

Vanzara's Resignation Letter: Further Actions Sought

By R B Sreekumar

13 September, 2013

Countercurrents.org

**Request for initiating immediate imperative investigation
on facts given in the resignation letter dated 1st September, 2013
by Shri. D.G. Vanzara I.P.S, DIGP
currently under suspension**

Ref: STF Public Notification dated 16/07/2012

1. Your kind attention is drawn to my letter to you No: RBS/STF/FE/03/2012 dated 30th August, 2012, presenting facts known to me about cases of alleged fake encounters investigated by the Special Task Force (STF), chaired by you.
2. Recently (on 1st September, 2013), Shri. D.G. Vanzara I.P.S, DIGP, under suspension, an accused in four alleged fake encounter cases, has submitted his resignation letter to the Additional Chief Secretary, Home Department, Govt. of Gujarat, apparently being frustrated over the alleged betrayal and breach of trust by the State Govt., who had failed to provide adequate assistance, support and protection to him and other accused officers arrested and imprisoned. This letter contains a plethora of facts, observations, admissions, and confessions having relevance to alleged fake encounters being probed by the STF headed by you and to the terms of reference narrated by STF in its Public Notice dated 16th July, 2012. A copy of Shri. D.G. Vanzara's resignation letter is enclosed, as Annexure-A
3. *In this context, I humbly request the STF to initiate further action on the material in Shri. D.G. Vanzara's resignation letter on the following aspects:-*
 - 3.1. In para 9 of Shri. D. G. Vanzara's resignation letter (herein after referred to as VL), he mentions that he and his officers are "loyal soldiers of this (Gujarat) Govt.... (who) fought incessant war against Pakistan inspired terrorism." Shri Vanzara should be asked to provide data on specific actions, operations, and projects launched by his team as part of counter-terrorist campaigns and the net result of multifarious police endeavors against terrorism.
 - 3.2. Were these anti-terrorist operations, supposedly carried out as per "procedure established by law", as envisaged in Article-21 of the Constitution of India and cannons of the Rule of Law or not?

3.3. Shri Vanzara should clarify as to what kind of “existential crisis” (para 10 VL) the State Govt. had faced

3.4. In what way police officers who derive power and authority by virtue of being in a functional executive post as per law (CRPC, Police Acts, Gujarat Police Manual-GPM etc.) could stand “beside Govt. like a bulwark” (para 10 VL)? Please get all details of actions taken in this connection by him.

3.5. As creatures of law, is it mandatory for police officers to help Govt. facing any “existential crisis” (political or otherwise)?

3.6. If the answer is positive it may be clarified as to what kind of help, assistance and support was extended by Shri Vanzara and his team to the State Govt. to tide over the crisis? Pinpointed and threadbare details should be sought.

3.7. What kind of help and support was expected by arrested police officers (para 11 VL) from the Govt. within the framework of law? This point is relevant in the light of legal position of the State Govt. being complainant / plaintiff, as per law in all cases registered, investigated, and charge-sheeted, even if govt. servants are the accused persons.

3.8. Did not Shri Vanzara know that any informal or formal help from State Govt. to accused persons, not permitted by law and administrative regulations, would be treated as acts punishable under various sections enumerated in chapter-XI of Indian Penal Code (IPC)-offences against public justice, particularly under sections 202, 203, 204, 217, 218, and 219 etc.(para 12 VL).

3.9. In para 12 VL it is mentioned that the State Govt. “has been clandestinely making all efforts to keep me and my officers in jail”. Information on these illegal and unethical efforts by the Govt. should be provided by Shri Vanzara.

3.10. With reference to para 14 VL, Shri Vanzara should clarify as to whether he and other accused did ask for legal assistance, from State Govt., on the ground that the alleged fake encounters were committed in pursuance of legal duties by the accused persons? If such a request was made what was the response of the Govt.? Please provide all details.

3.11. What action was taken by the State Govt. to get bails (para 14 VL) to Shri M. N. Dinesh and Shri Narendra Amin cancelled?

3.12. What are “the legal and political intrigues, machinations and maneuverings of Shri Amitbhai Shah” (para 15 VL) for getting trials of Shohrabuddin and Tulsiram cases transferred out of the state of Gujarat?

3.13. What are the specific acts, covert or overt, towards “completely mismanaging a sensitive dept. like police” done by Shri Amitbhai Shah? (para 18 VL).

3.14. What are the instances of Shri Amitbhai Shah’s “policy of divide and rule coupled with equally dirty policy of use the officers and throw them by deliberately spreading disinformations about them, whereby he succeeded in creating ‘crisis of confidence’ among senior officers on one hand and the govt. on the other”? (para 18 VL).

3.15. What are the specific facts and information about Shri Amitbhai Shah's policy for destroying "the command and control mechanism of Gujarat police" (para 18 VL).

3.16. Did Shri Amitbhai Shah allow undue accessibility to chosen police officers of different ranks violating the discipline and order of the vertical hierarchy in police dept.? (para 18 VL) If so provide data on specific instances.

3.17. Indicate the instances and events regarding Gujarat State becoming the "yadavasthali of fratricidal police war" (para 19 VL)

3.18. What is the criterion, according to Shri Vanzara for deeming or ranking a police officer as "patriotic police officer"? (para 19 VL)

3.19. Is it not the mandatory duty of police officers "to expose-the information on real culprits behind encounter cases by calling them spade a spade" (para 21 VL).

3.20. Should a govt. servant, who transforms himself from the status of an ordinary citizen to that of a govt. functionary, by virtue of his oath of allegiance to the Constitution of India, at the time of appointment, be motivated, guided and authorized by holy scriptures and exhortations by Gurus/Holy men or by the stipulations of laws of the Nation? (para21VL)

3.21. Does the extra judicial confession by Shri Vanzara that police officers performed their duties "in compliance of the conscious policy of this govt." (para 22 VL) indicate that fake encounters were planned, organized, and perpetrated on innocent persons in pursuit of State Govt. policy of organizing extra judicial killings? If so, is it mandatory for a govt. servant to comply with the illegal, unethical, and improper policy and instructions of the govt.? (I had even openly disobeyed the illegal written orders of DGP Shri Chakravarti for not reporting about contents of a communally objectionable speech by the Chief Minister Shri Narandra Modi in Sept 2002 to the National Commission for minorities-documentary evidence is available).

3.22. Is there any evidence accepted by judiciary (in verdicts) confirming the observation of Shri Vanzara (para 23 VL) that Pakistan based terror outfits were trying "to convert Gujarat into another Kashmir"? What are the specific facts in support of this observation?

3.23. Could Shri Vanzara and his staff collect information about terrorist network of persons killed in fake encounters, viz their ideological and material resource persons, bosses of operations, communication channels, sanctuaries, shelters, links with anti-nationals within and outside India, source and supply of weaponry etc. before or after their elimination? (para 24VL). Even after the arrest of a person accused in property offences like theft, dacoity, house breaking etc. collateral and circumstantial evidence about him and associates are deeply probed and evidence brought on record. Why this normal professional drill was not done in the case of fake encounters? If such relevant data is available the same may be provided by Shri Vanzara.

3.24. What are the ingredients of the State Govt.'s "pro- active policy of zero tolerance for terrorism"? (para 24 VL).

- 3.25. How the nuances, strategy, tactics, ground level methodology and the Standard Operating Procedure (SOP) of the above govt. policy were communicated to Shri Vanzara and his staff by the govt.? (para 24 VL). He may be directed to provide details of written orders, verbal instructions etc.
- 3.26. Were the officers in the vertical hierarchy in administrative bureaucracy and police over-viewing Shri Vanzara's work viz the Commissioner of Police Ahmadabad city, DGP, Adl Chief Secretary (Home), Chief Secretary etc. aware of "zero tolerance policy" of the govt.?(para 24 VL). If documents are available to prove their involvement in formulation and implementation of this policy the same may be provided.
- 3.27. How the illegal acts of fake encounters came to be a part of "pro-active policy of zero tolerance for terrorism"? (para 24 VL). Please seek clarification.
- 3.28. Can police and govt., in pursuit of zero tolerance policy, initiate action against terrorists by violating the structure and framework of laws and SOP? (para 24 VL)
- 3.29. For implementing the above policy, can police and officials in Executive Magistracy go beyond the legal architecture of (1) collection of real time preventive actionable intelligence of terrorists, (2) their arrest and prosecution, (3) surveillance and neutralization of their ideological and material resource-persons through legal means etc.? (para 24 VL)
- 3.30. STF may wish to know as to why there was no instance of arrest and prosecution of terrorists and their elimination in extra-judicial killings, after the arrest of police officers responsible for alleged fake encounters, in April 2007? (para 24 VL).
- 3.31. What kind of initiative and action from govt. in "protecting its loyal solders"(para 26 VL) was expected by Shri Vanzara? Please seek due clarification.
- 3.32. Please seek delineation of specific grounds and materials of substantive evidence enabling CBI to arrest "the policy formulators as we (Shri Vanzara and other arrested police officers), being field officers, have simply implemented the conscious policy of this govt. which was inspiring, guiding and monitoring our actions from the very close quarters" (para 27 VL)
- 3.33. Shri Vanzara appears to have misread the law of the land as, indeed, he has also misread the scriptures as highlighted by the following:
- 3.33.1. Etymology of the word Dharma is "Dharaiti Visvam Iti Dharma"- (Lingabhattan, in his book-Lingasuri) that which holds/protects the world is Dharma-Righteousness. Upanishads take the second position among the three basic scriptures of Hindus-Prasthanathrayam - the first being Vedas and the second is Bhagavad-Gita. The definition of Dharma in one of the Principal Upanishads is:
- "Law is the king of kings;
Nothing is superior to law;
The law aided by the power of the king
enables the weak to prevail over the strong"*

*“Tadevatad-Kshatrasya Kshatramyethdarmh:|
Tasmat dharmatparm nasty |
Adho abeliyan beliyamsamashamsatedharmena|
Yadha raja evam ||” (Brihadaranyakopanishad-14-4-2-23)*

3.33.2. Commenting on the above provision Dr. S Radhakrishnan, former President of India and philosopher observes, in his book: ‘The Principal Upanishads’ (Page 170) “Even kings are subordinate to Dharma, to the Rule of Law”. The immortal Tamil saint-poet, Tiruvalluvar of second century BC, in his book, Tirukkural asserts “Be pure in mind. That is Dharma. All else is pompous show” (kural 34). Dharma is bound to protect only those that protect it (Law) -“Dharmo Rakshati Rakshita:|” (para 28 VL). The case of Shri Vanzara and other accused police officers charge-sheeted by authorized investigating agency-CBI, is an instance of unpardonable deviation from the fundamental and foundational ideals and requirements of Dharma (Basic Law of the Land-the Constitution of India). So their not getting protection of Dharma, has to be deemed, as quite appropriate, logical, legal and legitimate.

3.33.3. May the STF be pleased to ask Shri Vanzara to clarify his understanding of the teachings of the scriptures quoted by him.

3.34. Planned encounter is a contradiction in terms (Contradictio in terminis) as dictionary meaning of encounter is “unexpected meeting”. How can the State Govt. constitute an “encounter police” (para 28 VL) and how can such police expect to be immunized from legal liabilities and culpability for their alleged misdeeds? May the STF be pleased to direct Shri Vanzara to justify his expectations in this connection.

3.35. What are the characteristics of “patriotic and nationalist police officers”? (para 28 VL). Detailed clarification of Shri Vanzara may be sought on all his contentions, presumptions, averments and assessments made in para 28 of his resignation letter.

3.36. Shri Vanzara claimed that he and his team “tirelessly continued to wage war against those who had been waging war against India” (para 24 VL) as per the policy of the State Govt. This operation, having been conducted in violation of SOP, “the encounter police” had usurped the role and duty of armed forces. In this process the police was performing the Dharma (duty) of a wing of the Central Govt. This action of Shri Vanzara and his team is not only a clear violation of the letter and spirit of provisions of the Constitution of India but also the directions in the core scripture of Shrimad Bhagvad-Gita. In chapter III-35 it is directed

“One’s own Dharma, though imperfect, is better than the Dharma of another well discharged. Better death in one’s own Dharma; the Dharma of another is full of fear.”

*“Shreyansvadharmoviguna: pardharmatsvanushithitat |
Svadharmenidhanamshreya: pardharmobhayavah: ||”*

Shri Vanzara may be asked to clarify this confusion.

- 3.37. The burden of para 29 VL is that govt. (administrative and political bureaucracy supervising Shri Vanzara and his team) was equally responsible for the planning, mobilization, preparation and perpetration of alleged fake encounters. In this context Shri Vanzara may be asked to provide material evidence to substantiate his claim of govt.'s involvement and culpability in the alleged fake encounters.
- 3.38. Shri Vanzara may be asked to provide specific material evidence and grounds which prompted him to observe that "Deliberate demoralization of Gujarat police by this govt., by cascading effect, has reached every nook and corner of India, demoralizing the ranks and file of Indian Police as a whole."(para 31 VL).
- 3.39. Did Shri Vanzara and jailed police officers organize the alleged fake encounters to endow the Chief Minister Narendra Modi with "the halo of brave Chief Minister among the galaxy of other Chief Minister's", as indicated in the para 32 of his letter? Shri Vanzara may be directed to clarify.
- 3.40. What are the "willful acts of omissions and commissions by Shri Amitbhai Shah towards the fate 32 jailed police officers"? (para 33 VL) Are these acts, crimes and deviant actions violating laws of the land and departmental regulations? Shri Vanzara may be directed to provide adequate evidence.
4. The prolonged breach of trust and betrayal practiced by the CM Shri Narendra Modi and Shri Amitbhai Shah towards the police officers responsible for alleged fake encounters (as narrated in Shri Vanzara's resignation letter) has evoked genuine feelings of helplessness, abandonment, agony and desperation among the arrested and jailed officers. *This unethical stance by political bureaucracy of State Govt. is in stark contrast to special, well-focused and purposeful care taken by the govt. in immunizing the planners, organizers, ground level mobilizers, and facilitators/enablers of 2002 protracted anti-minority carnage (these genocidal crimes-in which nearly 2000 people were killed are painfully graver than fake encounters) and those responsible for subversion of CJS to delay, deny, and derail justice delivery to riot victim survivors.* So far the State Govt. had succeeded to prevail upon the Investigating Officers(IO) of riots including Dr. R. K. Raghvan, the Chairman of the Apex court constituted Special Investigating Team (SIT), and his staff to shield the above four category of criminals responsible for anti-minority pogrom in 2002, belonging to the rank of DYSP to Chief Minister. The SIT had arrested only 2 Police Inspectors for their guilt for riots.
5. *Significantly, most of the officials who facilitated the enforcement of covert and clandestine anti-Muslim policy of the govt. since 2002 were rewarded with accelerated promotions and even post-retirement assignments as Chairmen of Corporations, Administrative Tribunal, Judicial Commission, Director of University*

etc, (the relevant data is in the 6th Affidavit of R. B. Sreekumar to Justice Nanavati Commission).

6. *These acts would prompt one to see an elitist, casteist, and class-centric nepotism and favouritism exhibited by the State Govt.* in insulating and saving the authors of 2002 riots as against the policy of bias, betrayal and abandonment towards those who claim to have implemented the govt. strategy of “zero tolerance for terrorism” by organizing alleged fake encounters. It is relevant to note that 6 out of 7 IAS officers and 13 out of 17 IPS officers who were rewarded by State Govt. for their collaborative role in illegal anti-minority policy belonged to upper castes, *while the leadership of the misadventure of fake encounters remained with officers from reserved castes. All 3 IPS officers initially arrested for fake encounters belonged to this under privileged (social and economic) sections of Hindu community.* Is this approach of State Govt., which has been projected as the model govt. of the Sangh Parivar since 2002, *illustrative of the esoteric, camouflaged and latent objective of full scale restoration of status-quoist caste order – Varnavyavastha - in India, an aim violating Preamble and Article 51A of the Constitution of India?*

7. I had an opportunity as Additional DGP (Armed Units) to supervise the work of Shri Vanzara, when he was posted as Commandant of State Reserve Police Force (SRPF) in 2001. When I was deputed by State Govt. to organize and supervise the relief and public order, in the immediate aftermath of the major earthquake on 26th Jan 2001 in Kutch dist., for 10 days from 27th Jan 2001 to 6th Feb 2001, Shri Vanzara had shown commendable dedication in creditably completing all tasks assigned to him as my Lieutenant. Our performance was highly appreciated by the then Chief Minister Shri Keshubhai Patel. Secondly, Shri Vanzara had done exemplary work in creating infrastructural facilities for establishing the headquarters of a new SRPF Unit in Modana of Banaskantha dist. I had found him to be an officer with remarkable technical, human and situational skills, and praiseworthy degree of empathy for the personnel under his command. I sincerely feel that, as obliquely admitted by Shri Vanzara, he was forced to indulge in certain alleged deviant acts like fake encounters, in compliance with the illegal policy of the political bureaucracy of State Govt. However, the leadership failures of his supervisory officers in police and administrative bureaucracy is quite conspicuous in their approach of ignoring reports/complaints about alleged misconduct or fake encounters since 2002 onwards, committed by him and his team. Unfortunately for Shri Vanzara, the departmental guardians of Shri Vanzara had chosen the sinful, illegal, unethical and self-promoting line of misusing him for enhancing their image and rejecting him as a waste material afterwards. Nevertheless, this factor is not a valid and enabling ground for exonerating Shri Vanzara and other accused, if their guilt for organizing alleged fake encounters is established.

7.1. Therefore for uncovering the full story behind the alleged fake encounters being probed by STF, the govt. functionaries in the supervisory hierarchy, who had

communicated the govt. policy of “zero tolerance for terrorism” to Shri Vanzara and afterwards had been closely monitoring the planning, organizing, mobilizing of resources, preparation and execution of alleged fake encounters, had to be interrogated/examined. *STF is requested to summon and get relevant information on the material in VL, as suggested in this representation, from the Chief Minister Narendra Modi, the Minister of State (Home) Shri Amitbhai Shah, the Chief Secretaries of the relevant period (Shri G Subbrao, Shri P.K.Lakhri and Shri Sudhir Mankad), those in charge of State Home Dept. (Shri Ashok Narayanan, Shri K.C.Kapoor and Shri Balvantsingh), Director Generals of Police (Shri K Charavarti, Shri A. K. Bhargava and Shri P. C. Pande), Shri J. Mahapatra, the ADGP (int) who had to conduct mandatory probe into all fake encounters as per GPM and the Commissioner of Police, Ahmadabad city, Shri K. R. Kaushik.*

8. These superiors of Shri Vanzara have to explain as to why they failed to discharge their statutory duties and responsibility envisaged under the command and control system structured in the Criminal Procedure Code (CRPC), Police Acts, GPM and Rules of Business. Their dereliction of duties had only resulted in denial of justice to the victims of alleged fake encounters and consequently the aggrieved approaching the judicial bodies for justice delivery. The acts of omissions and commissions by these officials had only facilitated the State political bureaucracy to design its devilish strategy of organizing fake encounters, in violation of their oath to the Constitution of India, with the objective of building and mobilizing political capital and profitably quantifiable electoral dividends.
9. History may judge as to whether *the revolt of Shri Vanzara against the planners and plotters of the fake encounters in State Govt. is a rebellion by a neglected Dussasana against an un-empathetic Duryodhana or by discontented devotee Hanuman against his insensitive Lord Rama.*
10. Shri Vanzara’s letter confirms that the police officers (32 in jail and many facing criminal charges and under cloud) accused of allegedly organizing fake encounters are secondary victims of illegal anti-constitutional policy and strategy of State Govt. to play politics with the lives of people. *Unless the real planners, organizers and motivators behind the incidents of extra-judicial killings being probed by STF and CBI, are arrested and prosecuted,* the burgeoning and debilitating malady of misuse and abuse of police and executive magistracy by political bureaucracy in India would not be curbed and controlled, if not eliminated.
11. Indian citizens are optimistic about the final outcome of investigation on fake encounters by STF and CBI. The great poetic visionary Rabindranath Tagore observed “Truth is positive, it is the affirmation of the soul. If ever a little of it be roused, it attacks negation at the very heart and overpowers it wholly” (Essay-The call of truth-in Modern Review, quoted by author Narayan Desai in his book: My Life Is My Message, Vol-2 page 272, translated by Tridip Suhrud). In Tirukkural, Saint Tiruvallur validates “Water cleans the body. Truth cleans the soul”- Kural No:298.

12. The essence of the Terms of Reference of the STF require it to “look” into and to “thoroughly investigate” the various encounters that took place in Gujarat. Such a thorough investigation will obviously entail going into the machinations of the state machinery, their maneuverings, manipulations, formal and informal line of command, unwritten rules of conduct, existence of extra-constitutional authority, mutual considerations and hidden understandings prevalent and obtaining in the state of Gujarat. Mercifully for the investigators, Shri Vanzara, a chief architect and key player of a few of such encounters, has elaborated upon significant details and even sufficiently hinted at other players of this unconstitutional and unholy games. The STF may please seize upon this opportunity and examine VL and seek the help of its writer to dwell upon its content so as to investigate the entire gamut of these encounters.

To,

Justice H.S.Bedi
The Chairman,
Monitoring Authority and Special Task Force,
Bungalow no: G – 1/201/1 and 202/2 Sector-30
Gandhinagar – 382030
Gujarat.

Yours faithfully,

[R.B.Sreekumar]

Copy forwarded with compliments to,
The Director,
Central Bureau of Investigation,
Plot No: 5-B, 6th Floor,
CGO Complex,
Lodhi Road,
New Delhi-110003.

With a request to kindly initiate the following actions:

1. Suggestions in this letter to Chairman, STF, for initiating further action on Shri Vanzara’s resignation letter are quite relevant to the CBI investigation relating to the alleged fake encounters in Gujarat State. So Kindly order follow-up action on the suggestions in the letter.

2. Kindly move for getting the statement of Shri D. G. Vanzara recorded before a Magistrate under section 164 CRPC.

I am ever willing to meet any CBI officer for clarifications on the facts narrated in this letter.

Copy of my earlier letter to Chairman STF dated 30th Aug,2012 is enclosed.

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