

September 27, 2013.

To

The Prime Minister,
Government of India,
New Delhi.

Dear Prime Minister,

I write to you on a matter of public importance.

The Congress strategy in the face of its' depleting popularity is clear. Congress cannot fight the BJP and Narendra Modi politically. Defeat stares them in the face. By misuse of investigative agencies they have so far tried various methods of falsely implicating Narendra Modi, the Chief Minister of Gujarat, Shri Amit Shah, the then Home Minister and also the Minister of Law, Transport & Parliamentary Affairs of the State of Gujarat and General Secretary of Bhartiya Janata Party and other important BJP leaders. Some of the illustrations in this regard are discussed herein below:-

Sohrabudin Encounter case

The encounter in which one Sohrabudin Sheikh was killed was an operation allegedly directed by the Intelligence Bureau of the Central Government. It has been a practice that when the Intelligence Bureau processes and develops intelligence, it keeps vigilance on the target. Thereafter when an opportunity arises to arrest the target the State police is associated with the operation. Sohrabudin was a noted mafia who operated in Gujarat, Madhya Pradesh and Rajasthan and was carrying prize on his head in Madhya Pradesh. He was an illegal weapon dealer. He had also been convicted under TADA. The search conducted by Madhya Pradesh police at his premises at village Jharnia, District Ujjain had yielded more than 40 AK-56 rifles, hundreds of AK-56 cartridges and hundreds of

hand grenades. He was an absconder from the police agencies of various state governments.

After his encounter on 24/25-11-2005 his brother filed a Writ Petition in the Supreme Court. The filing of the said petition was also sponsored by Congress Party. The then Addl. Solicitor General of India, Shri Gopal Subramaniam in a pre-conceived and planned move, appeared on day one before the Court and agreed to take instructions from the Central Government. Subsequently, the Attorney General appeared for the Union of India and Gopal Subramaniam designated himself as Amicus Curiae without any specific order of the court appointing him. The Government of India conceded that the investigations be handed over to the CBI. Though the Central Government should be a mere formal party, the then Attorney General used to appear and oppose even motion for adjournments. Since objections were raised with regard to the fairness of the CBI, the Supreme Court ordered investigations by a team of Gujarat Police officers of the State Police under its supervision. The State police reconstructed the encounter, conducted scientific investigation under supervision of the Hon'ble Supreme Court and implicated and arrested several police officers including three IPS officers. Upon hearing the arguments of the Union of India and Shri Gopal Subramaniam, the amicus curiae and others, the Supreme Court referred the matter to the CBI. The ground on which the Supreme Court transferred the case to the CBI was that the investigation involved inter-state ramifications and the Andhra Pradesh angle of the matter had not been probed. As a matter of fact the Congress Government in Andhra Pradesh did not cooperate in the investigation by Gujarat police which is a matter of record.

The CBI investigated the case but did not investigate any of the four points on the basis of which the case was referred to the CBI which were the points found lacking in Gujarat police investigation. It did not probe the Andhra Pradesh angle of the case seriously. The probable purpose of the CBI in this case was to try and implicate the political establishment of Gujarat, setting aside the pretence of

federal character of India's governance. The CBI targeted Shri Amit Shah, the then Home Minister and also the Minister of Law, Transport & Parliamentary Affairs of the State of Gujarat with the ultimate desire of implicating Narendra Modi, the Chief Minister of Gujarat.

Shockingly, when the Legal department of the CBI opined that there was no case against Shri Amit Shah, the same was responded to by the Supervisory Officer of CBI, putting up a "Note" by observing that the arrest of Amit Shah would enable the CBI to get some more witnesses particularly the police officers since they would then feel intimidated. He also opined that arresting Amit Shah was necessary since it was necessary to reach the eventual target of investigation of Narendra Modi. This note was approved by the Director, CBI, Shri Ashwani Kumar.

The CBI arrested Amit Shah with no prosecutable evidence against him. In order to arrest Amit Shah they relied on the false testimony of two witnesses namely, Ramanbhai Patel and Dashrathbhai Patel, noted land grabbers of Gujarat. Shri Amit Shah, as per the CBI theory in the Charge Sheet, is alleged to have told both of them six months after the encounter that Sohrabudin had left no option for himself. This was incorporated as an extra judicial confession. It is noteworthy that both Ramanbhai Patel and Dashrathbhai Patel have criminal antecedents and criminal cases in Gujarat. These two witnesses were felicitated for having given such a deposition against Shri Amit Shah in a function presided over by Shri Shankersinh Waghela, the then President of Gujarat Congress. The testimony of these two witnesses is based upon the alleged extortion from them to help them in PASA detention. The record of the Gujarat Government shows that no detention of these persons under PASA was never in contemplation. Said two witnesses also claimed that they have paid a sum of Rs. 75 to Shri Amit Shah through one Ajay Patel in three different installments with specific dates mentioned by them in their statement. They gave the specific dates of payments on which they allegedly physically handed over the alleged amount to Shri Ajay Patel. They further

claimed that they were there through all the dates. This testimony is false without any further probe inter alia on the ground that on some of the dates Ajay Patel was not even in India and his passport establishes this fact. This was a key substance of a frivolous charge sheet filed against Shri Amit Shah. Shri Amit Shah was granted bail on this charge sheet by the Gujarat High Court by a detailed speaking order inter alia holding that there is no prima facie case against Shri Amit Shah. The CBI, however, challenged the said order and upon the request of the CBI, the Supreme Court ordered Shri Amit Shah to remain out of Gujarat and all political activities. He remained outside the State of Gujarat for a period of two years. The said order of the High Court was upheld by the Supreme Court.

Tulsi Prajapati encounter

Tulsi Prajapati was a case built up by the CBI as an extension to the Sohrabudin case. The CBI solicited the investigation of this case by making a specific prayer in the Court. Their ostensible case was that Tulsi Prajapati was a witness to the arrest and disappearance of Sohrabudin while in custody of the police officers and correspondingly he was eliminated by the Gujarat Police. The only evidence mentioned against Shri Amit Shah by the CBI in this case was that he was regularly in touch with one police officer Shri R.K. Pandian, IPS who was an accused in the case. The vast contemporaneous record shows that Shri R.K.Pandian, IPS had been regularly in telephonic contact of Shri Amit Shah much before and after the incident as a part of his official duty since he was also heading the charge of SP, IB(Intelligence) of the State Police looking after political agitations and political activities. Any Home Minister of any State will have to necessarily remain in touch with SP, IB(Intelligence) of the State Police looking after political agitations and political activities since he had to keep himself informed about the activities on a regular basis. Without a point of evidence a separate Charge Sheet was filed against Shri Amit Shah in the Tulsi Prajapati case. Very importantly, though the CBI was under the direction of the Supreme Court to complete the investigation of Tulsi Prajapati case within 6 months from 11-04-2011, the CBI deliberately and as a part of political conspiracy did not obey the

direction and filed the Charge Sheet on 04-09-2012 so as to arrest Shri Amit Shah once again just few months before the Gujarat Legislative Assembly elections which were scheduled to be held before Decemner, 2012. Shri Amit Shah had to approach the Hon'ble Supreme Court. The Supreme Court vide its order date 08-04-2013 held that no separate charge sheet could be filed in this case since CBI itself had alleged that both the cases were similar and it merged the charge sheet with the Sohrabudin case charge sheet thereby preventing the CBI arresting Shri Amit Shah once again.

Tulsi Prajapati and the arrest of Shri Gulab Chand Kataria, former Home Minister Rajasthan

Shri Gulab Chand Kataria is the former Home Minister of Rajasthan and the present Leader of Opposition in the Rajasthan Legislative Assembly and a very important leader of Rajasthan BJP. He is a complete stranger to even the existence of such persons known as Sohrabudin and Tulsi Prajapati. The CBI filed a supplementary charge sheet against Gulab Kataria wherein it was alleged that the motive of elimination of Tulsi Prajapati by Gulab Kataria was extorting money from marble dealers of Rajasthan namely RK Marbles. As per the CBI there were two motives; one the Gujarat Police wanted to eliminate him in order to eliminate the eye-witness in the Sohrabdun case and the Home Minister of Rajasthan wanted to eliminate him for extorting money from marble dealers. What a co-incidence. It was alleged by the CBI that Shri Gulab Chand Kataria allegedly met one Shri D. G Vanjara, IPS of Gujarat Police allegedly between 26/12/2005 and 28/12/2005 at the Circuit House at Udaipur. The CBI evidence of his presence was that PS of Shri Gulab Chand Kataria was staying in the same Circuit House during that period and Shri D.G.Vanzara, IPS also stayed in the said Circuit House. However, records of the Rajasthan Government conclusively establish that Shri Gulab Chand Kataria along with his wife had flown on 25/12/2005 to Mumbai and stayed there till 2/1/2006. He attended the meeting of the BJP National Executive and thereafter a meeting of the National Council and after celebrating new year along

with his wife , returned to Jaipur on 2/1/2006. On those three days of December 2005 Shri Gulab Chand Kataria was not even in Rajasthan and he was in Mumbai. He had never met D. G. Vanjara, IPS at all. His presence in the National Executive and the National Council of BJP is recorded by the BJP. He had signed the Attendance Register which amongst others was signed by Shri Atal Bihari Vajpayee and Shri L.K.Advani. The air tickets of Shri Gulab Chand Kataria's travel are available in the records of the Rajasthan Government along with the proof of his receiving his travelling allowance for having travelled out of the State which is an official contemporaneous record. There was no occasion for Shri Gulab Chand Kataria to have met Shri D.G Vanjara, IPS in December 2005 and plan a conspiracy to kill Sohrabudin since Sohrabudin had earlier been killed on 26/11/2005. The officers who prepared and filed this charge sheet deserve to be prosecuted for this dishonest attempt to implicate senior leaders purely under political pressure of the Congress.

Ishrat Jehan encounter

Like the case of Sohrabudin and Tulsi Prajapati Ishrat Jehan's case was also completely handled by the Intelligence Bureau of the Central Government (Central IB). The Central IB received information that some persons, including two from Pakistan after infiltrating into India, were planning to eliminate important leaders like Shri Narendra Modi, Shri L.K Advani etc. It was the Central Government through Intelligence Bureau who kept a trail of their movements which happens as a part of any intelligence agency to protect the national security. It was the Central government which alerted the Gujarat Police in order to take into custody these persons along with Ishrat Jehan and Javed Sheikh alias Pranesh Pillai. They were also interrogated by the Central intelligence agencies. Thereafter they are alleged to have been killed in an encounter. The political establishment of the State of Gujarat was no where involved in this exercise. Whether the encounter is genuine or not is a subject matter in the know of the Central intelligence agency.

While living in denial, it was the political establishment of New Delhi which collusively got filed a petition before the Gujarat High Court in the name of the relatives of the Ishrat Jehan. The fact that Ishrat Jehan was a LeT operative is evidenced from the fact that LeT through its mouth piece *Jamat-ud-Dawa* had put out an official obituary upon her killing in its website and her death was termed as “martyrdom” by one of the soldiers of LeT. The Central Intelligence Bureau is in possession of communications between Let operatives and the LeT Commander supervising the terrorist operation from Pakistan. The Home Ministry, in the petitions before the Gujarat High Court, admitted through an affidavit filed by the Union Home Ministry that Ishrat Jehan was an LeT operative who was planned to be a suicide bomber. It is also relevant to note that one David Headly, a LeT operative was arrested and interrogated by the FBI of the USA. During his interrogation by the FBI, the said LeT operative disclosed that Isharat Jaha was a suicide bomber of LeT. This fact was also mentioned by the Union Home Ministry in its affidavit. The Union Home Ministry also admitted on affidavit before the High Court of Gujarat that the encounter in question is not a fake encounter but a genuine encounter. However, with the change of Home Minister (Shri Patil to Shri P. Chidambaram) an alternative political interest was developed. The Home Ministry was compelled to file a new affidavit attempting to dilute the earlier affidavit. In the new affidavit the Home Ministry chose to distance itself from the Central agencies and from the alleged encounter. In a surprise move the Gujarat High Court appointed a 3-member SIT which included a nominee of the Central Government, a nominee of the State Government and a nominee of the writ petitioners. The writ petitioner’s nominee was one Shri Satish Verma, IPS. The Central Government nominee kept on changing from Karnail Singh, Satyapal Singh to Shri R.K. Verma etc. The police officers of the Central Government were reluctant to be a part of this inquiry since the same was intended to be used for an extraneous political purpose.

The case was, thereafter, referred to the CBI and the police officers nominated by the relatives of the persons killed in the encounter himself desired and was made a

part of CBI team initially for helping in the investigation. What happened thereafter has been one of the greatest scandals in recent investigation history. The CBI started visiting the jail and negotiating bargains with various police officers that in case they agree to depose against senior officers the officers of the Central Intelligence Bureau and political leaders of Gujarat, the accused in custody would be permitted to get default bail by the CBI not filing a Charge Sheet within 90 days of their arrest. Those who were not arrested were induced to falsely implicate Central IB officials and political leaders of Gujarat BJP in lieu of they being not shown as accused in the Charge Sheet making them witnesses. The consequences of this exercise was to implicate the Central Intelligence Bureau and if possible the political leadership of Gujarat.

In this case of Ishrat Jehan 16 persons were named in the FIR after an enquiry conducted and having found their alleged roles. They were all police officers. Six persons named in the FIR were arrested in the first phase of the case as a part of the political conspiracy which the CBI was implementing. The balance eight were induced and all were given an opportunity to strike a bargain. The bargain was that those who are arrested would be allowed to get default bail by the CBI not filing a Charge Sheet and those not arrested will not implicated if they implicate others initially under Section 161 of the Cr.P.Code and after release of those arrested, by recording their statements under section 164 of Cr.P.Code. Seeing the position of their fellow officers who are languishing in jail since last 6 years in Soharabuddin/Tulsi Prajapati case, the accused police officers in Isharat Jahan case obliged the CBI to save themselves. Six officers who were arrested were in jail were allowed to get default bail since the CBI performed its part of the dishonest bargain by not filing Charge Sheet within 90 days and not opposing their default bail applications. Those accused named in the FIR who obliged CBI by falsely implicating Central IB officials and political leaders of BJP are not cited as accused in the Charge Sheet dated 3rd June, 2013 which was filed by the CBI after the arrested accused got default bail on 25/26/27-05-2013. Immediately upon filing

of the Charge Sheet without showing other accused named in the FIR as accused in the Charge Sheet, the said “witnesses” performed their last part of the bargain by getting their statements recorded under Section-164 of the Cr.P.Code between 04-06-2013 and 07-06-2013.

Such bargain is the modus operandi of the UPA Government

News items have appeared in the national media that one Bhavnes Patel, an accused in the Ajmer Sharif Dargah blast case has moved an application before the Trial court alleging that a section of the Congress Party leadership, certain Union Ministers and officials of the NIA investigating the case have been pressurizing him to implicate senior leaders of the RSS. He has alleged that he has had several meetings with these persons and it was a part of a political/investigational bargain that he should make a statement under section 164 of CrPC against these functionaries and that he would be helped by eventually not implicated in the case. It is noteworthy that within minutes of the statement under section 164 CrPC Bhavnes Patel had retracted the statement before the Trial court. Similar charges have been made by one Harshad and Mukesh who are also accused in the case.

This appears to be the standard formulation which the UPA Government and its investigative agencies are following against leaders of the BJP and the RSS.

This trend has been additionally followed by the Congress Party. A political cell has been operating with Union ministers and certain senior office bearers of the Congress Party. A retired officer of the Indian Police Service of the Gujarat cadre has been subsumed as Advisor to the Home Minister. He has no role in running the Ministry but only coordinates efforts to implicate political leaders of Gujarat. He meets family members of imprisoned police officers; Strikes bargains with them for promising them freedom in response to false

statements being made by them. Officers of the Investigative agencies have been visiting jails and meeting imprisoned officers privately to strike bargains. This is a part of the series of unlawful activities being carried out by the investigative agencies under the UPA.

Senior officers of the investigative agencies are being promised with post retirement jobs. The last two Directors of the CBI have been offered lucrative jobs after retirement. The last Director of the NIA has also been given a post retirement job. The present Special Director of the CBI is being appointed a Vice Chancellor in consideration of services rendered.

In the process of this unraveling the entire covert operation of Intelligence Bureau, the CBI would investigate these operations. National security is being compromised. The officers of the Intelligence Bureau are being asked for the sources of their information, the authenticity of their information etc. is being questioned.

Notwithstanding the fact that there was a conclusive evidence of Ishrat Jehan being a LeT operative the CBI was now being compelled to even deny the existence of this fact. Even the team of NIA had maintained that Ishrat Jehan was an operative of LeT, that she was a trained suicide bomber. Efforts were made to remove paragraph 168 of the testimony of David Hadley recovered by the FBI and the NIA. Ishrat Jehan could not be given a clean chit. It was noteworthy that the Union Home Ministry's change of stance rhymes with the Jamat-ud-Dawa website apologizing for having condoned the death of its operative Ishrat Jehan. Jamat-ud-Dawa started dis-owning Ishrat Jehan.

The case of Rajinder Rathore, former PWD Minister of Rajasthan

He is a senior BJP leader In the year 2008 a PIL was filed before the Supreme Court seeking a reference of the case to the CBI. The CBI appeared in the court and agreed to investigate the case. The CBI object was to implicate Rajinder

Rathore in the alleged encounter wherein a noted mafia Dara Singh was killed. Dara Singh was a Jat and Rajinder Rathore a Rajput. No evidence against Rajinder Rathore was available. Since no evidence was available the CBI only relied upon two pieces of evidence. Firstly, witnesses had told them Dara Singh was a person whom Rajinder Rathore had an animus. This was hearsay. Secondly, it was alleged that Rajinder Rathore had spoken on a couple of occasions to the Addl. DGP. Shri Jain who was an accused in the case. Obviously on a few occasions a Parliamentary Affairs Minister would speak to the law and order authorities particularly when the assembly was in session and several issues relating to law and order were raised in the Assembly. On one single day both Rajinder Rathore and Shri Jain were in the jurisdiction of same town. They had gone to see international cricket test match being played at SMS stadium when both were sitting separately in the stadium and watching the match. On this flimsy ground Rajinder Rathore was charge-sheeted and arrested. The Director CBI Shri AP Singh and the Attorney General, GE Vahanvati gave written opinions that there was no prosecutable evidence against Shri Rathore. Later on basis of an intimidating letter of Shri Haren Raval, an Addl. Solicitor General, the CBI changed its' opinion. It was under this compulsion that the charge sheet was filed. The trial court did not find the charge against Rajinder Rathore and discharged him. The Revision against that order was allowed by the Rajasthan High Court which was later stayed by the Supreme Court where the case is now pending.

The case of Shri D.G. Vanjara,IPS

Shri D.G. Vanjara,IPS is in jail for the last six years in connection with some of the cases mentioned above. It appears from the charge sheet that he actively cooperated with the Central Intelligence Bureau in its' anti anti-terrorism operations. The strategy of the Congress Party was to implicate him in all these cases and thereafter pressurize him to make false statements. For this purpose a

retired IPS officer of Gujarat cadre was suddenly taken on deputation to the Central Government and immediately after he retired, he has been re-appointed as an Advisor to the Ministry of Home Affairs. His only job in the Home Ministry is to strategize as to how false cases can be filed against BJP leaders and how important BJP leaders can be falsely implicated by misusing Central investigating agencies . This officer was given the task of inducing Shri D.G. Vanjara with an assurance to help him in case he agrees to implicate the leaders of Gujarat – a project which is still going on though not successful.

This trend has been consistently followed by the Congress party. A political Cell has been operating with Union ministers and certain office bearers of the Congress party to hatch political conspiracy to implicate Shri Narendra Modi, Shri Amit Shah and other important BJP leaders in false criminal cases. These activities are being coordinated by the retired IPS officer who was made the advisor to the Union Home Ministry. He directly or indirectly contacts the family members of the imprisoned police officers, strikes bargain with them promising them freedom in lieu of their false implication of important BJP leaders. Officers of the central investigating agencies are privately visiting the jails where the police officers are lodged to strike dishonest bargains.

In lieu of these political activities to suit the political expediencies of the Congress, senior officers of the central investigating agencies are being promised post-retirement lucrative assignments. The last two Directors of the CBI are offered lucrative post retirement jobs. The last Director of NIA is also offered a lucrative post retirement job.

The case of Harin Pandya

After Shri Harin Pandya was assassinated it was the Gujarat Government to hand over the case to the CBI. It was the CBI which investigated the case there was no role played by Gujarat police or any person in Gujarat. The case has been

tried by the competent Trial court wherein some persons were convicted. The Judgement was reversed by the High Court. Against reversal of the said judgement the CBI and also the Gujarat government has filed an appeal which is admitted by the Supreme Court and is pending in the Supreme Court. Notwithstanding the fact of the appeal being heard in the Supreme Court, fresh efforts are being made to politicize the case and suggestions to this effect are being made in the corridors of power by senior Congress leaders to implicate BJP leaders at this belated stage.

It was the Gujarat Government which referred the investigation to the CBI at the very first instance. The case was investigated and prosecuted by the CBI. Today, the CBI is being pressurized to admit that its own investigation was faulty.

Investigations against Advocate General, certain Ministers and officials of the Gujarat Government

It has been reported that an investigation has started by the CBI against the Advocate General, some Ministers and officials of the Gujarat Government. The charge appears to be that in the course of a preparation with regard to a case pending in the Gujarat High court in which the Advocate General was appearing, certain discussions have taken place between these ministers, officials and the Advocate General. The said conversations were allegedly taped at the behest of a police officer who was present in the meeting. This was in effect a discussion between the officers of the client i.e. Gujarat Government and its Advocate General. A legal strategy was being prepared. How can a preparation of legal strategy constitute any interference in the investigation of a case. Since this conversation was before registering of the FIR, it cannot be alleged that there was any tampering of evidence. A conversation between a lawyer and the client is privileged and merely to harass the Advocate General, the ministers and officers of the Gujarat government this investigation has been undertaken. Assuming without conceding that the CBI should investigate this matter then it should have equally investigated the conversation that took place with regard to coal gate

investigation in which in the chamber of earlier Union Law minister in the presence of the Attorney General, the then ASG, officers of the Coal Ministry, PMO and officers of the CBI. In this meeting admittedly the status report of the case to be presented to the Supreme Court was doctored and altered. If an investigation can take place against functionaries of the Gujarat Government, in an identically situated matter in which senior officers of CBI who themselves participated why has an investigation not taken place against functionaries of the Central Government.

Use of Sanjiv Bhatt, IPS by the Congress led UPA Government

The case of the aforesaid officer Shri Sanjiv Bhatt is a glaring testimony of the Congress led UPA Government blatantly using selected police officers of Gujarat to wage a war against the Chief Minister of Gujarat and the BJP leadership.

It is matter of contemporaneous record that after the riots of 2002, Mr. Sanjiv Bhatt suddenly alleged in 2010-11 that he is a witness in the riot cases. There is contemporaneous evidence on record that Mr. Sanjiv Bhatt has been conspiring with the important leaders of the Congress party against the Chief Minister of the State and was receiving “packages” and “material” from one Shri Shaktisinh Gohil, the then leader of opposition in Gujarat Legislative Assembly who lost last Assembly election in December 2012. The e-mails of Mr. Sanjiv Bhatt stand testimony of his being a mere part of the political conspiracy of the Congress party. The close association of Mr. Sanjiv Bhatt with Congress is so blatant that he even wrote two public letters to Shri Narendra Modi using derogatory language not befitting an officer of a disciplined force. Such letters were leaked by him in the media first and the media was showing these two letters much before they were received.

Mr. Sanjiv Bhatt, as a part of the Congress party, is even filing petitions as co-petitioners with some NGOs against Shri Narendra Modi. All efforts made by the

Congress through Mr. Sanjiv Bhatt against Shri Narendra Modi have failed so far before the competent courts including the High Court and the Supreme Court.

Mr. Sanjiv Bhatt, a police officer under suspension, became so indispensable for the Congress party that he could manage a Congress ticket for his wife in the last Assembly elections in December, 2012 to contest against Shri Narendra Modi.

The above facts are only some of the illustrations of the misuse of the Investigating institutions by the UPA Government. I do believe that it is your responsibility and indeed duty to look into all these facts and restore the professionalism and independence of the Investigative agencies. If this practice is not stopped it will set a precedent which will hurt India's Democracy.

The CBI and the NIA have colluded with the politics of the Congress Party in all the above referred investigations. The charges of politicization and motivated investigation should all be subjected to a Commission of Inquiry headed by a sitting of the Supreme Court.

Yours sincerely,

(ARUN JAITLEY)