark hangs over the Gujarat police for the involvement of some of its senior officers in politically-driven encounter (extrajudicial) killings? Two senior officers of the Gujarat police, Modi's blue-eyed boy, DG Vanzara, and Narendra Amin are still in custody for

these crimes. The Ahmedabad Crime Branch is notorious for the illegal detention of prominent Muslims, especially those who offered relief and shelter to the victims in 2002, detentions that were carried out by officers like Tarun Barot and Vanzara.

Significantly, Tarun Barot, a police officer indicted by the Concerned Citizens Tribunal – Gujarat 2002 for his close links to international president of the VHP, Praveen Togadia, is part of the crime bureau that probed the recent blasts.

Yet faced as we are with a cynical system that delays judicial trial of gross human rights abuses, a media that reports honestly on the blood on the streets but wears blinkers on the ideological and systemic rot in the system, we are today expected to put aside the unsavoury track record of the Gujarat government, bureaucracy and police and accept, unquestioningly, their claim that they have solved the Ahmedabad blasts case in 21 days. ■