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Three years have passed by since the 26/11 Mumbai terror attack in which the country's three most brilliant police officers, Hemant Karkare, Ashok Kamte and Vijay Salaskar were killed. Despite Mr Kamte's wife Vinita establishing through call log records procured under the RTI Act, the negligence of the Police Control Room which clearly led to the unfortunate tragedy, no action has been taken against those guilty for it

Call log records procured from the Mumbai Police under the RTI Act proved that negligence in communication by the Control Room to officers on Ground Zero at Cama Hospital on the Mumbai terror night of 26 November 2008, led to the unfortunate loss of lives of India's three brilliant police officers – Hemant Karkare, Ashok Kamte and Vijay Salaskar. Vinita Kamte, wife of Late Ashok Kamte, who established this fact, was made to run from pillar to post to procure vital information from Mumbai Police under the RTI Act. An account worth rewinding three years after the terror attack as it reflects the tenacity of an individual to challenge a government system interested only in cover-ups. It also establishes that come what may, the government will support its officers who showed no sense of duty during such circumstances, for allegedly its own vested interest. It also, at the same time, reminds one of the immense powers of the RTI Act. It will also serve as an inspiration to others who are treated with contempt by the government in maintaining secrecy of information which is rightly the affected citizen's! It also proves that you must have a dogged determination to pursue your RTI application and not expect replies to fall into your lap, at the first go.

Why did Vinita Kamte invoke the RTI Act?

Because, after her husband, Ashok Kamte, additional commissioner, eastern region, Mumbai was killed along with anti-terrorist squad chief Hemant Karkare and encounter specialist Vijay Salaskar, the press statements given by the Mumbai Police and the state government implied they foolishly came together and died, without giving a fight. The popular statements being: "We don't know how they went together!", "they met there fortuitously (by chance) (as stated by the superficial Ram Pradhan Committee Report, too)" and "they did not understand the gravity of the situation."

Being a senior police officer's wife, she first directly contacted Mumbai Police

28 January 2009: She wrote a letter to the commissioner of police, Mumbai, requesting for Ashok's call log records on both the mobile networks—Motorola and Ericsson. This would establish the communication between the Control Room and the mobile phones of Ashok Kamte.

31 January 2009: Vinita receives a reply from the Mumbai Police Commissioner stating that the joint commissioner of police has been "directed to take further necessary action in the matter". However, Vinita waited for a month but she got no response after which she was compelled to use the RTI Act.

4 March 2009: Vinita files a RTI application with the Public Information Officers (Assistant Commissioner of Police, Co-ordination) at the Commissioner of Police office, Mumbai. She requests certified copies of call log records (wireless) in both the written form as well as audio transcripts.

4 April 2009: Quite predictably, the PIO rejects the application citing Section 8 (h) which states that

information can be denied as “information which would impede the process of investigation or apprehension or prosecution of offenders”. The PIO had also enclosed a letter by joint CP Rakesh Maria which stated, “Please reject the information sought by Mrs Vinita Kamte under the RTI Act. The information cannot be given to her under Sec 8 (h) of the said Act.”

29 April 2009: Vinita files first an appeal with the appellate authority, deputy commissioner of police, SM Sabade.

25 May 2009: Mr Sabade orders that the PIO was wrong in rejecting her request of call log records without applying his mind as to why he is doing so and has depended solely on Mr Maria's letter which also does not specify the reason for rejection. He states that Mr Kamte and the other officers had laid down their lives for the country and it was wrong to reject Mrs Kamte's request on baseless grounds. However, in his order he allowed only inspection of records and denied Photostat copies/CDs of the same. This was in total contradiction of the RTI Act which gives the right to the citizen to procure copies.

3 June 2009: Nevertheless, Vinita's twin sister, Revati Dere who is an established advocate at the Bombay High Court and who helped Vinita immensely in analyzing the call log records went for inspection nevertheless. After keeping her waiting for quite a while, a sub inspector put before her some loose sheets which were Photostat copies of the written call log records. When Revati demanded that she would like to inspect the original call log records. She was told that they were handed over to the Ram Pradhan Committee Report. He asked them to come on 6th June by which time he will get the original documents.

8 June 2009: Revati was told that the originals were not as yet procured.

9 June 2009: Vinita wrote to the members of the Ram Pradhan Committee report requesting that, since the work of the Commission is over, could they send back the original call log records back to the Mumbai police as she would like to inspect them under RTI.

11 June 2009: Shockingly, V Balchandran, member of the Ram Pradhan Committee replied via email stating that the committee had received only the certified copies of the call log records—which meant, the Mumbai Police had not provided the original call log records to them. On the same day, Vinita wrote to the Commissioner of Police regarding this issue.

12 June 2009: Mumbai Police suddenly realizes it needs to consult its legal department over the order given by the Appellate Authority Mr Sabade in allowing inspection of call log records. Isn't this a joke?

7 July 2009: Mr Prasad stated to Vinita that legal advice was already sought and again told Vinita she could only 'see' the documents and not have Photostat copies.

20 July 2009: Vinita wrote to Mr Prasad saying that while she will go ahead and 'see' the records, she reserves the right to go into second appeal to have copies.

29 and 30 July 2009: Vinita sends her representatives for inspection of call log records but they were not shown the originals. Even the audio call log records shown were dated 6th January, a month and a half after the incident, so certainly not the original recording.

4 August 2009: Vinita files a separate RTI application seeking call log records, written and audio, made to Police Control Room no 100 on the night of 26/11. Her application was rejected on 4th September on flimsy grounds. She filed the first appeal to the first appellate authority and received the same reply after several months.

21 August 2009: Vinita files a second appeal to the state chief information commissioner seeking the original copies of the call logs, both written and audio.

15 October 2009: The state chief information commissioner, Mumbai allowed her appeal and directed Mumbai Police to give her certified copies of the original call log records—written and audio—within 30 days. That's how she finally got her information.

What was the scandalous information she got from these call log records?

That, Ashok Kamte did not go there hurriedly or by chance as was being portrayed by the state home ministry and Mumbai Police. He was called from his Eastern Region where he was carrying out nakabandi, to South Mumbai by Mumbai's Police Commissioner

That, ATS Chief Hemant Karkare at 11.24pm had asked for police reinforcement of at least 150 policemen to seal the front side of the Cama Hospital (they were at the rear end where dreaded terrorists Ajmal Kasab and Mohammed Ismail were firing from their AK-47 guns towards the officers and were also hurling grenades). He also ordered in that call log record, to call the Army immediately.

That, after the three officers lay injured, two police vans—one after three minutes of the firing in the Rang Bhavan Lane adjacent to Cama Hospital—passed by but did not stop for help or report to the Control Room. Then after about 30 minutes, another police vehicle passed by, but despite the officers lying on the road, profusely bleeding, the vehicle did not stop for help

That, while the Mumbai Police claims to have sent 150 policemen as per instructions of Mr Karkare, they were not around probably because they were not asked to specifically report to Me Karkare or Mr Kamte, a basic protocol adopted while giving such instructions That, more than two dozen calls were made from nearby residents of the Cama Hospital (before the skirmish between the officers and the two terrorists) urging the constables who answered the phones to send police immediately as two terrorists were lurking around in their housing society premises and filling ammunition in their guns. None of these details were reported by the Control Room to the three officers at the back gate of the Cama Hospital

If the calls to no. 100 from the public were informed by the Control Room to Mr Karkare and Mr Kamte, they would have known that the two terrorists had escaped from the front gate of Cama Hospital (note that Mr Karkare's orders to send police to front gate was clearly not taken cognizance of) and had taken a right turn into the Rang Bhavan Lane and perhaps the story would have been reversed—the two terrorists would have been killed. Also the control room should have on its own accord sent police as per the information by the public

Due to delay in taking the three injured officers, probably Mr Kamte and Mr Salaskar died due to profuse bleeding. Mr Kamte was bleeding through the shoulder and only a bullet had superficially hit his head and exited. Mr Salaskar was alive for 10-12 minutes after he along with the two officers was taken to the hospital after a good 40 minutes of they being injured

So, what happened despite such hard-hitting evidence brought forward by Vinita? Nothing. Officers who showed utter negligence have been promoted. Four additional commissioners, who have survived being posted in Mumbai for 20 years or more, ran away from duty that night, as stated later by the Mumbai police commissioner, but no action has been taken against them. If it was the Army, they would have faced court martial!

Can we expect good and competent officers to come forward in case of another such terror attack? Probably not, considering the treatment given to these three officers who decided to lead in the front, rather than give it all in the hands of constables and junior police officers who were not equipped to handle AK-47s, leave alone operate them. And yet, they were criticized of ineptness, posthumously.

(Vinita Deshmukh is a senior editor, author and convener of Pune Metro Jagruti Abhiyaan. She can be

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<http://www.moneylife.in/article/how-vinita-kamte-used-rti-to-nail-control-rooms-negligence-during-2611-attack/21855.html>

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