

Office of Shaktisinh Gohil
Former Leader of Opposition, Gujarat

<http://www.shaktisinhgohil.com>

Press Note

20th November, 2013

- Chief Minister should declare what benefits have been given to the company of the lady and her family.
- Fundamental principle of Criminal Jurisprudence is that in case of a crime anyone can become complainant. It is not necessary that victim should file the complaint.
- If it comes into the knowledge of government then government must become complainant and register the offence.
- Criminal Procedure Code makes it clear that investigations cannot be stopped even if the affected person or his/her family says that there should not be investigation.
- It is clear from the provisions of CrPC that the case of snooping which has come to light in Gujarat cannot be compounded.
- If the lady needed protection why she was not provided security following legal procedure?
- Why snooping instead of protection?
- Despite Telegraph Act and guidelines of Supreme Court illegal tapping of phones of phone of a woman and an officer is a serious offence.
- A conspiracy to put an innocent behind bars is a serious offence.
- How many works in Gandhinagar grid project and other government projects have been given to the woman and her family?
- Why police which have responsibility of works for public was used for illegal snooping?

Congress does not believe in character assassination or personal allegations against anyone. However, the way BJP is shielding Gujarat Chief Minister and the then Home Minister Amit Shah who have indulged in gross criminal act has made it necessary for the Congress to come out before the media with facts and legal position of the criminal act.

Fundamental principle of Criminal Jurisprudence is that in case of a crime anyone can become complainant and if it comes into the knowledge of government

then government must become complainant and register the offence. The other principle of Criminal Jurisprudence is that even if the victim is not willing to lodge complaint against the tormentor action must be initiated against the accused.

In this case of illegal tapping of the phone and stalking of a 32 -year old woman at the instance of Chief Minister BJP is not able to find out any defence and it has managed to have a baseless letter from the father of the lady that he does not want to lodge any complaint and there should not be any investigation in the case.

Criminal Procedure Code has clearly listed the type of cases which are compoundable and which are not. Telephone tapping, stalking by police without any written permission, misuse of government machinery, a conspiracy to illegally confine someone into jail for long time can never be compounded. Hence, by saying that the affected person does not want to lodge complaint or have investigation does not make the offence of Chief Minister compoundable.

Responsible media and Opposition had taken care that the name of the lady was not exposed, but the criminals involved in the case have disclosed the identity of the lady and disclosed that the man mentioned as “Saheb” in audio tapes was the Chief Minister by getting a letter from the father of the affected lady.

BJP has a very ridiculous argument that all this was for the safety of the woman. If she needed security, she should have been provided Personal Security Office (PSO) on the basis of a written order instead of assigning the task of snooping to IG of Intelligence Bureau, SP of Anti Terrorist Squad, DCP of Crime Branch and Dy SP of IB to constable just through oral orders which is a serious offence.

If the lady was harassed by someone and she complains to the Chief Minister, it becomes the duty of the Chief Minister to have a complaint from the woman in writing and put the tormentor behind bars. How can it be justified to put the police machinery to snooping instead of taking legal recourse?

Supreme Court has given guidelines for tapping a telephone. Violating these guidelines tapping a phone or keeping it under surveillance becomes an unpardonable offence. For all this Chief Minister is responsible because in his letter father of the lady has made it clear that he had approached the Chief Minister and all had been done by him.

To ask police officer to put an innocent person behind bars for personal reasons is a criminal conspiracy and people involved in such acts invites rigorous

punishment. In telephone tapes, the then Home Minister is heard saying that this innocent man should be put behind bars for more time than that of Vanzara. It is a very serious offence.

Shadowing by police of a woman of Gujarat wherever she went, shopping mall, ice cream parlour, Gym Cinema hall, even to hospital to see her ailing mother is not an offence against a woman but against all women of Gujarat. Investigations into such an offence cannot be stopped just on the basis of a getting a letter for the father of woman that he does not want to do in this case.

Whether a company with which this woman or her family members have been associated has been given any benefits? Chief Minister should clarify whether any company associated with the lady or her family has been given work in Gandhinagar grid project, which is for solar energy, without tender.

The father of the girl who has been put under 24 hour surveillance of Gujarat has jumped to Chief Minister Narendra Modi's defence that he requested for the surveillance and this is not breach of privacy. Point is, we are not bothered about the breach of privacy if the father and tomorrow the girl also says she had no problem of being under 24 hour monitoring of Modi government: the issue is nature of surveillance and use of agencies. The anti terrorist squad, the Intelligence Bureau and the Crime Branch: and top officials from here were deputed to monitor when the girl has coffee to when she goes to gym and whom she is spending the night with. Is the ATS, IB and Crime Branch, is the Gujarat police a personal property of Chief Minister Modi that he uses whenever he feels like? For fake encounters to snooping around?

- If the Girl's father had requested and security was essential, does it mean deputing top people of anti terrorist squad and IB? Isn't there a difference between security and snooping? And as the girl's father Pranalal Soni has admitted in the pressnote that he requested the CM who was an old friend and as political head he gave surveillance on his daughter. Why was legal procedure not followed?

- I am confident to say that this snooping and surveillance is following Modi's fear. Not long before the surveillance, Modi and the woman were on great terms but something went dangerously wrong and Modi was scared. Scared that the girl may expose something. Before a compromise was struck, surveillance was ordered on her. Tomorrow the girl who has now gone missing may also surface and say she also had agreed to this surveillance but according to Indian constitution, even consent cannot be considered for illegal surveillance. Why was no procedure followed and legalities adhered to when top agencies like anti terrorist squad, crime branch and IB were used?

· I appreciate that nowhere in the media the woman has been mentioned. The media and political parties even showed restraint and did not indulge in conjectures of who the Saheb is as heard in the audio tapes. Amit Shah acted on the whims of his Saheb. It is the girl's father who has come forward with his identity and details and clearly said that he had requested "Narendra Modi Saheb to do surveillance". Now that the girl's father herself has admitted that Saheb is Chief Minister Modi, it is clear that Modi and his government had violated the Indian Telegraph Act which prohibits phone call recording and indulged in surveillance of a girl and a senior IAS officer.

· I do not want to go into details and probe into his personal life but this Saheb's style of surveillance and his obsession depicts his Fascist personality. Also the man who never misses to make (cheap) comments on others, their wives and even physically unwell individuals is shamelessly silent on this controversy involving him. His fear and obsession that led to the 24 hour surveillance is a small peak into the character and psyche of the man and the level he can stoop down to.

· As I said earlier, breach of privacy is a minor issue. Misuse of Government and State resources for vested interests and personal agenda is an issue. There are over 10,000 children missing in Gujarat whose parents are crying for investigations. There are over 2500 complaints pending in various cases in Gujarat where people are asking for security and investigations? On What basis did Modi, Amit Shah and their government decide to provide 24 hour surveillance to one woman? Why are others not attended in this special manner?

· Modibhai, the State Police is not your private property. Their salaries are not paid by you or your family. You do not have the right to use State resources for your obsession and sick pursuits.

· Modi's psyche of snooping and surveillance is notorious. From Haren Pandya to Shankarsinh Vaghela, he had used illegal means to procure information. It is common knowledge in Gujarat that every officer, politician and media person keeps more than two phones with one number being private to avoid the Government's attention. Keshubhai may now be planning to settle down with Modi but he also has openly said in the past that Modi gets his phones taped. remember when the Arun Jaitley Call Detail Records were out, the BJP stalled parliament for three days? In this case, Modi and his government have done surveillance for over a month.

· In 2012 December DGP Amitabh Pathak himself had said that over 93,000 phones in Gujarat were being recorded and he was not even aware of it!

· In the present situation when Gujarat Government, its then home Minister Amit Shah on insistence on his Saheb has committed serious crime of phone taping of a woman and an IAS officer, I demand an inquiry by a sitting judge of the Honourable Supreme Court to look into this issue and also unravel as to why was the woman put under a 24 hour surveillance and top IPS officers of top agencies in Gujarat were used.

· I also demand that Gujarat government declares all the projects it has doled out to this woman and her family because besides recommending her to top industrial houses of Gujarat, multi crore Gujarat government projects have been doled out to the family. I demand that the State Government come out with a detailed list of all projects given to the woman and her family.

· For example, why was the Gandhinagar Grid Project, touted as the biggest project in India in Solar Energy sector doled out to the girl's brother even when there were other companies queuing up to get the project? Incidentally, that was the first project that the company bagged in its short existence. Solar energy is an issue close to Modi's heart, he has said in the past. Now we know why the Girl's brother's brand new company, which was formed after Modi's encounter with the woman, given the Project? The Girl's brother is on record saying "after setting up the company, we kept on looking for projects but Gujarat government was the first one who gave us work". What was the Company rewarded for? At the Girl's insistence, an international solar energy meet was also convened in Gandhinagar by the Chief Minister to facilitate business contacts. Why were special favours doled out to the Girl and her Family?

· Lastly, Modi said the Congress is levying this allegations because Modi (he refers to himself in first person) is popular. I would want to say Modibhai, you are not popular. You are notorious. And you need to know the difference between the two.

To,
The Editor,

Former Leader of Opposition has requested to kindly publish this press note in your esteemed newspaper.

(Sunil Rami)
Personal Assistant