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The Rediff Interview/Special Public Prosecutor Ujjwal Nikam

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The man who will prosecute Kasab

February 06, 2009



Special Public Prosecutor
Ujjwal Nikam

He is the lawyer, who will prosecute Ajmal Amir Kasab [\[Images\]](#), the lone surviving terrorist involved in the Mumbai terror attacks [\[Images\]](#), once the chargesheet is filed and the trial commences. He is not some high-flying legal eagle practicing in the Supreme Court. **Ujjwal Nikam**, special public prosecutor in the case, will try Kasab under Indian law without a battery of lawyers or any senior legal assistant. He says he will fight the case with the help of a police *paltan* (team) who are through at their job.

Nikam hails from Jalgaon in Maharashtra and continues living there. He is neither computer savvy nor does he flaunt legal knowledge or stuff his talk with legal precedent or landmark judgments.

His mastery lies in coordinating and communicating well with the investigating officer of the case and reading the case papers minutely. When a trial is on, he gets up at 4.30 am to read the case papers.

Nikam is a familiar face for television viewers because he has fought many celebrated cases. The list includes the Bombay blasts case of March 12, 1993, the Gulshan Kumar murder case, the Pramod Mahajan [\[Images\]](#) murder trial, the Gateway of India [\[Images\]](#) blasts case of 2003, the Khairlangi Dalit murder case and the Nadeem extradition case which was fought in London [\[Images\]](#).

His CV states that he has successfully sought life imprisonment for convicts 618 times and the death penalty 33 times. His father was a well-known barrister in Jalgaon; his son is pursuing law in the US.

When he is in Mumbai, Nikam lives in a south Mumbai hotel, but returns to Jalgaon on weekends.

As he gets ready to take on another important case in his 30-year legal career he chatted with *rediff.com*'s **Sheela Bhatt** about his legal approach to the case.

How do you look at an event like the Mumbai terror attacks?

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The terror strikes were shocking and never anticipated. We never thought that foreign terrorists will attack us openly and in such a brazen manner. I think the challenge is not only to the investigating agency but also to the prosecutor.

No doubt, one of the terrorists has been apprehended, but it is a challenge to provide the entire evidence in court about how the conspiracy was hatched, how it progressed and how it ended with the attacks on Mumbai.

Basically, it appears an open and shut case. I personally feel this is a case of a deep-rooted conspiracy.

I have no hesitation to say that this is a proxy war against India. The modality and system that the terrorists have adopted clearly indicates that they have undergone training in handling sophisticated weapons as well as how to plant bombs. It clearly indicates that it is State-sponsored terrorism.

What is being revealed so far during the course of investigation clearly indicates that masters behind the conspiracy have taken a lot of efforts in attacking Mumbai.

How do you see the investigation of the Mumbai police so far?

I have no idea of the details of the investigation because the investigating agency has not filed the chargesheet. But the Mumbai police are quite efficient. They will discharge their functions diligently. The Mumbai attacks case will be the finest investigated police case in the country.

How different is this case from other cases of terrorism you have fought?

If compared to previous cases, the modalities in the operations were different. In this case, these terrorists were *fidayeen*. They had decided to kill people and get killed themselves. It was surprising that foreign terrorists entered like this and opened war against India.

I find a material difference between earlier terror attacks and this one.

Is it a difficult case to fight in court?

Since the chargesheet is not filed, I can't say much. On the basis of reading newspapers, I can surely say that the prosecution will have a good case. We have footage of the close-circuit cameras, photographs of the terrorists, taped conversations, and their talks abroad have already been intercepted by the intelligence agencies. So the motive behind the attack can be adequately established.

So far as the case against Kasab is concerned we have more than sufficient evidence. We will have a strong case against Kasab.

Anyway, I don't see this as an exceptional case of my life because I have fought many more difficult cases. My attempt in this case is to go to the bottom of the conspiracy.

What about your security?

I have Z-category security. The government is taking care of it. But let me tell you I believe in destiny.

How do you label this case?

I take the attack as proxy war. The manner in which the terrorists were trained in Pakistan, they were provided with Argees hand grenades, which were also used in the 1993 Mumbai blasts.

I understand that the expectations of millions of people rides on bringing the terrorist to justice.

Let us wait and see how the police brings the evidence against Kasab.

I take the attack as an act of war.

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