

SOLAR INQUIRY COMMISSION REPORT

BY

HON'BLE MR. JUSTICE G. SIVARAJAN (RETD.)

VOLUME I

26TH DAY OF SEPTEMBER, 2017

VOLUME I

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PREFACE

This report of the Solar Commission of Inquiry on the six items in the Terms of reference is prepared and submitted to the State Government as ordered in their notification S.R.O.No.863 of 2013 dated 29-10-2013 based on the agitations made by the LDF in the Assembly and outside on the solar scam issue.

The Solar scam is the product of two educated persons in the society namely, Biju Radhakrishnan and Saritha S Nair cheating the public in the conduct of their solar business. This, of course is a matter to be dealt with under the Cr.P.C. But - its adverse impact on the promotion of solar renewable energy as an alternative and/or supplementing the deficiency in the hydro electric power is a matter of great concern. It has stood in the way of the development of industries in the State and also and the development of remote rural areas of the State; The matter of concern of the people of Kerala is whether there any influential sources in the political/administrative hierarchy which supplied in

their venture. The significance of the allegations raised in the Assembly and outside in this regard is the subject matter of inquiry by this Commission.

The Commission, having regard to the nature of the allegations and the persons alleged to have been involved in the scam, particularly with regard to functionaries in the administration of the State took pains to examine 214 witnesses, collected the telephone call details of different persons either through the Government or from the service providers, analysed it and also obtained evidence in the form of documents. They are in volumes. The entire proceedings of the Commission are compiled in book form with index books. The depositions of important witnesses are translated to English in a summary form by the Commission itself and also are being produced along with the report as appendix to it for easy reference for those who reads this report with seriousness. Needless to say, the evidence so collected are voluminous. The Commission, it has to be conceded has not been able to deal with all those

evidence but the seed is sown for detailed enquiry in various matters.

As already noted, there are six items in the Terms of reference for inquiry and report. The report is made in four volumes. In this the first three volume contains the report regarding the six items in the Terms of Reference. The fourth volume relates to Kerala Police Association. The first volume deals with the preliminaries, Gazette Notifications, Statutory Provisions, the Assembly discussions, and the first and most import limb of the allegations which is the subject matter of inquiry under item No.1 of the terms of reference and the findings of the Commission. Certain suggestions are also made.

Volume two contains report on the second & third limb of item No.1 of the terms of reference, findings and recommendations.

Volume three contains reports on the fourth limb of item No.1 of the terms of reference, findings

and suggestions and items 2 to 6 of the terms of reference and the recommendations of the Commission.

Volume four deal with Kerala Police Association.

The evidence of important witnesses translated in English and compiled in book form in 8 volumes are also produced along with the report. Besides the entire evidence collected in this case both the originals and copies in volumes are being submitted to Government separately.

Hope this report of the Commission will be a message for the men and institutions in the administration at all levels for future guidance. It will also be helpful for the legal fraternity and for the research minded people.

ACKNOWLEDGEMENTS

It is rightly said everything in life is quite unexpected. My appointment as the Commission of Inquiry into the solar scam was also something which I had never contemplated. It has been rightly said by Lord Denning that it is the duty of every Judge to take up such assignments as a part of their judicial career.

Now I have finished the job entrusted with me. Looking back I feel that my duty will not be complete unless I remember and acknowledge the help rendered by ever so many persons holding very high places in the social and political arena of Kerala who had occasion to be part of the inquiry at various stages.

The witnesses examined by the Commission include the people from all walks of life. People holding very high ranks in the hierarchy of Kerala Politics including Chief Minister, Leader of Opposition, former Chief Minister, Senior



Ministers, MLAs, MPs and several Political Leaders have responded to the call of the Commission to render their views in the matter.

In this context I will be failing in my duty if I do not specifically refer to the willingness and kindness with which Sri. V.S.Achuthanandan, Leader of Opposition, Sri. Kodyeri Balakrishnan, Deputy Leader of opposition, Sri. R.Balakrishna Pillai, Chairman, Kerala Congress (B), Sri. P.C.George, MLA (Chief Whip), Sri. Pannyan Raveendran, Leader CPI, Sri. Vaikom Viswan, LDF Convener, Sri. Kanam Rajendran, State Secretary, CPI, Sri. Pinarayi Vijayan, former State Secretary, CPM and Sri. V.M.Sudheeran, KPCC President who were kind enough to spare their precious time in response to the call of the Commission.

Similarly representatives of the media from top to bottom have vied with each other in co-operating with the mission of the Commission and rendering

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valuable evidence and co-operation so as to enable the Commission to achieve the target.

Officers of the Police Department from DGP downwards have extended full-fledged co-operation to enable the Commission to complete the job undertaken within the prescribed time. Even retired Police Officers appeared before the Commission without any demur to offer their help.

Two experts who appeared for testimony before the Commission deserve special mention. They are, Sri. V.K.Bhadran, Associate Director, Language Technology, Centre for Development of Advanced Computing (C-DAC), Vellayambalam who appeared before the Commission and gave his expert opinion of the analysis of CDR of Mobile Numbers used by Smt. Saritha. S.Nair during 2012-2013 and also gave his views regarding the retrieval of CC TV footage and Sri. Vinod Bhattathiripad, Cyber Forensic expert who kindly responded to the call from the Commission to give his views as an expert. The



Commission is obliged to them for their kindness in assisting the Commission by giving expert evidence.

I hold every person who co-operated with this inquiry in very high esteem and thank them one and all for their kindness towards me. Thank you one and all who take pains to go through this report and appreciate the facts divulged therein in the correct perspective.

Special mention has to be made about the Learned Counsel who appeared before the Commission. All of them made sincere efforts to present all the relevant facts in the correct perspective as officers of the Court.

Special mention has to be made about Sri. Roshan D Alexander, and Sri. Roy Thomas who appeared for the Government while the UDF was holding the administration. After the Change of Government they were replaced by Sri. B. Vinod and Sri. P.N. Sumod as Government Pleaders.

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Sri. B.Rajendran, The Secretary of AILU participated in the inquiry from start to end. The Contribution of Senior Counsel like Sri. S.Sreekumar, Sri. Raju Joseph, Sri. Ram Kumar also deserve special mention. Though there were occasional sparks and bursts during the course of the hearing of the Commission, it can only be considered as due to their sincerity to the cause which they were holding and the Commission has only very great attitude towards all the Learned Counsel who spared their precious time for the inquiry by the Commission.

Though Sri. C.Harikumar was appointed as the Counsel assisting the Commission, towards the end of the work of the Commission, he had some diffirence in associating with the functioning of the Commission and kept away there from. Still the Commission is grateful to him for the assistance given during the period while he was attending the Commission.



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A handwritten signature in dark ink, appearing to be 'RPA' or similar, with a long horizontal stroke extending to the left.

PREMILINARY

This Commission, is entrusted with an epoch making task to find out the truth of the allegations raised in the floor of the Kerala Legislative Assembly and outside.

The All India Lawyer Union, Kerala State Committee, for short, AILU was impleaded as E party on their petition to assist the Commission in the inquiry. Advocate B. Rajendran, Secretary of the AILU has been actively participating in the entire sittings of the Commission except on a very few occasions; ofcourse, AILU was represented by other advocates.

AILU submitted a detailed argument note covering almost all relevant matters on 7-03-2017. In the concluding part of this note at pages 201-202, it is stated thus:

"This report of the commission will have far reaching effect on the 3 pillars of



parliamentary democracy viz., Legislature, executive and judiciary. The needle of allegation in the Team Solar Scam cases pointed to all these 3 pillars. This Commission is the product of a powerful massive agitation unparalleled in the history of Kerala and similarly the report will also be unparalleled not only in the history of Kerala, but also in the judicial commission arena of the country. The usual view is that the judicial commission is nothing but an eye-wash. But for the last 3 ½ years this Commission has made a herculean effort for finding out the truth by even sitting day and night and having marathon examination of witnesses. This is a golden opportunity to expose the guilty and thereby to give a strong message to the society which will uphold the dignity of the constitution, embolden the independence of judiciary and a shock to the dirty politicians who used to exploit the people by covering their real



face of corruption, nepotism and vulgarity with the mask of popularism and this will be a lesson to the top bureaucrats who used to go to any extent to please the whims and fancies of their political bosses. This report will be a part of history. Otherwise history will not pardon us."

Incidentally, as stated in the above passage of AILU, to a certain extent, the action of the legislature, executive and judiciary which are the three pillars of Parliamentary democracy, in the Solar Scam issue, is a matter of concern.

The duty and responsibility of this commission as per the terms of reference in the Notification appointing the commission, is to find out the truth of the allegations, particularly, under item 1 of the reference and bring it to the public, who, it is stated, are anxious to know the actual facts. (Paper book Vol.IV PP 20)



This is the purport of appointing this Commission is made explicit in the legislative assembly discussions itself.

Thus it can be seen that once the mission of appointing this commission is discharged by submitting the report on the 6 items in the terms of reference to the Government, it is made known to the public and the main purpose will be over. This is the peculiarity of this Commission, unlike in the case of other commissions. The other matters, if any, found or recommended by this commission, are the concern of the Government.

The acceptability of a commission and its report amongst the public depends, apart from the stature of the person chairing the commission, on the larger participation of the general public.

As could be seen from the discussion in the Legislative Assembly Proceedings (Paper Book, Vol. IV) and other records including the representation of the LDF before the Government



(Paper Book Vol. III) and the depositions of the members of the LDF, all points to the alleged involvement of the Chief Minister, his office and through them, the Ministers, MLAs, Political party leaders in the solar scam and allied financial transactions- The activities of these solar scam accused Smt.Saritha S.Nair and Sri.Biju Radhakrishnan, it is alleged, are centered around the CM's Office.

There is nothing wrong in characterising the inquiry by this Commission as an epoch making event, if anybody says so.

The following observations of the Hon'ble Supreme Court of India in *State of Jammu and Kashmir V. Bhakshighulam Mohammed* (AIR 1967 SC 122) are worth noting in this context.

"It is of public importance that public men failing in their duty should be called upon to face the consequences. It is certainly a matter of importance to the public that lapses on the part of Ministers should be



exposed. The cleanliness of public life, in which the public should be vitally interested, must be a matter of public importance. The people are entitled to know whether they have entrusted their affairs to an unworthy man."

The following observations of the Full Bench of the Kerala High Court in *R. Balakrishna Pillai V. State of Kerala* (AIR 1989 Ker 99 FB) is also to the above effect.

"It cannot be denied that the appointment of a Commission under S.3 of the Commission of Inquiry Act is generally impelled by a desire to set up and maintain high standard of moral conduct in public life and administration. This is a welcome step to maintain high standard in public life. It is definitely a matter which will result in cleanliness of public life in which the public are vitally interested". It was also observed that it would be difficult, if not impossible, without public investigation by an



inquisitorial tribunal possessing the powers conferred under the Act."

Lord Denning who was entrusted with the inquiry into the scandal relating to John Profumo, the British Secretary of Defence in paragraph 5 of his report observed thus:

"The appointment of a tribunal under the Tribunals of Inquiries Act, 1921, is an elaborate and costly machine, equipped with all the engines of the law-counsel, solicitors, witness on oath, absolute privilege, openness to the public (so far as possible) and committal for contempt- but it suffers from the invincible drawback, in doing justice that there is no prosecution, no charge and no defence."

The Commission, while considering the applications for impleading parties in I.A. Nos.1 to 6 of 2014, in its order dated 24-07-2014 (Item No.1 in the volume containing important orders



from 2014 to 2017) considered the above observations and said:

'Having regard to the subject matter of the inquiry, and the public interest involved public participation and openness in the inquiry to the extent possible is a necessary requirement of the inquiry and therefore, the Commission is of the definite view that permission can be granted to the petitioners who are responsible persons/bodies to participate in the inquiry to the extent reasonable and justified.

The issues involved in the inquiry, is a little sensitive. It requires to be dealt with carefully, for, it may sometimes have the effect of adversely affecting the reputation of some individual who at the end of the inquiry may be found to be innocent. The evil effects which may be caused during the inquiry will remain as stigma throughout



their life. Hence certain restrictions are necessary.

Now, coming to the question of making the petitioners party to the inquiry it must be noted that the function of Commission is not adversarial. There are no parties before the Commission; there is no *lis*; the Commission is not a court. It is not expected or competent to finally adjudicate upon any issue or charge or pronounce any judgement or order binding and enforceable.'

Apart from the subject matter for inquiry and report, it became an epoch making event for the following reasons also.

214 persons belonging various sectors of society were examined as witness documents produced by the parties and witness, besides documents obtained from Government and other institutions including phone call details of the accused and other persons were obtained got analysed.



1. The Commission happened to examine Sri.Oommen Chandy, the Chief Minister of Kerala, on 25-01-2016 from 11 AM to 1.30 PM with a small lunch break and a tea break (DW Vol. XII PP 134-275). He was further examined for hours together from 11 AM to 8 PM or even more on 23-12-2016, 12th, 30th and 31st of January 2017 and on 7th and 15th of February 2017 (DW Vol.XII A- Part II and Part II PP 1-434). His deposition so taken runs to 575 pages altogether 58 hours and Saritha S Nair was examined for above 70 hours.
- 2.Ministers in the UDF Government were examined.
- 3.Two UDF MPs from Kerala and MLAs both UDF and LDF were examined.
- 4.Political leaders representing the UDF and LDF parties were examined.
- 5.An Additional Chief Judicial Magistrate and his office staff were examined



6. Police officers from State Police chief to civil police officers in the State Police Force 37 in number were examined.
7. Former Jail DGP (Retd) down to Jail wardens in the Jails were examined.
8. Officers of ANERT from Director down to Technicians were examined.
9. MNRE Director Sri. Prasad and State Government Secretaries were examined.
10. Government Secretaries.

Another epoch-making event, it can be said, was the trip of taking Biju Radhakrishnan, who is a convict prisoner from Ernakulam to Coimbatore in search of a CD containing the visuals of some of the higher ups in the administration, according to him, kept there in a house, at the instance of the State Government, for, they wanted to seize the said document. Biju Radhakrishnan, was taken in the Police car used by the Secretary of the Commission, was taken to Coimbatore under the safe custody. A number of media Channel vehicles happened to accompany the



Car up to Coimbatore as if a procession of high dignitaries. It is dealt with in detail under the head 'seizure of CD from Coimbatore.'

A detailed enquiry regarding the CC TV installed in the Chief Minister's office had to be conducted by examining persons concerned with the installation of CCTV in the Secretariat as a security measure, to ascertain whether on the crucial day, i.e., 09-07-2012 Saritha S.Nair along with complainant Sri.Sreedharan Nair had met the CM in his Secretariat office as alleged.

SOLAR SCAM

Two fairly young educated business entrepreneurs, probably taking advantage of the situation prevailed in the Kerala State and all over India, the shortage of hydro-electric energy resources and the decision of the Central Government in the Ministry of New & Renewable Energy (MNRE) to promote solar Renewable Energy Projects in India with the definite intention to make India self-sufficient by 2023 announcing

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various incentives such as Central subsidy, etc. by a resolution dated 11-01-2010, registered a company by name 'Team Solar Renewable Energy Solutions Pvt. Ltd.' with its head office at Cemetery Junction, Ernakulam for doing business in solar equipments, solar plants, wind mills etc. They gave wide publicity to their business in the print media. As part of the publicity they arranged a very big programme purporting to be in connection with the World Environmental Day Celebrations on 10-06-2011 in the Dreams Hotel, at Ernakulam. The function was inaugurated by Sri.K.P.Mohanan, the then Agricultural Minister. Ernakulam MLA Sri.Hibi Eaden, Cochin Mayor Sri.Tony Chammini, Cine Stars Sri.Mammootty and Smt.Kaviyoor Ponnamma, Environmentalist Dr.Seetharaman and other important personalities were present. Cash awards were given to persons in different fields including Sri.Mammootty and Dr.Seetharaman.



Besides, wide publicity was given in magazines like Manorama Publication 'Veedu' and in Newspapers.

The Energy marts of Team Solar Company in different districts were inaugurated by Cabinet Ministers M/s.K.C.Joseph, P.J.Joseph, K.B.Ganesh Kumar and Smt.P.K.Jayalakshmi and by M.P., Kozhikode Sri.M.K.Raghavan. The video's taken of the celebrations, inaugurations of the Energy Marts, the participation of the Ministers and higher up in those functions were shown to the customers for impressing them of the credit worthiness and influence of the company.

Team Solar Company had prepared a project report for installing solar electrification in one Harijan Colony each in the 14 districts of Kerala at their cost. The State level inauguration and discussion of this project was held at Kurupanthara in Kaduthuruthy Panchayath. The function was inaugurated by Planning Minister



Sri.K.C.Joseph; Kaduthuruthy MLA Sri.Mons Joseph presided over the function.

Sri.Biju Radhakrishnan, the CEO and Managing Director of the Company claimed that he was an IAS Officer who resigned from the post, took doctorate in Renewable Energy; he was the advisor of Central Energy Minister Dr.Farooq Abdulla and the Kerala Chief Minister Sri.Oommen Chandy, that Team Solar Company is a branch of the International Company Team Solar of which he is the Regional Head. Both Biju Radhakrishnan and Saritha S.Nair by their acts and omissions made known to their customers that they have close contacts with the C.M. and other Ministers including the personal staff and security of the C.M. They were said to be dealing in domestic and commercial solar installations. Besides, dealership of their business etc. at different places in the state was also provided to their customers.



Mega Projects like establishment of Wind Mills at Kinfra Parks and in Tamil Nadu were also promised to their customers.

Coming to the two entrepreneur's, viz., Biju Radhakrishnan and Saritha S.Nair. Biju Radhakrishnan by using the name Dr.R.B.Nair as the Regional Head of a foreign company named 'Team Solar' and as renewable energy advisor of Central Energy Minister, Dr.Farooq Abdulla and Kerala CM Sri.Oommen Chandy always pretended to be busy a man.

Smt.Saritha S.Nair was charming, always well dressed, with her good manners and in-depth knowledge in the renewable energy subject with her capacity to attract and convince everybody with whom she contacts, with her magic spell as ADGP Sri.A.Hamachandran, IPS qualifies, Sri.Biju Radhakrishnan made her as the Zonal Head with Marketing charge of the business of Team Solar. The office of Team Solar Company was set up with high facilities. A large number of persons were



employed as Managers, Technicians, etc. The staff who accompanied both of them for sales promotion was also well dressed.

On the whole, the Team Solar Company and its activities, to the public gave a good impression.

As already stated, the Central Government had announced so many incentives like Central Subsidy etc. for promoting renewable energy. The State Government had also declared State Subsidy. The MNRE had issued guidelines for grant of Central Subsidy.

One of the requirements is that the concern which manufactures the solar equipment must be a channel partner of MNRE and the concern must be included in the list maintained by ANERT, the Nodal Agency of MNRE in this State. The Team Solar Company claimed that the solar equipments sold/installed by them is entitled to Central Subsidy and the customers need pay only the amount after deducting the subsidy amount with respect to the transactions entered into with



them. Their claim was that they were the Franchisees of SURANA VENTURES, a company in Hyderabad, Channel Partners of MNRE from whom they purchase the solar equipments for installation.

They made 42 applications claiming subsidy for installation of Solar Water heater to the Technical Director of ANERT on 26-03-2011. They found so many defects in the claim and sent a reply dated 04-02-2012 almost about one year after for rectifying the defects. It is said that on subsequent enquiry it was found that the applications were forged documents (DW Vol. VII PP 215-16).

For installation of Wind Mills in KINFRA PARKS for customers, for obtaining lands in the Parks, Government help is required. Besides, Central Subsidy, loans for setting up Wind Mills from IREDA etc. will depend on the Solar Renewable Energy Policy of the State. Biju Radhakrishnan and Saritha S.Nair had informed



their customers that all these could be obtained due to their connections with the Chief Minister, Energy Minister and other dignitaries.

The persons who had entered into contracts with Biju Radhakrishnan and Saritha S.Nair, as the owners of Team Solar Company, in the backgrounds mentioned above parted with their money and since the company had not complied with the contract, filed complaints against them before police, and in some cases filed civil suits and/or consumer disputes.

It would appear that the Team Solar Company had committed this breach in so many contracts entered into with their customers. The fact remains that some such complaints were settled out of court and there may be instances of many not filing any complaints or other legal proceedings for reasons known to them.

Plain and simple these are only cases of committing breach of contract for which the remedy is to file civil suits before courts for



compensation/damages/for return of money paid with interest and costs. In other words, these are only a matter for civil action.

The circumstances under which this transaction will become one of criminal offence will depend on the facts and circumstance of each case.

As already stated these two persons either by them jointly or individually made many statements about their educational/professional qualifications, their status as Regional Heads of foreign companies, was an IAS Officer, legal adviser to Central Power Minister, State Chief Minister. Connections with the State and Central Ministers, etc., and produced certain papers purported to have been issued by the Chief Minister. Saritha S.Nair contacts the mobile phones of the personal staff of the CM and puts it in the speaker for the customers to hear their talks, takes customers to Kinfra Parks where they



have got the freedom to have the site plans etc. and so on.

There is allegation that Team Solar Company had sponsored a programme of Kerala Police Association by spending Rupees Forty Lakhs and so on.

The question arises in this context whether the ingredients of the offence of cheating their customers, corruption on the part of government servants/public servants etc. involved.

True, criminal complaints were filed by the persons who lost their money in the solar deal with them with allegations of the nature mentioned above in some of the complaints.

Saritha S.Nair, one of the prime accused, was arrested in one such complaint where many of the circumstances involving the ingredients of cheating are alleged. Around this time, the allegations which are the basis for Solar Scam were debated in the print and visual media. This is the genesis of the solar scam which was raised



in the floor of the Legislative Assembly from June 2013 onwards.

I said two young educated entrepreneurs- Biju Radhakrishnan and Saritha S.Nair. They used the names Dr.R.B.Nair and Lakshmi Nair for their solar deals. Until June 2013, i.e., from 2010 onwards, it appears, they were using this name. Biju Radhakrishnan was known as Dr.R.B.Nair and Saritha S.Nair known as Lakshmi Nair. Both of them hail from educated families also. Needless to say, Biju Radhakrishnan was the master mind- the brain behind all the activities of Team solar Company- and Saritha S.Nair executed it efficiently.



Brief History of the work of the Commission:

The allegations of corruption against the former Chief Minister Sri.Oommen Chandy and his Office in connection with the solar scam virtually took the Kerala State by a tumultuous storm. The CPI (M) organized an agitation with a view to have a march to the Secretariat. Their march virtually paralyzed the capital city of the State. The demand of the opposition was that the Chief Minister should resign. When it was found that the move against the Chief Minister could be quelled only by ordering a judicial inquiry into the allegation, the Honourable Chief Minister Sri.OommenChandy proclaimed in the assembly that a Judicial Commission will be appointed to inquire into the matter of such a public importance.

In pursuance thereof the willingness of the incumbent of the Commission Mr. Justice G.Sivarajan was ascertained.

The State Government, in exercise of the powers vested in them under Section 3 of the



Commission of Inquiry Act, 1952 (Central Act 60/52) for short, the Act, by notification S.R.O.No.867/2013 dated 29-10-2013 (No.77989/SS A2/2013/Home dated 28th October, 2013) appointed a Commission of Inquiry with Sri.G.Sivarajan (High Court Judge (Retired)) to inquire into a definite matter of public importance, namely, the Solar Scam and connected financial transactions.

The Terms of reference of the Commission of Inquiry are as follows:-

To inquire into and report:-

(i) Whether there is any substance in the allegations related to the Solar Scam and allied financial transactions raised in the floor of Kerala Legislative Assembly and outside? If so what? Who are the persons responsible for the same?

(ii) Whether the Government have sustained any financial loss in connection with transactions involved in the said allegations? If so how much? Whether this

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could have been avoided? Who are the persons responsible for the same?

(iii) Whether the Government have issued any work orders or any other orders illegally to the company or persons involved in the said allegations referred above? If so whether the Government have sustained any financial loss on that behalf? If so how much? Whether this could have been avoided? Who are responsible for the same?

(iv) Whether any lapse occurred in dealing with the complaints being raised since 2005 with regard to the persons involved in the solar scam and allied financial transactions? If so, who are responsible for them?

(v) Whether the existing laws and arrangements are adequate to prevent cheating and deception of the public extensively by giving false promises and to take action against these? If not, what are the suggestions for making stringent laws and



for taking other appropriate measures to eliminate such cheating and deception?

(vi) Suggestions to get back the amount lost to those who are subjected to financial scams as referred above?

Report on all the above aspects are ordered to be submitted to the Government within 6 months from the date of publication of the said notification. Provisions of Sub Sections 5(2) to (5) of Section 5 were also made applicable to the Commission.

This order was communicated to the incumbent of the Commission by the Principal Secretary, Home (Secret Section-A) Department, Thiruvananthapuram along with letter No.77989/SSA2/2013/Home dated 31-10-2013 on 01-11-2013.

The incumbent of the Commission as per letter dated 02-12-2013 requested the Government to sanction the staff for setting up the office of the Commission. The Government by G.O.(Rt)



No.3841/2013/Home dated 19-12-2013 fixed the Head Quarters of the Commission at Kochi. The Government was also pleased to sanction the creation of the following temporary posts in the office of the Commission.

1. Secretary to the Commission of Inquiry
(In the grade of District Judge (Retd.)

- 1 (one)

2. Advocate to assist the Commission

- 1 (one)

3. L.D. Clerks - 2 (two)

4. Confidential Assistant/Stenographer

- 1 (one)

5. Court Officer

- 1 (one)

6. Peons - 2 (two)

7. Driver - 1 (one)

8. Part Time Sweeper - 1 (one)

The Commission is given the power to make appoints of the necessary staff in the sanctioned posts on contract or on deputation from Government Service.

Further by letter dated 20-12-2013 Government requested the Commission to furnish a detailed



proposal regarding the requirements such as remuneration and infrastructure facilities, assigning of Drawing and Disbursing Officer etc. for issuing a comprehensive order. Accordingly, the Commission by a D.O. Letter dated 26-12-2013 furnished a detailed proposal to the Government. Based on the proposals made in the said letter the Government issued G.O.(Rt) No.8/2014/Home dated 01-01-2014. The relevant portion of the order reads:

Government have examined the matter in detail and hereby direct the District Collector, Ernakulam to take possession of the space from Kerala State Housing Board (about 2000 sq. Ft.) on the 8th floor of the building in Panampilli Nagar and convert it for the use of the Commission by purchasing or providing the required furniture and fittings and making the partitions, providing false ceiling, carpet etc. within three weeks.



Government also appointed Sri.P.S.Divakaran, Section Grade District Judge (Retd.) as Secretary to the Commission w.e.f. 01-01-2014 and designated him as the Drawing and Disbursing Officer of Shri.G.Sivarajan Commission of Inquiry.

Government issued a further order- G.O. (Rt) No.193/2014/Home dated 16-01-2014, the relevant portion reads:

'The District Collector, Ernakulam, vide, his letter read as 3rd paper above has informed that the Kerala State Housing Board Regional Engineer has submitted an estimate of Rs.14,00,000/- (Rupees Fourteen Lakhs only) for doing the modification work of the Kerala State Housing Board Building.

The Government have examined the matter in detail and are pleased to accord sanction for the amount of Rs.14,00,000/- (Rupees Fourteen Lakhs only) for modifying the 8th floor of the Kerala State Housing Board Building at Kochi



for the functioning of the Justice G. Sivarajan Commission of Inquiry.

The expenditure in this regard will be met from the provision available under the head of account 2053-00-093-99-34 (NP).

The action of the District Collector, Ernakulam in having given necessary direction to Executive Engineer, P&C Division, Housing Board, Kochi to go ahead with the proposed work and to complete it in time is also hereby ratified.'

By Government Order - G.O. (Rt) No. 417/2014/Home dated 04-02-2014- Government was pleased to direct the State Police Chief to constitute an investigating team by deploying the service of a Circle Inspector, Sub Inspector and 4 Civil Police Officers to the office of the Justice G.Sivarajan, Commission of Inquiry, housed in the 8th floor of the building of Kerala State Housing Board at Panampilli Nagar, Kochi for investigating the matters involved as per the



direction of Justice G.Sivarajan Commission of Inquiry.

The State Police Chief shall provide Police security with 3 Civil Police Officers (1 additional) also in the residence of Justice G.Sivarajan, Commission of Inquiry, High Court Judge (Rtd.) Rajas, House No.39/3300A, KSN Menon Road, Kochi- 682 016.

The State Police Chief shall also provide two vehicles, without posting drivers one for the use of the Chairman, Justice G.Sivarajan Commission of Inquiry and to Shri P.S.Divakaran, Secretary to the Commission for the office purposes also. The Commission of Inquiry may make temporary appointment of drivers and intimate the details of temporary recruitment made by the Commission.

As per proceedings No. T8/124302/2013 dated 01-03-2014 of the State Police Chief, the Services of 6 Police personnel were placed at the disposal of the Commission of Inquiry as an investigating team (Ext.X 663(b)).



Since the Commission may have to collect and collate several details and examine the facts revealed before the Commission, scrutinizing them in the light of law, an Advocate was appointed as Counsel for assisting the Commission on a temporary basis on a monthly retainer and also sitting fee.

Government issued a further order- G.O. (Rt) No. 731/2014/Home dated 03-03-2014- by which the Government were pleased to sanction the following temporary posts also to the Commission of Inquiry.

1. Private Secretary

(In the grade of Senior Stenographer)

- 1

2. Personal Peon

- 2


3. Accountant (Gazetted Cadre)

- 1

4. Court Officer (Gazetted Cadre)

- 1

Government also ordered that service conditions of Shri G. Sivarajan, High Court Judge (Retd.), the Chairman to the Commission of Inquiry will be the same as that of a sitting



Judge of High Court of Kerala and the service conditions of Shri P.S.Divakaran, Selection Grade District Judge (Retd.), the Secretary to the Commission will be fixed in accordance with provisions of Rule 100 of Part III, Kerala Service Rules as amended.

Subsequently as per G.O.(Rt.) No. 2248/2014/Home dated 14-08-2014, the Government posted Sri. Bijo Alexander, DySP CBCID, EOW II, Ernakulam Sub Unit to act as the nodal officer, assisting the Commission by collecting, collating and classifying the matters raised in the complaints received regarding the persons involved in the scam.

The Commission, immediately after setting up its office in the first week of March, 2014, took steps for publication of Notification in the Kerala Gazette and in the leading English and Malayalam News dailies inviting representations from all persons who are conversant with the allegations relating to solar scam.



Notices were also issued to all the members of the Legislative Assembly including the Chief Minister and Ministers except the Speaker and Deputy Speaker. Notice was also issued to the Legislature Secretary for the information of the Speaker and the Deputy Speaker. Notices were issued to the office bearers of leading Political parties, SNDP, NSS and a few other N.G.Os. Notices were also issued to all the complainants/victims in the 33 crime cases investigated by the Special Investigation Team headed by Sri.A.Hemachandran, IPS, Additional Director General of Police (South Zone) and to all the accused in those cases. There was no proper response from the M.L.As, political parties, community organizations and NGOs though replies were received from some of them.

A few individuals and organizations filed petitions in public interest and sought for impleading them as parties to the inquiry and to represent them by legal practitioners.



Six persons filed applications I.A.Nos.1 to 6/2014 for impleading them as parties to the inquiry being conducted by this Commission in the matter of "Solar Scam and connected financial transactions".

The 1st petitioner (Petitioner in I.A.No.1 of 2014) is an Advocate practising mainly in the courts at Varkala in Thiruvananthapuram District. He, it is stated, has been appearing for the parties and *suomotu* also in similar Commissions and has been successfully prosecuting such matters of general public importance. He has produced certain documents which have some relevance in the inquiry. He wants to produce more evidence regarding the involvement of political parties, government officials etc. who were behind the solar scam practised by Smt.Saritha S.Nair and others. He, for that purpose, seeks for an order making him a party to the inquiry.



The 2nd petitioner, (Petitioner in I.A.No.2 of 2014), as his address shows, is the President of Anti-corruption and Human Rights Protection Council. This organization, it is stated, has previous experience in bringing to the public notice corruption and irregularities in the functioning of Malabar Cements, Palakkad which resulted in ordering vigilance enquiry. He had earlier approached the Hon'ble High Court for ordering CBI enquiry into the solar scam by getting impleaded in a writ petition filed by Kizhakkanelasudhakaran- W.P.(C) No.17092/2013- who later withdrew the writ petition. According to him, the State Police did not conduct proper investigation with regard to the spending of the amounts collected by the accused from the customers; acquisition of assets by using the amount; the influence of the accused with high personalities including the Ministers etc. The petitioner has produced the details of mobile phone calls in the mobile number of Smt.SarithaS.Nair to show her high connections.



The petitioner has also filed a written statement as required. He has produced the proceedings dated 13th, 14th, 17th and 20th of June, 2013 of the 9th session of the Kerala Legislative Assembly downloaded from the Website in the Kerala Legislative Assembly which, according to him, is relevant and useful for deciding the first item in the terms of reference. He wants to produce further evidence both oral and documentary in respect of the controversial issues. He has also produced a list of witnesses to be examined in the inquiry.

The 3rd petitioner (petitioner in I.A.No.3 of 2014) is the State General Secretary of the Bharatheeya Janatha Party. He is a public and political activist. Based on materials collected it is stated that the main person behind the scam is Smt.Saritha S.Nair, an influential lady who commands clout even in the corridors of power. It is further stated that Saritha S.Nair and her husband together had defrauded a number of persons including Sri.R.Sreedharan Nair, a

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business man at Pathanamthitta. In all these dealings, according to him, important political personalities including the Hon'ble Chief Minister of the State are involved which can be brought to light if the petitioner is given an opportunity to adduce evidence and cross examine those who have already given statements. It is stated that the petitioner has materials to prove her complicity with several influential persons in Delhi, Thiruvananthapuram and other places which will be extremely relevant in answering the questions referred to this Commission. The petitioner, it is stated, is ready to give more details and to offer substantial evidence in respect of various matters of inquiry. He has also stated that further statement supported by documents will be filed provided time is granted.

The 4th petitioner (petitioner in I.A. No.4/2014) is a retired Engineer from the PWD who was stationed in the Kerala House, New Delhi and is now undergoing LL.B. Course in the Law Academy, Thiruvananthapuram. He, it is stated, is



a public spirited man. He, along with the statement, has produced lot of printed materials which, according to him, are relevant and useful for the inquiry. Besides, he wants to lead more evidence both oral and documentary for the said purpose. He also furnished a list of 13 witnesses to be examined for bringing out the truth of the allegations raised.

The 5th petitioner, (Petitioner in I.A. No.5 of 2014) is All India Lawyers Union, Kerala State Committee, Raman Menon Lane, SRM Road, Ernakulam represented by its Secretary B.Rajendran. One of the objectives of the Union, it is stated, is to fight against corruption and other illegal activities committed in the administration by the Government and its agencies and such other matters adversely affecting the society. The facts, materials and circumstances that have come to the notice of the petitioner, it is stated, will go a long way to bring out the catastrophic effect and consequences. The union, in such circumstances, stated that it is deeply



interested in the societal security and the wellbeing of the State. The petitioner also filed a detailed statement supported by relevant facts and documentary evidence with the permission of the Commission.

The 6th petitioner, (Petitioner in I.A. No.6 of 2014), is an Advocate and a social activist interested in establishing clean politics in the country and administration free of corruption. He is the Vice President of M/s Anti-Corruption Peoples Movement striving for making Kerala corruption free. He has stated that the main allegation in relation to the solar scam is that the office of the Chief Minister of Kerala was manned by many persons who indulged in corrupt practices. He states that the office of the Chief Minister of a State should be free from any kind of corruption. If he is impleaded as a party, according to him, he will be in a position to assist the Commission to thrash out most of the issues that may crop up in the inquiry. He



submitted a detailed statement with the permission of the Commission.

The 1st petitioner, as already mentioned, is an advocate; the 2nd petitioner is represented by Mr.B.H.Manzoor, a practising advocate; the 3rd petitioner is represented by Mr.Krishnadas Nair, a practising lawyer; the 4th petitioner is represented by Sri.C.Rajendran, advocate practising in the High Court; the 5th petitioner is a Lawyers Union and it is represented by Sri.K.K.Ravindranath, Senior Advocate in the High Court assisted by his colleagues; the 6th petitioner is also an Advocate practising in the High Court.

An Under-Secretary to Government in the Home Department, Government Secretariat filed a common counter affidavit on behalf of the Government of Kerala in I.A. Nos.1, 2, 3 and 4 of 2014. The Commission considered the matter in detail and allowed the impleadment thus:



The petitioners in these I.A's are not directly involved in the Solar deals of the prime accused. M/s.Biju Radhakrishnan and Saritha S.Nair in the Criminal cases pending against them in the various Courts in the State nor are they the victims of the scam. They also do not come within the purview of the allegations with respect to which inquiry by the Commission is ordered. They are only third parties. As such they are not being prejudiciously affected by the result of this inquiry. Their interest is only to assist this Commission in finding out the truth of the various matters which are the subject matter of the inquiry, particularly in view of the public importance involved in the matter.

In the above circumstances, the following orders are issued:

- 1) The petitioners in I.A. Nos. 1 to 6 for convenience sake, are made parties to the inquiry as parties A to F respectively,

[Handwritten signature]

subject to the following conditions/
restrictions:

- a. The petitioners are not entitled as of right to participate in all the sitting of the Commission.
- b. They are allowed to file documents by way of evidence supported by affidavit as and when they require during the pendency of the proceedings.
- c. They can file list of witnesses to be examined to prove the allegations and/or the other matters with respect to which the inquiry is being conducted.
- d. Whether they should be allowed to examine the witnesses and/or to cross examine others with reference to the statements filed by them will be decided by the Commission at appropriate stages of the inquiry. They will be issued notice from this Commission as and when their presence is required in respect of the matters mentioned above.



The order dated 24th day of July, 2014 is available in the volume containing Important Orders as Sl.No.1.

Stage then set for proceeding to the next phase of the inquiry. The first item for inquiry, as already noted, is 'whether there is any substance in the allegations related to the solar scam and allied financial transactions raised in the floor of the Kerala Legislative Assembly and outside' (the rest omitted for the time being). Those allegations are not specifically set out in the form of a statement along with the notification. This being the position, for a proper understanding of the allegations- the very allegations themselves- the relevant materials had to be gathered and verified.

The Commission, therefore, requested the Government to furnish the materials from which the allegations can be gathered. The Government have forwarded copies of the representations received from the Left Democratic Front (LDF) and



the Thiruvananthapuram Citizens Protection Forum. (Paper Book Vol.III). The Commission wrote to the Legislature Secretary for furnishing copies of the Legislative Assembly proceedings of the 13th Kerala Legislative Assembly, 9th session relating to the solar scam. Since those details at that time were uncorrected and not meant for publication it was intimated that those details are available in the Kerala Legislative Assembly Web site. Accordingly those details were downloaded from the Kerala Legislative Assembly web site- 13th Kerala Legislative Assembly, 9th Session proceedings dated 13th, 14th, 17th, 19th and 20th of June 2013 and 8th and 9th of July 2013. Certain unstarred questions and answers bearing nos.4854, 4994, 4996, 4998, 5000 & 5006 dated 01-07-2013 and nos.6040, 6068, 6188 dated 09-07-2013 were also down loaded. (Assembly Proceedings Paper Book Vol.IV).

The Commission also wrote to the Information & Public Relations Department, Secretariat, Thiruvananthapuram to furnish the newspaper



reports regarding the allegations relating to solar scam and allied financial transactions raised outside the Legislative Assembly. They have furnished a CD containing the newspaper reports relating to solar scam for the period from 15-06-2013 to 28-03-2014.

The Commission also wrote to the Editors of leading news dailies requesting them to supply copies of the newspaper reports relating to the solar scam. The Editor, Mathrubhumi daily had sent the relevant pages of their dailies containing reports relating to the solar scam for the period from 15-06-2013 to 30-10-2013. (Paper Book Vol.I). Manorama Publications, Kottayam also furnished the relevant portions of their Daily for the period from 14th June 2013 to 15th July 2013. (Paper Book Vol.II).

Parties B to F along with the impleading petitions had filed the statement required to be furnished as per the notification published in the prominent newspapers dailies. After their impleadment, as ordered by the Commission, they



filed statement of allegations based mainly on the contents of the Legislative Assembly proceedings, the newspaper reports and the representation of the LDF before Government. The advocate for the Commission also filed a statement of allegations. The Senior Government Pleader assisting the Advocate General who had received copies of the statement of allegations filed by the parties mentioned above, did not file the statement of allegations based on which the inquiry was ordered. (Paper Book Vol.V).

The Senior Government Pleader however filed a verified petition on 17-09-2014 seeking four weekstime to file statement regarding the first item in the terms of reference. Time was granted and the State was directed to file the statement on or before 10-10-2014. After obtaining further time, the Senior Government Pleader filed a statement supported by a delay condonation application on 13-10-2014. Since the Government in the said statement has taken the stand that they do not accept the statements of allegations



of parties B to F as such, those parties were given an opportunity to file their reply, if any. Parties B and D filed their reply and the advocate for C party with reference to paragraph 8 of the statement of the State submitted that the Chief Minister's office must be included in the inquiry. The advocates for the parties present, advocate for the Commission and the Senior Government Pleader for the State were also heard.

Later, on 04-11-2014, the F party filed a reply along with a delay condonation application.

As already noted, the State Government did not accept the statement of allegations filed by parties B to F as such. Nothing is mentioned about the statement of allegations filed by the advocate for the Commission. The Commission has before it copies of the 13th Kerala Legislative Assembly- 9th session proceedings dated 13th, 14th, 17th, 19th and 20th of June and 8th and 9th of July 2014, the un-starred questions and answers of 1st and 9th July, 2014, the representations made by



the LDF and the Thiruvananthapuram citizens Protection Forum before the Government and the newspaper reports received from the I & PR, the Editor Mathrubhumi Daily and Manorama Daily. The Commission has carefully perused the aforesaid materials made mention of in the first item of the terms of reference. The Commission has also perused the statement of allegations filed by parties E to F and the advocate for the Commission as also the statement filed by the State. The Commission finds that there is some difference of opinion between parties B to F on the one side and the State Government on the other regarding the scope and content of the allegations referred to in the first item of the Terms of Reference.

The Commission is of the view that it is inappropriate at this stage to resolve the controversy regarding the allegations made mention of in the first item of the terms of reference raised by the parties, for, it may have the effect of incidentally entering in to a

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finding even before recording of the evidence. At this stage, the attempt can only be to ascertain the allegations on which the inquiry has to be conducted. Allegations are nothing but allegations only. Whether such allegations are bald or supported by materials/evidence is the task to be undertaken by the Commission after affording an opportunity to all concerned.

The Commission considered all the relevant matters and summed up, the allegations which are the subject matter of inquiry under the first item in the Terms of reference are:

"The Chief Minister, his office, his personal assistants, his personal security officer, close party worker and his aid at Delhi are all partisans to the solar scam deals of the prime accused Saritha S.Nair and Biju Radhakrikshnan and rendered all help to them for cheating their solar scam customers in one way or the other. Though Tenny Joppan was made an accused, the Chief Minister, his personal staff, his personal security officer and his aid at Delhi, all



similarly placed were purposely excluded from the array of accused by the Special Investigation Team by dubious methods. The then Home Minister Sri.Thiruvanchoor Radhakrishnan had also helped the solar scam accused Saritha S.Nair and Shalu Menon in escaping from the clutches of law by his connection with them and also took interest in protecting the Chief Minister by all means by using his position as the Home Minister which is also indicative of his involvement in the solar scam affairs of the accused. The phone call details from the mobile phone used by Saritha Nair available with the media opened the gate for connecting some of the Cabinet Ministers, their Private Secretaries, one former Central Minister, many members of the Kerala Legislative Assembly and other political leaders in the solar scam deals of Saritha S.Nair. The reports also disclose the call details of Saritha S.Nair with high personalities which is indicative of their connection with the solar scam accused.



The detailed order dated 07-11-2014 is available as Sl.No.2 in the volume containing Important Orders.

Sri.K.Rajan, Secretary, All India Youth Federation (AIYF), Thiruvananthapuram filed an application (I.A.2/2015) dated 22-04-2015 praying for impleading him as a party in the inquiry. In the affidavit filed in support, he has stated that he could not appear before this Commission pursuant to the public notice issued, since, at that time he was not in possession of documents to prove his contention and to give evidence in this case. He has further stated that now he has obtained/gathered certain information that will be helpful to the Commission in the inquiry.

After hearing all the parties including the State his petition was allowed as Party 'H'. The order dated 29-05-2015 is available as Sl.No. 7at page 37 - 39 in the volume Important Orders.

The Commission, as provided under Rule 5(5) (a) of the Central Rules, considered the statements filed by the parties and found it



necessary to record evidence. Accordingly the parties were requested to file list of witnesses with the purpose. Accordingly, the parties filed list of witnesses. The Advocate assisting the Commission also filed a list of witnesses. The State Government did not file any list of witnesses nor did they examine any witness as their own.

The Commission accordingly settled the witness list subject to modifications according to the circumstances and the need therefor. At the instance of parties and at the instance of the Commission as provided under Rule 5(5)(b) more witnesses were examined with notice and opportunity to all the parties.

The evidence started after issuing notice under Section 4(a) of the Act read with rule 4 of the Central Rules from 12-01-2015.

The evidence in this case consists of the oral evidence of 214 witnesses examined and 867 documents marked besides other Government files

for

examined. The details of those witnesses such as serial number of the witness their dates of examination, the names, and nature of office held by them, as also the documents marked through are furnished as an appendix hereto.

The oral evidence of the witnesses compiled in DW Volumes I to XXIII and the Exhibits marked through them are compiled in corresponding Exhibits Volumes I to XXIII.

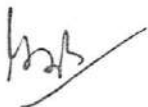
Besides a Book of Index of Deposition Volumes I to XXIII and Index of Documents marked as Exhibits in the above volumes for Parties B, C, D, E, I and X. Corresponding to Volumes I to XXIII is compiled in a Book form for easy reference.

Altogether 214 witnesses were examined before this Commission. The Complainant in Crime No. 368/2013 of Perumbavoor Police Station Sri. Sajjad, Perumbavoor a business man was examined before this Commission on 12-01-2015 and 29-11-2016 as CW 1 and Exts.X 797 to 800 were marked.



His evidence is available at Paper Book- (DW Vol. 1 PP 1 to 20 and Paper Book, DW Vol. XXII PP215-249) .

Similarly, complainants in few other cases, Sri. Abdul Majeed was examined as CW2 on 12-01-2015 (DW Vol. I PP 21-31); Sri. E.K.Baburajan, Complainant in Cr.No. 817/13 of Aranmula Police Station, an NRI was examined as CW 3 on 13-01-2015 and Exts.X1 and Ext. E1 were marked (DW Vol. I PP 32-54); Sri. Sreedharan Nair, Complainant in Crime No. 656/13 of Konny Police Station was examined as CW 4 on 14-01-2015 and 19-12-2016, Exts.X2 to X6, E2 to E4, Ext.X 882(a) to 883(b) were marked (DW Vol. I PP 55-107 and DW Vol. XXIII PP 77-112)); another complainant Dr.Mathew Thomas and his wife Anna Mathew Thomas, Complainants in Cr. No. 951/2013 of Thampanoor Police Station were examined as CW's 5 & 6 on 16-01-2015 and Exts.X 7 to 10 were marked (DW Vol. I PP 108-137); yet another complainant Sri.T.C.Mathew, a businessman at Thiruvananthpuram was examined as CW 7 on 16-01-



2015 and 19-12-2016 and Ext.X 11 marked (DW Vol. I PP 138-164 & DW Vol.XXIII PP 55-76); Sri.R.G.Ashok Kumar, another complainant in Crime No. 36/2010 of Valiyathura Police Station was examined as CW 8 on 19-01-2015 and Ext. X 12 was marked. (DW Vol.I - PP 165 - 188)

Sri. Rasik Ali, a businessman at Thiruvananthapuram, complainant in Crime No. 951/2013 of Thampanoor Police Station was examined as CW 9 on 19-01-2015 and Ext.X 13 was marked. (DW Vol. I PP 189-203)

Media people mostly for speaking about the news reported in the newspapers and in the interview were examined and their depositions recorded.

Sri. Jijo John Puthezhath, Chief Reporter MalayalaManorama was examined as CW 10 on 23-01-2015 and Exts.X 14 to X 26 Ext. E5 &E6 were marked (DW Vol.I PP 204-211); Sri.K.M.Mohandas, Central Desk News Editor of Deshabhimani was examined as CW 11 on 29-01-2015, 11-02-2015, 08-



05-2015 & 06-08-2015 (DW Vol.I PP 212-251). All for speaking about Ext.E7 to E13 and Ext. E25 to E27; Sri.Muhammed Jaffer, Chief Reporter of Madhyamam was examined as CW 12 on 29-01-2015 & 03-11-2015 to speak about Exts.X 14, E-15 & Ext.X 325 were marked (DW Vol.I PP 252-255); Sri.C.E.Vasudeva Sarma, Mathrubhoomi, Kollam Bureau Chief and Special Correspondent was examined as CW 13 on 03-02-2015 to speak about Ext.X 27 and Ext.E 16 (DW Vol. I PP 256-257); Sri.G.Shaheed, Mathrubhoomi Special representative of Kochi Bureau and Legal Environmental Reporting Chief was examined as CW 14 on 03-02-2015 to speak about Exts.X 28 to X 39 & E17 (DW Vol.I PP 258-267); Sri. R.Ajith Kumar, Associate Editor Mangalam Daily, was examined as CW 15 on 03-02-2015 regarding Ext.E18 to E20 (DW Vol.I PP 268-273); Sri. M.H.Vishnu, Chief Reporter, Kerala Kaumudi, Thiruvananthapuram, was examined as CW 16 on 03-02-2015 regarding Ext.E21 to E24 & Ext.X40 (DW Vol.I PP 274-280).



The depositions of these witnesses are available in paper book DW Vol.I, as noted above.

Sri. M.G.Radhakrishnan, Editor, Asianet News was examined as CW 31 on 24-03-2015 & 20-04-2015 regarding Exts.X 90 to X 93 and Exts.X113 to 118 (DW Vol.III PP 243-264); Sri.B.Venugopan, Sr. News Editor, Mathrubhoomi News Channel was examined as CW 32 on 27-03-2015 with reference to the discussion in the Mathrubhoomi News Channel in which he was the Anchor (DW Vol. III PP 265-274); Sri.Binduraj, Editor, Smart Drive Automobile Magazine was examined as CW 33 on 27-03-2015 & 30-03-2015 regarding Exts.X104, X105, X107, X108, X109 & X110 (DW Vol. III PP 275-289); Sri.Nikesh Kumar, Reporter Channel was examined as CW 34 on 30-03-2015 & 07-04-2015 regarding Exts.X106, X111 & X112. (DW Vol. III PP 290-324)

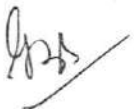
Sri.R. Ajaya Ghosh, Asianet News Editor was examined as CW 57 on 16-06-2015 and 03-07-2015 and marked Ext.X222 (DW Vol. VI PP 1-15); Smt.CynthiaChandran Assistant Editor, Deccan Chronicle was examined as CW 69 on 28-07-2015 in



connection with a telephonic interview with Sri. Selvaraj, MLA and marked Ext.X246. (DW Vol. VII PP 41-52); Sri. Rajesh. N, Chief Editor of Mangalam Daily was examined as CW 70, on 28-07-2015 regarding Ext.X 247 (DW Vol. VII PP 53-64); Sri.Sarvamadhanan K.S., Librarian, Reporter TV was examined as CW 99 on 20-10-2015 and marked Exts.X318 & X319 (DW Vol.VII- PP 55-58); Sri.K.S.Sandeep Senior Reporter, Kerala Kaumudi was examined as CW 103 on 03-11-2015 and marked Ext.X326 (DW Vol.IX PP 138-145); Sri.Joshy Kurian, Asianet News Reporter was examined as CW 160 on 22-07-2016 and marked Exts.X639 to X641. (DW Vol.XVII - PP 1-6)

MLAs who made the allegations regarding solar scam in the Legislative Assembly- Sri. Thomas Isaac, Sri. Raju Abraham, Sri. Sreeramakrishnan, Sri. V.S. Sunilkumar, Sri. KodiyeiBalakrishnan, Sri. V.S.Achuthanandan, Sri. Mathew T.Thomas, Sri. A.K.Saseendran and Sri C. Divakaran.

Sri. Thomas Isaac was examined as CW 17 on 18-02-2015 and Exts.X41, X42, X43 and X44 were



marked (DW Vol. II PP 1-38); Sri.Raju Abraham, was examined as CW 18 on 18-02-2015 & 03-03-2015 and Exts.X73 to X83 were marked (DW Vol. II PP 39-90); Sri.Sreeramakrishnan was examined as CW 19 on 19-02-2015 & 27-03-2015 and Exts.X45 to X48 & X94 to X103 were marked (DW Vol.II PP 91-128); Sri.V.S.Sunil Kumar was examined as CW 20 on 24-02-2015 & 04-03-2015 and Exts.X49 to X55, Exts.X 86 were marked (DW Vol. II PP 129-190); Sri.KodiyeriBalakrishnan, Deputy Leader of Opposition party was examined as CW 21 on 26-02-2015 and Exts.X56 to X69 were marked (DW Vol. II PP 191-255); Sri.V.S.Achuthanandan Leader of Opposition Party was examined as CW 22 on 27-02-2015 and Ext. X70 to X72 were marked. (DW Vol. II PP 256-291). He also filed a proof affidavit in lieu of examination; Sri. Mathew T.Thomas, MLA was examined as CW 23 on 03-03-2015 Exts.X84 & X85 were marked (DW Vol. II PP 292-321); Sri. A.K.Saseendran MLA was examined as CW 24 on 05-03-2015 (DW Vol. III PP 1-17); Sri. C.Divakaran,



MLA was examined as CW 35 on 07-04-2015. (DW Vol.III PP 325-345).

Sri. PinarayiVijayan, Former State Secretary, CPI(M) was examined as CW 54 on 04-06-2015 and 30-06-2015 and Exts.X 148 to X164, Ext.X 200 to X210 were marked (Mostly newspaper reports) (DW Vol.V - PP 126-250)

The following staff of Team solar company were examined.

Sri. Sandeep was examined as CW 45 on 25-05-2015 & 30-11-2016 (DW Vol.V- PP 1-11 and DW Vol.XXII PP 259-266); Sri. RajanNair was examined as CW 46 on 25-05-2015 (DW Vol.V - PP 12-19); Smt.Vimala was examined as CW 47 on 25-05-2015 (DW Vol.V - PP 20-28); Sri.C. Mohandas was examined as CW 48 on 26-05-2015 & Ext. X 141 marked (DW Vol.V- PP 29-46); Sri.Sreejith, Driver of Smt.Saritha was examined as CW 49 on 27-5-2015 Exts.X 142 to X146 were marked (DW Vol. V - PP 47-67); Sri. A. N. Santhosh Kumar was examined as CW 50 on 29-5-2015 and Ext.X147 was marked (DW Vol.V- PP 68-92); Sri.Charles was examined as CW



51 on 03-06-2015 (DW Vol.V- PP 93-99); Smt. Jishawas examined as CW 52 on 03-06-2015 (DW Vol.V- PP 100-114); Smt. Rejani K.V. was examined as CW 53 on 03-06-2015 (DW Vol. V - PP 115-125); Sri.P.Rajasekharan Nair was examined as CW 64 on 01-07-2015, 13-07-2015 & 30-11-2016 and Exts. X211 to X213 and Ext.X 228 to 230 were marked (DW Vol.VI- PP 173-246 and DW Vol. XXII PP 250-258); Sri.Rijesh was examined as CW 79 on 13-08-2015 and Ext.X277 marked (DW Vol.VIII- PP 29-48); Sri. Manimon @ Manilal was examined as CW 80 on 13-08-2015 & 14-10-2015 and Exts.X278 & X279, Ext.X315 (a)&(b) were marked (DW Vol. VIII - PP 49-59 & DW Vol.VIII A- PP 1-8); Sri.Vinukumar.B, Driver of Saritha was examined as CW 96 on 25-09-2015 and 02-12-2016. (DW Vol.IX - PP 10-29 and DW Vol.XII- PP 269-288)

Parties A to F impleaded were also examined. Advocate Sri.B.K.Guruprasad- A Party was examined as CW 26 on 10-03-2015 and Ext. X87 to X89 marked (DW Vol.III- PP 33-51); Sri. Isaac Varghese, the B Party was examined as CW 27 on 12-3-2015 and



Exts. B1 to B6 were marked (DW Vol. III - PP 52-64); Advocate Sri. B. Rjendran, the E Party was examined as CW 28 on 18-03-2015 and Exts.E28 to E33 were marked (DW Vol. III - PP 65-121); Sri. R.Raghuthaman, the D Party was examined as CW 29 on 19-03-2015 and Exts. D1 to D 10 were marked (DW Vol.III- PP 122-211); Advocate Sri. John Joseph, the F Party was examined as CW 30 on 19-03-2015 (DW Vol.III- PP 212-242) (The depositions are available at Paper Book - DW Vol.III)

The ACJM and Staff of the Additional Chief Judicial Magistrate (EO) Court were also examined.

Smt. Manjusha, Sheristadarwas examined as CW 36 on 16-04-2015 (DW Vol. IV - PP 1-12); Smt. Ricymol, LDC was examined as CW 37 on 16-04-2015 (DW Vol. IV - PP 13-28); Sri. N.V.Raju, the then Addl. CJM was examined as CW 38 on 17-04-2015 (DW Vol. IV - PP 29-62); Smt.Rehna Narayanan, WCPO on duty in the ACJM Court was examined as CW 39 on 17-04-2015 (DW Vol.IV- PP 63-69); (Their



depositions are available in the paper book - DW Vol.IV as above)

Public Interest litigants Sri.Joy Kaitharam, a social worker was examined as CW 55 on 10-06-2015 and 25-06-2015 and Exts.X 165 to X168 and X191 to X195 were marked (DW Vol. V - PP 251-273); Sri. George Vattukulam, a contractor and social worker was examined as CW 56 on 11-06-2015 and marked Exts.X169 to X173. (DW Vol. V - PP 274-283)

Sri. R.Balakrishna Pillai, Chairman, Kerala Congress (B) was examined as CW 40 on 17-04-2015 (DW Vol. IV - PP 70-89); Sri. Manoj Kumar, State General Secretary of Kerala Congress B and Grandnephew of Sri. R.Balakrishna Pillai was examined as CW 72 on 30-07-2015 (DW Vol. VII - PP 127-139); Sri.Pradeep Kumar, Assistant Personal Secretary/PA of Ex. Minister Sri. Ganesh Kumar, MLA was examined as CW 73 on 31-07-2015 and 01-09-2015 (DW Vol.VII PP 140-187).

Sri. P.C.George, former Government Chief Whip and MLA was examined as CW 41 on 22-04-2015, 12-



05-2015 and 26-5-2015 and marked Exts.X 119 to X125, X136, X137 (a) to (i) and X140 (DW Vol.IV- PP 90-168); Sri.Pannyan Raveendran, CPI Leader was examined as CW 42 on 25-04-2015 and 18-05-2015 and Exts.X126, X127, X138 and X139 were marked (DW Vol.IV- PP 169-216); Sri. Vaikom Viswan, LDF Convener was examined as CW 43 on 27-4-2015 and Ext.X 128 to X135 were marked (DW Vol. IV - PP 217-300); Sri.Kanam Rajendran, State Secretary, CPI was examined as CW 44 on 11-05-2015 (DW Vol. IV - PP 301-322); Sri. K.Rajan, President, AIYF, H Party was examined as CW 60 on 18-06-2015 and 14-07-2015 and Ext.X179 to X180 and X242 to X245 were marked (DW Vol. VI - PP 73-105); Sri. Saji Cheriyan, Secretary, CPI(M), Alappuzha was examined as CW 63 on 29-06-2015. (DW Vol. VI - PP 155-172)

Sri. T.P.Senkumar, IPS, DGP, formerly ADGP (Intl.) was examined as CW 120 on 21-01-2016 and Ext.X395 to X397 were marked (DW Vol. XII - PP 1-31); Sri. A.Hemachandran, IPS, ADGP (SZ), Head of SIT was examined as CW 119 on 20-01-2016, 20-



12-2016, 21-12-2016, 10-01-2017 and 17-01-2017 and Exts.X.392 (a) & (b), X394 (a), (b), (c), X885 & X886, X890 & X891 and X893 were marked (DW Vol. XI - PP 336-405 and DW Vol. XXIII - PP 131-375); Sri. Reji Jacob, Dy.SP, Thiruvananthapuram City, a member of SIT was examined as CW 107 on 11-12-2015, 01-09-2016, 23-09-2016 and 21-10-2016 and Exts.X704(a), (b), X705 (a), (b), (c), X706, Exts.X711 to X714, X728 & X729(a), (b) & (c) were marked (DW Vol. IX - PP 400-429 and DW Vol. XXII - PP 133-214); Sri. Jaison K.Abraham, DySP was examined as CW 109 on 28th and 29th of December, 2015 and Exts.X341 to X345(a), (b), (c) & (d) were marked (DW Vol. XI - PP - 1 - 48); Sri. B.Prasannan Nair, DySP, Chengannoor was examined as CW 110 on 29th, 30th and 31st of December, 2015 and on 22-12-2016 and 04-01-2017 and Exts.X346, X347, X348 to X374, Z1 and X887 to X-889 were marked (DW Vol. XI - PP 49 - 149 and Vol. XI A - PP 1 to 111); Sri.K.S.Sudarsanan, DySP, was Examined as CW 111 on 04-01-2016 and Exts.X375 to X380 were marked (DW Vol.XI- PP - 150-178); Sri.



K.Harikrishnan, DySP, Perumbavoor was examined as CW 112 on 05-01-2016, 21-04-2016, 22-04-2016, 25-04-2016, 27-04-2016 and 11-07-2016 and Exts.X381, X382, X511, X512 to X518, X519 to X520 and X629 to X630 were marked (DW Vol. XI - PP - 179-2012 and DW Vol.XIII- PP 218-360); Sri.Roy V., Inspector of Police, Perumbavoor was Examined as CW 157 on 7th and 8th of July 2016 (DW Vol. XVI - PP - 196 to 225).

Sri.K.Surendran, State General Secretary, BJP, the 'C' Party was examined as CW 25 on 05-03-2015 and Exts.C1 and C2 were marked (DW Vol. III- PP 18-32).

Sri.Viswanatha Kurup, Superintendent, District Jail, Pathanamthitta was examined as CW58 on 17-06-2015 and Exts.X174 (a), (b), (c) to X177 were marked (DW Vol.VI - PP 16-35); Smt. Nazeera Beevi, Superintendent, Women's Jail, Attakulangara was examined as CW 59 on 17-06-2015 and 23-06-2015 and Exts.X178 and X181 to 190 were marked (DW Vol. VI - PP 36 to 72); Sri.Sreeraman,



Deputy Prison Officer, Cheemeny open jail was examined as CW 67 on 08-07-2015 and marked Ext.X227. (DW Vol. VII PP 6 to 38)

Sri. Shiju K.Nair, Senior CPO was examined as CW 61 on 25-06-2015 and Exts.X196 to X199 were marked (DW Vol.VI- PP 106-130).

Sri. V.M.Sudheeran, KPCC President was examined as CW 62 on 29-06-2015 and 09-11-2015 (DW Vol. VI - PP 131 to 154).

Sri. C.L.Anto, a businessman at Chalakkudi was examined as CW 65 on 01-07-2015, 07-07-2015, 14-07-2015, 30-09-2015, 08-12-2016 and 13-01-2017 and Exts.X214 to X221, X223 to X226, X231 to X241, X296 to X311, X813 and X892 were marked (DW Vol. VI - PP 247 to 319 and Vol. XXII PP 289 - 312); Sri.Jose Kuttiyani, Ex. MLA was examined as CW 214 on 13-01-2017 and 27-01-2017 to speak about the matters stated by Sri.C.L.Anto (DW Vol. XXII PP 26 - 85).

The following officers of ANERT were examined as CWs 68, 74, 78, 84, 85, 87 and 88.



CW 68 is Smt.T.Mithra, Director, ANERT She was examined on 23-07-2015 (DW Vol. VII PP 39-40); CW 74, Sri.R.Rajesh, Programme Officer of ANERT was examined on 05-08-2015, 11-08-2015, 30-03-2016 and 16-12-2016 (DW Vol. VII PP 188 to 239, Vol. XIII PP 67-97 and Vol. XXIII PP 27-54) and Exts. X 261 to X274, X488 to X502 & X868 were marked: CW 78 is Aneesh S. Prasad, Programme Officer of ANERT. He was examined on 11-08-2015 and 24-08-2015 and Exts.X275, X276, X281 (a) (b) (c) & (d) to X287 were marked (DW Vol. VIII PP 1 to 28); CW 84 is Sri.Vinod, a photographer at Nedumangad. He was examined in connection with a function conducted under the auspices of ANERT in Muscat Hotel, Thiruvananthapuram. He was engaged to take photographs of the function. He was examined on 24-08-2015 and Exts.X288 (a) to (j) were marked. (DW Vol. VIII PP 96 to 109); CW 85 is Suresh Babu, Technician of ANERT. He was examined on 24-08-2015 (DW Vol.VIII PP 110-119); CW 87 is Sri. P.B.Sugathakumar, MD, Rutronix, former Director in charge of ANERT. He was



examined on 03-09-2015 (DW Vol. VIII PP 131-146); CW 88 is Dr.G.Prasad, Director, MNRE, New Delhi. He was examined on 7-09-2015 and Exts.X289 and X290 were marked (DW Vol. VIII PP 147-164).

Smt.Sreeja A.R., WCPO, Kannur was examined as CW 76 on 07-08-2015 (DW Vol. VII PP 270-180); Sri.Biju John Lukose, Inspector of Police was examined as CW 77 on 07-08-2015 (DW Vol. VII PP 281-312); Sri.Nijesh P.P., CPO, Kannur was examined as CW 81 on 20-08-2015 and Ext.X280 was marked (DW Vol. VIII PP 60-69).

Adv. Sri. Phenny Balakrishnan who was representing Saritha S.Nair was examined as CW 92 on 15-09-2015, 08-10-2015 and 07-04-2016 and Exts.X503 to X507 were marked (DW Vol. VIII PP 223-274 & DW Vol. XIII PP 98-157); Sri. Raghunathan Nair, Clerk of Adv. Phenny Balakrishnan was examined as CW 83 on 20-08-2015 (DW Vol. VIII PP 81-95); Sri.Sasikumar S., Driver of Adv. Phenny Balakrishnan was examined as CW 82 on 20-08-2015. (DW Vol. VIII PP 70- 80).



Smt. Kala Devi, Mother of Smt. Shalu Menon was examined as CW 100 on 28-10-2015 and Ext.X320 and X321 were marked (DW Vol.IX PP 59-78); Smt. Shalu Menon, Dancer/Artist was examined as CW 101 on 28-10-2015 and Exts.X322 and X323 were marked (DW Vol. IX PP 79-101); Smt.Indira S.Nair, Mother of Saritha S.Nair was examined as CW 102 on 29-10-2015 and Ext.X 324 was marked. (DW Vol. IX PP 102-137) .

Sri. Biju Radhakrishnan, one of the prime accused in the solar scam cases was examined as CW 105 on 17-11-2015, 30-11-2015, 01-12-2015, 02-12-2015, 03-12-2015, 11-12-2015 and 15-07-2016 and Exts.X333 to X336, X337 and X338 were marked (DW Vol. IX PP - 175 to 390 & DW Vol. XXII PP 98-132) .

Smt. Saritha S.Nair the main accused in the solar scam cases was examined as CW 108 on 15-12-2015, 21-12-2015, 27-01-2016, 28-01-2016, 29-01-2016, 01-02-2016, 02-02-2016, 05-02-2016 & 06-02-2016 and Exts.X 339 and X340, X414 to X423, X424



to X427, X428 to X455, C3 and C4, E35 and E36, B7 were marked. (DW Vol. X Part I - PP 1 to 277); she was again examined on 09-02-2016, 10-02-2016, 24-02-2016, 25-02-2016, 26-02-2016, 21-03-2016, 06-06-2016 and 27-06-2016 (Examined In-camera) and Exts.X 462 and Ext.I - 1 to 4, Ext. I-5 and I-6, X 468 to 470 and X 483 to 487, X 530 to X 544 and X 618 (Confidential) and Ext. J1 were marked (DW Vol. X Part II - PP 278 to 515 and DW Vol. XXII PP 86-97).

Sri. Sivadasan T., Circulation Executive of Mathrubhoomi Daily, who accompanied Biju Radhakrishnan to meet former Chief Minister Sri. OommenChandy was examined as CW 94 on 18-09-2015 (DW Vol. VIII PP 303-317).

Sri.M.K.Kuruvila, a businessman at Bangaluru was examined as CW 71 on 29-07-2015 and Exts.X248 to 260 were marked (DW Vol. VII PP 65-126).

Smt.Nazeena Beegum, WCPO 2495, Vanitha Police Station, Thiruvananthapuram City was examined as CW 89 on 08-09-2015 and Ext. X 291 marked (DW



Vol. VIII PP 165-178); Smt. Sheeja Das D.L., WCPO 3071, who was in the Security Staff of the Chief Minister in the Secretariat was examined as CW 90 on 8..9..2015 and 13..12..2016 and Ext. X 292, and X 845 to X 848 were marked (DW Vol. VIII PP 179-203 & DW Vol. XXII PP 313 to 330).

Sri. E. Hamsa, of Malappuram was examined as CW 75. Sri. Madhu, Driver of Pheney Balakrishnan, Advocate was examined as CW 86.

UDF leader and M.P. Sri. M. I. Shanavas was examined as CW 91.

Sri. Saran K. Sasi one among the staff of the Team Solar Company was examined as CW 93.

Sri. R. Selvaraj, a UDF leader and former MLA was examined as CW 95.

Sri. R. Pradeep, General Manager, Keltron was examined as CW 97.

Sri. V. Jose Kurian, Chief Security Officer, Secretariat, was examined as CW 98.



Sri.Thomas Kuruvilla, Delhi aid Sri.Oommen Chandy, former C.M. was examined as CW 104.

Sri.Anukumar, Sanitation worker, Paramount Studio, Thiruvananthapuram was examined as CW 106.

Police Officers, viz. Sudheer Manohar, S.I., H.Gopakumar, I.G. Prisons, Dr.Alexander Jacob, DIG (Retd.), K.P.Mohammed Iqbhal and Nandakumar.K.K., CPO were examined as CWs 113 to 117.

Sri.Jikkumon Jacob, P.A. to C.M. (former) was examined as CW 118.

Sri.Salim Raj, Gunman to Sri.Oommen Chandy, Sri.Tenny Joppan, former C.M's office staff, Sri.Oommen Chandy former C.M., Sri.Suresh.A.G., Supdt. Central Prison, Thiruvananthapuram, Sri.Badhran.V.K., Associate Director, C-DAC and Sri.Abraham Kalamannil, Chairman, Mount Zion Group were examined as CW's 121 to 126.



Sri.Vinod Bhattathiripad, Cyber expert,
 Sri.Siddique.T., Advocate and UDF leader,
 Sri.Thampanoor Ravi, Ex-MLA, Sri.Nagarajan.R,
 Driver, Sri.Pradosh.T.G., P.A. to Minister
 Smt.LathaPanicker, Addl. P.S, to C.M.
 Sri.P.S.Sreekumar, Private Secretary to C.M.
 Sri.Rajkumar.S., S.I., Sri.V.K.Raveendran, P.S.
 to Minister Smt.T.Moni and RemadeviAmma,
 Assistant Prison Officers, P.A.Madhavan, Ex.MLA,
 Sri.Ajith.G.P., CPO, Sri.P.J.Joseph,
 Sri.K.C.Joseph, Sri.Adoor Prakash, MLAs,
 Sri.Shibu Baby John, Ex-Minister, Sri.Hibi Eden,
 MLA, Sri.P.C.Vishnunadh, Ex.MLA Sri.Abdullakutty,
 Ex-MLA, Sri.Mons Joseph, MLA, Sri.N.Kesavan,
 Spl.P.S. to AryadanMuhammed, Sri.A.P.Anilkumar,
 MLA, Sri.K.P.Mohanam Ex-Minister, Sri.K.B.Ganesh
 Kumar, MLA, Sri.K.C.Venugopal, M.P., Sri.Aryadan
 Muhammed, Ex-Minister, Sri.Jose K.Mani.M.P. and
 Sri.Thiruvanchoor Radhakrishnan, MLA were
 examined as CWs 128 to 156.



Sri.P.Nazarulla, P.A. to former Minister, Sri.A.P.Anilkumar, Sri.Benny Behannan, Ex-MLA were examined as CWs 158 and 159.

Sri.N.T.Job, Executive Engineer, KSEB, Sri.G.Shajkumar, Asst. Exe. Engineer, Sri.C.R.Biju, ASI, Sri.Ramesh Chennithala, Opposition Leader, Smt.P.K.Jayalakshmi, Ex-Minister, Sri.K.Padmakumar, IPS, ADGP, Sri.Bijo Alexander, Dy.S.P., Sri.N.Subramanyan, Secretary KPCC, Sri.Shahim Komath, Nodal Officer, Vodafone and Sri.Prasanth V.Nair, Engineer, Vodafone, were examined as CWs 161 to 170.

Sri.V.Ajith, DySP was examined as CW 171.

Sri.P.P.Thankachan, UDF Convener, Sri.A.R.Mohanan, Dy.General Manager, BSNL, Sri.K.Vasudevan, Nodal Officer, Sri.Augustine Joseph.K.G., Nodal Officer IDEA, and Sri.Biju K.Nair, Team Solar Interior worker were examined as CWs 173 to 177.

Sri.G.Ramachandran Nair, Spl. Secretary to former Power Minister and Sri.Narayana Pillai.M.,



Private Secretary, former Power Minister were examined as CWs 180 and 181.

Sri.A.C.Joseph, DySP, Sri.K.S. Balasubramoniyar, Member, Police Complaints Authority, Sri.K.Sunilkumar, Dhoby Supervisor, Government Secretariat and Sri.B.Babuprasad, Ex.MLA were examined as CWs 182 to 185.

Sri.R.K.Balakrishnan, Addl.P.S. to former C.M., Sri.A.R.Surendran, Addl. P.A. to former C.M., Sri.N.Vinayakumaran Nair, Asst. Commandant, Hi-Tech Cell, Sri.K.S.VasudevaSarma, Political Secretary to former C.M., Sri.V.R.Anilkumar, Finance Officer, Collectorate, Alappuzha, Sri.V.Biju, S.I. and Sri.Muraleekrishnan.V., Junior Manager, KINFRA were examined as CWs 189 to 195.

Sri.Shino.P.S., ADC (General), Collectorate, Kottayam, Sri.Mathew K.Daniel, Secretary, Kaduthuruthy Panchayath, Sri.Anilkumar.B., Dy. Manager(T) KINFRA, Sri.V.P. Kathirvadivelu, Spl. Dy. Collector (LA) Wayanad, Sri.Shylesh C.,



former P.S. to M.I.Shanavas, M.P. and Sri.V.Raghunanthanan, DOT were examined as CWs 197 to 202.

Smt.Sheela M.A., Dist. Planning Officer, Kozhikode, Sri.ThomasC.Kondody, Advocate, Smt.G.M.Aliyamma, Thasildar, Mavelikkara, Sri.S.Anilkumar, DySP, Thiruvananthapuram, SCRD and Sri.T.F.Xavier, M.D., KSCDC were examined as CWs 204 to 208.

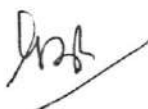
Sri.Jayaraj G., Registrar, C-Dit, Sri.K.Abdul Rasheed, Dy. Director, I & PRD, Sri.Paul Antony, Addl. Chief Secretary, Industries Department and Sri.Venugopal P., Special Secretary Co-operation were examined as CWs 210 to 213.

The depositions of Sri.M.R.Ajithkumar, I.G. of Police was examined as CW 196, and Sri.Sanalkumar, Dy.S.P. as CW 209 mainly for showing the antecedent criminal activities of BijuRadhakrishnan and SarithaS.Nair and that a Crime Case No.13/2013, was registered in Cyber Police Station and that considering the



seriousness of the activities, particularly the involvement of Sri.Firoz, Deputy Director, Public Relations. The investigation of the said case was entrusted to the abovementioned officers. The various circumstances of this case would reveal that the Senior Police Officers in the State were aware of the antecedents of the two accused.

Sri.Manoj Abraham, IPS, (CW 203) when he was the City Police Commissioner, Thiruvananthapuram City even earlier Saritha S.Nair made a complaint against Biju Radhakrishnan; in that Biju Radhakrishnan produced a Medical Certificate to the effect that she is a psychic case and escaped. Yet another purpose was regarding the suspension of Sheeja Das, WCPO while she was working in the Vanitha Police Station, Thiruvananthapuram. For indiscipline, on complaint of the S.I. there the City Police Commissioner has suspended her from service. She with her husband who is an office bearer of the Secretariat Association immediately met C.M. Sri.Oommen Chandy and requested for re-



instatement. Sri.Manoj Abraham deposed that there was pressure from higher-ups for re-instating her immediately. He said that, after a month he cancelled the suspension order and posted her in the Nemom Police Station. But, it is seen that along with others she was taken in the security staff of the C.M. in the Secretariat Office immediately thereafter.

Sri.Pradeep Kumar K.P. and Sri.Ravindran Pillai, both Sub Inspectors CW's 188 and 187 were Personal Security Officers to Chief Minister Sri.Oommen Chandy. They are with Sri.Oommen Chandy from 1991 till he demitted the office of C.M. in May, 2016. Their duty is mainly in the residence of the C.M. on alternate days.

The significance of the deposition of Sri.Satheesh Bino, IPS (CW 186) as Superintendent of Police (Rural), Aluva and Sri.A.C.Joseph, Dy.SP (Narcotic Cell) (CW 182) is that the serious allegations connecting high dignitaries with the solar scam accused Biju Radhakrishnan



and Saritha S.Nair first came before them. The report of the Dy.SP, does not show any proper enquiry. However, from his deposition before this Commission two things came out Saritha S.Nair was always available to him over phone, that, according to Saritha, she was busy with establishing Wind Mills in Nagarcoil in Tamil Nadu, that she told him that C.M's office, if necessary will contact, Advocate General told she need not attend before him. He did not enquire anything and did not wait for Saritha S.Nair to attend. This would show that either they did not take the matter seriously or they were prevented from proceeding with that enquiry.

I.G. Sri.Jose (CW 127) took the CDR details of mobile phones in the use of Saritha S.Nair through E-mail. He says in connection with a cybercrime case. He destroyed the Soft copy obtained in the E-mail after analysis. The CDR's admittedly contained Saritha's connection with higher-up. The call details were leaked which



came in the print and visual media. This, it is stated, is to save the higher-ups.

Sri.Muhammed Shaffi, Dy.S.P. (CW 172) has conducted enquiry regarding the complaint filed by Sri.Ajith, General Secretary of Kerala Police Association on the allegation of SarithaS.Nair that Team Solar Company through her had paid a sum of Rs.20 lakhs to him by way of sponsoring the Police Association's 30th Annual Conference. He filed a report. He was examined in that connection.

Sri.Rajpal Meena, IPS was examined as CW 179. He said, his job as S.P., Internal Security was matters relating to Marxist extremists and Islamic Fundamentalist. He was asked about CDR details. He said he took charge only on 24-06-2016. He is not aware of the details. His information is that it has been destroyed by Sri.Sreedharan, IPS who was on duty at the relevant time as per the direction of the then ADGP (Int.).



Sri.Sreedharan, IPS, as CW 178 said that he was the S.P., Internal Security both at the time of collecting the CDR and at the time of destroying the same. He has further stated thus:

'The following CDR details were destroyed after completion of the purpose and therefore no longer retrievable'.

Item Nos.2 to 10 in that are mobile phone call details collected by the Superintendent of Police, Internal Security, Thiruvananthapuram. He said during the period the CDRs were collected and at the time of destroying it, he was the S.P., Internal Security. He was asked whether the decision to destroy the CDR details was taken by him or as per the directions of Superior Officers. The ADGP (Int.) and I.G.P. (I.S) wanted him to take the CDR details of certain mobile phones from its service providers. He used to get such requests and used to give the details on that basis. He did not ask them nor did they tell him the details of the subscribers of those



mobiles or for what purpose they are collected. As such he did not know such details. CDRs collected, if they are not part of investigation, have to be destroyed within 6 months as per the I.T. Rules. Accordingly the CDRs that came in his system were destroyed by him. He does not know as to what happened to the CDR details furnished to the superior officers as per their requests. It was destroyed by using the option for deleting it in the system itself. He did not seek the permission of any superior officers for destroying the CDRs that came in his system after the expiry of 6 months. Letter of the State Police Chief dated 22-08-2016 marked as Ext.X 717. Information technology (Procedure and Safe Guards for interception, monitoring description of Information Rules, 2009 is marked as Ext.X 718. There were instructions from the ADGP (Int.) also for destroying as per Rules.

He said there was no system of recording in a Register regarding the requests ADGP (Int.) and IGS (IS) received for collection of CDRs from its



service provides, supplying it to them and the destruction of them.

No files were also kept in that regard. He was asked how then the expiry of six months for destroying the same is ascertained. He answered that it is decided on the basis of the mail date, ordinarily, when the abovementioned 2 superior officers ask for obtaining the CDRs, the moment it is collected and supplied to them, his responsibility in that connection is over. Therefore, ordinarily after 2-3 days the practice is to destroy the same.

Clarifications sought by AILU the E Party.

He was asked whether to his knowledge, the Cyber Cell Wing and Crime Records Bureau used to intercept phone calls. He said since this is a matter of secrecy an authoritative answer can be given only by the ADGP and his superior officers.

He was asked whether the aforesaid two superior officers had asked him at any time to furnish the voice records of any mobile phones




and whether he had collected and supplied. He said, no such request was made nor supplied.

It was suggested to him that he knows very well about the subscribers of the telephones, the CDR details were collected by him at the request of the two superior officers and the purpose for which they are collected and that the said CDRs were destroyed purposely.

He answered that it is not correct. The true facts have already been stated by him.

Advocate for the Commission sought clarifications.

He was asked whether any orders of the State Government or Circulars are in existence regarding the mode of collection of CDRs from its subscribers. He said he is in possession of a Circular regarding collection of CDRs in connection with investigation Circular dated 25-02-2013 is produced and marked Ext.X 719. In that the details of persons entitled to collect CDRs and the procedure to be followed are stated.



Coming to Shiju K.Nair examined as CW 61 he is a senior CPO. There is an allegation that he was working as the body guard and helper of Saritha S.Nair. He said he saw SarithaS.Nair only once in connection with construction of a 2000 Sq.ft. house at Chelavanoor by one Varghese Chacko an NRE. He was supervising the construction.

He further said.

For installing solar panel in that house he was entrusted to find out a person in May, 2013. He went to Thiruvananthapuram for getting leave sanctioned for going abroad. When himself and batchmate Salim Raj Gunman of the C.M. were taking food in ZamZam Hotel, near the MLA Hostel, Thiruvananthapuram phone call in that regard from Sri.Varghese Chacko. On hearing the talk Salim Raj introduced Team Solar Company and he contacted the company. Lakshmi Nair's phone number is obtained from the company. He got her over phone after many attempts late May, 2013

[Signature]

(Date he does not remember). She came for the site inspection in the evening along with her mother, an assistant and the driver in Grand Hotel. Leaving the mother there the others came to see the site. He took them from Grand Hotel to the site Sri.Varghese Chacko was there at the time when measurement was taken. Saritha gave an estimate of Rupees Twelve Lakhs to Varghese Chacko and demanded a sum of Rupees Five Lakhs as advance on 5th June. Later news came that she was arrested on 3rd June. Apart from this he does not have any connection either directly or otherwise with her. He denied the allegation that he always accompanied Lakshmi Nair, as her bodyguard (PSO), that in connection with her business he accompanied Saritha S.Nair to meet Ministers, Political leaders, higher officials, that a major portion of the funds cheated by SarithaS.Nair are entrusted to him and he had invested it in the foreign countries and that he acted as a benami for Lakshmi Nair and purchased properties in many places. He said that there was no need for him to



go, foreign country in connection with the duties while working in the Devikulam P.S. and Marine Enforcement and Vigilance. He took a passport in 2010 and a new passport in the place of the old passport was applied by using the 2010 passport himself and his wife together had once gone to Sri Lanka and other journey was performed with that passport.

He got a new passport in May, 2013. He took LWA from the 15th June, 2013 and his first journey with that passport on 19th June, 2013. He is presently residing in Olive Flat at Kadavanthara, which is a seventeen stories building. He is residing in the 5th floor. This he purchased in 2012 in the joint name of himself and his wife for Rupees Seventeen Lakhs. He had two mobile phones in his name- 9447881100 and 9633881100. He has got one more mobile phone 9495881100. He has got a BSNL land phone 2323100. The sim card of 9495881100 is put in his I-pad which is gifted by Sri.Varghese Chacko. He gave it to his wife who is working as a Fashion Designer. She is



running a shop at Convent Junction, Ernakulam. Her mobile phone number is 9496881100. The land phone in her shop is 2371100. He contacted Lakshmi Nair in his mobile phones 9633881100 and 9447881100. He does not remember the mobile phone number of Saritha S.Nair. He had also contacted her from his 9495881100. He knows that she has two mobile phones. He admitted to a question put by the Adv. assisting the Commission that from his mobile number 9447881100 for the period from 6-4-2013 till 30-04-2013 there were more than 50 calls with long duration between him and Saritha. It is based on these phone calls the Perumbavoor DySP, in Crime No.356/2013 questioned him and took his statement. A complaint alongwith a forwarding letter of ADGP marked as Ext.X 196. The statement given by the witness on 10-08-2013 before the Dy.S.P., Perumbavoor marked as Ext.X 197. Himself and Salim Raj classmates from 8th standard to 10th standard in a school and joined the police in 1993 and undergone training and continued the relationship. The contacts between



the family of himself and Salim Raj, they took food together. They have to two cars one in his name and other in his wife's name. His wife's car number is KL7-BV-1100 and his car number is KL 38 -A 1100.

Smt.Sreeja A.R., WCPO was examined as CW 76. She said.

She knows about the cheating case against Saritha in the Thalassery Police Station.

She said that she was also in the team of Sri.Biju John Lukose., S.I. of Police, Thalassery who went in an Innova car by about 10 - 11 at mid night on 1st June, 2013 to Thiruvananthapuram. She was not told the purpose except that in connection with a case. They reached on 2nd morning. They went to SAP Police Club there; she was left there, for, there was only one room at that time. 6:00 hrs went out. They came back after some time they all went near to Museum police station she was asked to go to the dressing room to wear the police uniform. They

[Handwritten signature]

all went to a flat in the City. In the flat there was only a mother and son. Realising that it is a different house they returned to Museum PS and took rest. Had breakfast. By about noon she was asked to go to her house and told her that if her presence is required she will be called, she went home. Her presence was not required. She stayed in her house for two days. She did not know what happened thereafter. She returned Thalassery after two days.

Clarifications sought by the advocates for the Commission, the E Party and the F Party.

Sri.Biju John Lukose was examined as CW 77. He was the Station House Officer, Tellicherry Police Station who investigated Crime NO.1647/2012 of that Police Station.

All the petitions filed by the parties and other persons are compiled in 5 Volumes year wise-

I. I.A. Nos.1 to 4/2014 - Part I,



II. I.A. Nos. 5 and 6/2014 - Part II - both
of the year 2014,

III. I.A. Nos.1 to 8/2015,

IV. I.A. Nos.1 to 28/2016, and;

V. I.A. Nos.1 to 5/2017.

Based on the telephone call details furnished
by the parties, confidential notices were issued
to the following persons to ascertain the
following two matters:

1. Do they know M/s Biju Radhakrishnan and/or
Saritha S.Nair (also known as Dr.R.B.Nair
and Lakshmi Nair), the Prime accused in the
Solar Scams personally. If so, kindly
explain the nature of their acquaintance.
2. Did they or either of them contact you
either in person or through telephone? If
so, the purpose of the visit/telephone
contact.

1) Sri.BennyBehnan, MLA

2) Sri.T.Siddique

3) Adv.Mons Joseph, MLA

4) Sri.P.C.Vishnunath, MLA

5) Sri.HibiEaden, MLA

6) Sri.M.I.Shanavas, M.P.

7) Sri.K.Babu

8) Sri.Kodikunnil Suresh



- 9) Sri. Adoor Prakash
- 10) Sri. K. C. Venugopal, M.P.
- 11) Sri. Shibu Baby John
- 12) Sri. S. B. Sarma, P.S. to the Minister
Sri. Shibu Baby John
- 13) Sri. Aryadan Muhammed
- 14) Sri. P. J. Joseph
- 15) Sri. K. C. Joseph
- 16) Sri. K. P. Mohanan
- 17) Sri. V. K. Raveendran. P.S.
- 18) Adv. P. Nazarulla
- 19) Sri. Pratheeshkumar, Addl. P.S.
to Home Minister

The notices and the reply thereto received are compiled in book form under the caption 'Book of Confidential Notice and reply'.

Section 8B notices were issued to 43 persons. Notices and the replies filed are in one volume under the head 'Notice u/s 8B of the Commissions of Inquiry Act, 1952 and reply'.

The entire proceedings of the Commission from 2014 to 2017 are compiled in 4 Volumes as Court Proceedings year-wise- 2014, 2015, 2016 and 2017.



Important Orders passed by the Commission from 2014 to 2017 are compiled in one Volume under the caption 'Important Orders'.

After the closure of Evidence in compliance with the provisions of Rule 5 of the rules in all respects, opportunity was given to all the parties including the Section 8B recipients to file argument notes if any. Accordingly, the AILU, the E party through its Secretary Advocate B.Rajendran filed a detailed argument notes on 07-03-2017 covering all the aspects of the matter. The former C.M. Sri.OommenChandy has also filed an exhaustive argument note dated 02-03-2017 and an additional argument note dated 29-04-2017. Sri.B.Vinod, Senior Government Pleader appearing for the State filed an argument note dated 27-02-2017. Sri.C.Harikumar, Advocate for the Commission on 02-04-2017 has filed an argument note. The argument notes of Senior Government Pleader and the Advocate for the Commission are compiled in one volume. Sri.John Joseph, the F party, Sri.Biju Radhakrishnan the



accused, 8B recipients Sri.Thomas Kuruvila and Sri.C.L.Anto submitted argument notes which are compiled in one volume.

An argument note on behalf of Jikkumon Jacob was filed by his Advocate Sri.Lejith Kottakkal.

Besides all the parties including section 8B notice recipients, certain witness their advocates, the advocate for the Commission and the senior Government Pleader for the State were heard in detail.

Thereafter the matter was posted for the preparation of the report.



ASSEMBLY DISCUSSION (Paper Book Vol.IV)

On 13-06-2013- Urgent Motion. Notice given to the C.M. Speaker said- (Page 13)

Subject stated financial cheat who was kept in the jail for cheating earlier and presently subject to police investigation both inside and outside the State, for settling her cases have contacts with the office of the Chief Minister - Allegation.

Motion by Sri.Raju Abraham and 4 other MLAs.

Discussion under the Caption 'Connection of the C.M. with the financial cheat.'

C.M. replied thus- A woman known by the name Saritha S.Nair known as Lakshmi Nair, one of the prime accused, cheating a number of persons undertaking to install solar plants and Wind Mills, have obtained Crores of rupees from them, was arrested by the police from her rented house at Edapazhanji, Thiruvananthapuram on 03-06-2013. He got information that both Saritha Nair and her



husband Biju Radhakrishnan together had cheated and secured Crores of rupees. 13 cases are registered in different districts in the State. He said proper steps will be taken to investigate all those cases and to bring all the accused before law. Nobody who committed the crime will be allowed to escape (Page 14).

He said since the cases are registered in different districts a Special team for the investigation of these cases alone will be constituted (underlining supplied) (Page 15).

He immediately said that his office has not done anything so as to interfere with the investigation. Allegation is regarding the phone calls made by some of them in his office. It will be clear only when the investigations are completed.

He assured that clear legal steps convincing to all will be taken. (Page 15)

Sri.Raju Abraham then said the issue here is different.

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He said from the personal phone regularly used by the C.M., the land phones in the official residence of the C.M. and from the office phones more than 70 calls to and from the phones as per the list has now come out. This is the issue, he said. It has to be examined as to who is the person who made the calls. He also asked whether it was the failure of intelligence arrangements and the strong police to ascertain the details of the shady character who had contact with the C.M's office. Antecedent criminal activities of Saritha S.Nair are mentioned (17-19). Certain instances connecting the C.M. were also mentioned. This Team Solar Company, it is stated, had sponsored a programme of Kerala Police Association. About Saritha Nair visiting the C.M's office, the C.M. to the media said many people come to his office. Sri.Raju Abraham asked whether Saritha is one among the thousands. This is with reference to the telephone calls. It was also pointed out that though Joppan is the subscriber of the mobile phone it is used by the



C.M. The telephone contacts from and to the mobile phone of Tenny Joppan, and the land phones in the official residence of the C.M. and the two mobile phones used by Saritha S.Nair were mentioned. It was mentioned that on 31-05-2013 there were 32 calls from and to the said phones. Saritha was arrested after three days. Further call details are yet to come. The state-wide inauguration of the solar plant was done by a Minister at Kaduthuruthy. The media have been taken this matter with great significance. People of Kerala want a clear reply from the C.M. A very serious crime is committed by these people (Page 20). The Chief Minister and his office which is expected to act impartially and lawfully has become the protector of the accused and the connection of the accused with Chief Minister's office is a matter shocking and provoking the people, the LDF wants the matter to be discussed in the Sabha (Page 21).

C.M. replies: (Page 21)- He admits the media talks spoken to by Sri.Raju Abraham. Already



there are 13 cases against them. This lady has cheated many. Immediate action was taken by the police and she was arrested. He again assured the sabha that- nobody will escape from the cases registered earlier and now. All these cases will be specially investigated by the police and steps will be taken. C.M. said Government decided to constitute Special Investigation Team since the cases are registered in various districts.

He admitted that large scale cheating took place and the accused was not identified.

Many people come to his office. There is no restriction there. It is a difficult thing if it is said that representation received from a person can be sent to a place for action only after collecting the full details of that person (Page 22). He does not have a mobile phone. Mostly he uses the phones of others who are with him. He said the number of the mobile, time and all connected details can now be collected. Therefore, let independent investigation go on.



These details cannot be kept secret. He again assured the sabha that all those who have committed crime will not escape. Strong action will be taken (Page 23).

The Speaker accordingly rejected the motion. Then Sri.Kodiyeri Balakrishnan, the Deputy Opposition Leader said - the connection of the office of the C.M. with an accused in so many cheating cases is the issue. Sri.Kodiyeri asked whether the Chief Minister has issued any orders for enquiring about it (Page 23). He said the person against whom allegation is made is a close associate staff of the C.M. Apart from that staff, he said, the Chief Minister has also got a role. He said the telephone call details are published in Kairali T.V. Channel. He said the CD containing these calls and all the call details of those persons can be placed before the sabha. (Pages 24-25).He specifically asked whether C.M. is prepared to conduct an investigation about the telephone calls since the C.M. said the solar



criminal cases will be investigated in a transparent manner.

Chief Minister's reply at Pages 25 - 26 is significant. The C.M. in categorical terms has stated that all these matters will be examined. All the telephone calls both before and after will be examined for which a special team is being constituted.

The C.M. at page 45 of Vol.IV replied another matter thus. Allegation that he met Saritha Nair at Vigyan Bhavan, New Delhi. Certain video visuals came about it. It is the visual of Kerala House. The woman seen in the visual is not Saritha Nair but Smt.Beena Madhavan, counsel for the Kerala State in the Supreme Court. In this visual Saritha Nair met the C.M. The news is that on December 27th after attending the National Development Samithi meet called by the Prime Minister she saw the C.M. How could Saritha enter Vigyan Bhavan where VIPs alone are admitted. News came that way. The news was that

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Saritha Nair was met on 27th. But the NDA meeting was on 29th.

C.M. was informed that it was C.M's representative in Delhi, Kerala House, Thomas Kuruvila known by name Pavam Payyan told this to Reporter Channel. He arranged the interview in Vigyan Bhavan, Kuruvila told Reporter channel.

C.M. said Kuruvila's statement is not correct. For catching the flight at 5.30 P.M. for returning to Kerala, from Vigyan Bhavan himself and Sri.K.C.Joseph came down and while waiting for the car to come since no time they walked to the road side and the car came there. Media persons were there. Till the vehicle came, for one minute, he talked to the media persons. What Kuruvila said was Saritha S.Nair was among the media persons. He did not know whether Saritha S.Nair was among them.

The C.M. again in the Assembly in his reply to Sri.Kodiyeri Balakrishnan's statement said. When they came to the road media persons were

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there. Saritha S.Nair was among them whether seen or not he does not know what Kuruvila said was he brought the car and they went together. He did not say Saritha met C.M.

Item no. 1 of the Terms of Reference

'Whether there is any substance in the allegations related to the Solar Scam and allied financial transactions raised in the floor of the Kerala Legislative Assembly and outside? If so what? Who are the persons responsible for the same?'

The allegations mentioned therein as settled by the Commission reads as follows:

"The Chief Minister, his office, his personal assistants, his personal security officer, close party worker and his aid at Delhi are all partisans to the solar scam deals of the prime accused Saritha Nair and Biju Radhakrikshnan and rendered all help to them for cheating their solar scam customers in one way or the other. Though Tenny Joppan was made



an accused the Chief Minister, his personal staff, his personal security officer and his aid at Delhi, all similarly placed were purposely excluded from the array of accused by the Special Investigation Team by dubious methods. The then Home Minister Sri.Thiruvanchoor Radhakrishnan had also helped the solar scam accused Saritha Nair and Salu Menon in escaping from the clutches of law by his connection with them and also took interest in protecting the Chief Minister by all means by using his position as the Home Minister which is also indicative of his involvement in the solar scam affairs of the accused. The phone call details from the mobile phone used by Saritha Nair available with the media opened the gate for connecting some of the Cabinet Ministers, their private Secretaries, one former Central Minister, many members of the Kerala Legislative Assembly and other political leaders in the solar scam deals of Saritha Nair. The reports also disclose the call details of Saritha Nair with high personalities which is



indicative of their connection with the solar scam accused".

The first limb of this allegation is as follows:

"The Chief Minister, his office, his personal assistants, his personal security office, close party worker and his aid at Delhi are all partisans to the Solar Scam deals of the prime accused Saritha Nair and Biju Radhakrishnan and rendered all help to them for cheating their Solar Scam customers in one way or the other."

This issue as seen above is relating to the Chief Minister his office, his personal staff, personal security officer, his close party workers and his aid at Delhi. The allegation is that they are all partisans to the solar scam deals of the prime accused Saritha Nair and Biju Radhakrishnan and that they have rendered all help to them for cheating their solar scam customers in one way or the other. These allegations are considered below.



The solar renewable energy business of Saritha S.Nair and Biju Radhakrishnan are centred round the office of the Chief Minister Sri.Oommen Chandy is the main allegation raised by the Opposition in the Legislative Assembly and outside. In other words, it is monitored/operated by C.M's office.

The basic material is the telephone call contacts of some of the close personal staff of the C.M. with the mobile phones in the use of Saritha S.Nair, as also the calls from the land phones in the official residence of the C.M. to the mobile phones in the use of Saritha S Nair and back. Smt.Saritha S.Nair was arrested by the police on 03-06-2013 from her residence at Edapazhanji, Thiruvananthapuram. Her arrest was in Crime case No.368/2013 of Perumbavoor Police Station. The complainant is one Mudickal Sajaad from Perumbavoor. The allegation is that Biju Radhakrishnan and Saritha S.Nair in the name of Team Solar Renewable Energy Solutions Pvt. Ltd. undertaking to establish Solar Plant, Wind Mill



etc. had cheated him by taking a sum of Rs.40.5 lakhs but the installation not done. It is based on this the media and other news came. This was brought to the notice of the Kerala Legislative Assembly by the then Opposition Leader Sri.V.S.Achuthanandan in the Budget discussion on 12th June, 2013. The Chief Minister, it is said, replied. Still Sri.Raju Abraham, MLA and a few others moved an urgent motion on 13-06-2013 for the C.M. to answer. Telephone call details of the personal staff of the C.M. were the main issue. The C.M. then announced that since there are a number of cheating cases against Saritha S.Nair and Biju Radhakrishnan in different police stations in the State a Special Investigation Team is being constituted for the investigation of these cases alone. Since the opposition exerted pressure on the C.M. with reference to the telephone calls the C.M. also announced that an interim report will be obtained for which ADGP (Intelligence) Sri.T.P.Senkumar, IPS was directed.



The C.M. did not have a mobile phone for his use as C.M. Admittedly he is being contacted through the mobile phones of personal staff or security staff with him. Likewise the C.M. contacts others in the mobile phones of personal and security staff with him.

It would appear that at that time reference was only about the mobile phone talks of Tenny Joppan and Salim Raj with Saritha S nair and the telephone talk by Saritha in the two land phones in the official residence of the C.M. and back.

Sri.Senkumar IPS, immediately collected the telephone call details of the two mobile phones in the use of Saritha and the mobile phones of Tenny Joppan and Salim Raj as also the land phone call details from Saritha's mobiles. There is a reference in the report that security staff Salim Raj admitted certain calls made in the land phone in the official residence of the C.M but statement in that regard was not obtained from Salim Raj. Then and there Sri.Senkumar submitted



a report after analysing the call details so gathered. He suggested a detailed enquiry both in regard to the land phone calls to the official residence of the C.M. and the other keeping Joppan and Salim Raj away from the personal and security staff of the C.M.

The C.M. said there is a mechanism for collecting CDRs of the mobile phones etc. for the period prior to and after this which would show all the details such as day, time, location etc.

The C.M. said in the Assembly that an SIT under ADGP (SZ) Sri.A.Hemachandran, IPS is constituted and all these matters will be enquired. The C.M. also said that the detailed enquiry suggested by Sri.Senkumar will be done by Sri.Hemachandran. It is an admitted position that the SIT did not consider the enquiry suggested at least with reference to the telephone call details collected by Sri.Senkumar. The Chief Minister says that when he in the Assembly assured the Sabha that the detailed



enquiry suggested by Sri.Senkumar will be done by Sri.A.Hemachandran, no separate orders are required for doing so. No written orders are issued. However, ADGP (SZ) Sri.A.Hemachandran, IPS of his own, it is stated, in the course of investigation of the cases by SIT, from questioning Saritha S.Nair it has come out that - two personal staff and one security Staff - Tenny Joppan, Jikkumon Jacob and Salim Raj (but excluded Joppan for detailed enquiry) have misconducted and their misdemeanour is considered and an interim report submitted. This is a moot issue. It will be considered later. Sri.A.Hemachandran IPS, in the report itself has stated that his enquiry was confined to the mobile phone talks which are certain and did not consider the call details in the residence of the C.M.

The Opposition both in the Assembly discussions and in the representation filed before the Government had specifically taken the contention that the calls made by Saritha in the



mobile phones of Tenny Joppan, Jikku Mon, Salim Raj and Thomas Kuruvila and from those numbers to the mobile phones used by Saritha Nair mainly were for talking to the C.M. and the C.M. to her. Reports in this regard came in Malayala Manorama daily etc. also.

2. Team Solar Company through Saritha S.Nair on two occasions made donations to the Distress Relief Fund of the C.M. Rs.2 lakhs each in 2011 and 2012 of which the last cheque dated 10-07-2012 was dishonoured for want of funds. The C.M. admitted that those two cheques are received and one dishonoured.

The evidence in this regard is available in the deposition of Team solar company GM sri.Rajasekharan nair as CW64(DWVol.VI pp175-177) who produced a photograph (ext.X211) taken on 08-08-2011 when the first cheque for Rs.2 lakhs to the distress relief fund of the CM was presented to him and an acknowledgement letter issued by the PS (ext.X212), deposition of



Sri.P.S.Sreekumar, private secretary to the CM as CW134,DWVol.XIII pp204-217) besides, the deposition of Sri.Reji Jacob, AC, CBCID, Thiruvananthapuram CW 107, (DWVol.IX p 418, 421 and pp 425-426) DWVol.XXII pp 209-210 and pp212,213 also, who seized the acknowledgement letter dated 9-7-2012.

3. Saritha is seen with the C.M. in a stage closely talking to the C.M. in his ear when C.M. was reading something. Photograph produced. C.M. now admits.

4. C.M. now admits that Saritha, as Lakshmi Nair, met him in 2011 to give the cheque for Rs.2 lakhs, two other occasions for submitting representations (when identifying circumstances pointed out by Biju) and lastly in Kadaplamattam. However all these according to him, as one among the thousands of people who meets him every day. This, according to him, in spite of those occasions, he could not identify her as this solar cheat Saritha.



Two other circumstances pointed out.

(1) Biju Radhakrishnan meets the C.M. in September, 2012 (Emerging Kerala Meeting held in Le Meridian, Kundanoor, Ernakulam) and talks to him for about an hour with the C.M. in the Government Guest House, Ernakulam. Meeting was along with one Sivadas, a media official. According to the C.M. the matter discussed was a family matter of Biju. He cannot disclose it.

(2) Meeting Saritha S.Nair at Vigyan Bhavan, New Delhi through Sri.Thomas Kuruville. These are the main circumstances pointed out by the LDF in the Assembly and outside.

Chief Minister Sri.Oommen Chandy, in his first statement about Smt.Saritha Nair in the Legislative Assembly on 13-06-2013 in reply to the urgent motion moved by Sri. Raju Abraham, MLA and others, was giving an evasive answer. (Assembly Proceedings Vol.IV Pp 21 - 23). Raju Abraham openly told that the C.M. in a Press Conference said that many



people come to his office. C.M. was asked, is Saritha one among the thousands. (P 19). He said it is true that this criminal was not identified. Many people come to his office. No restrictions there. (P 22).

The Chief Minister in his reply on 17-06-2013 under the caption 'Solar Scam case' with reference to the allegation that he met Saritha Nair at Vigyan Bhavan, Delhi on 27th said that National Development Samithi meeting at Vigyan Bhavan, Delhi was on 29th and that he did not see Saritha there. (Vol.IV Pp 45 - 49 at 49). To a separate question by Sri.Kodiyeri Balakrishnan whether when Sreedharan Nair met the C.M. on 09-07-2012 (admitted) Saritha was in the C.M's office. He did not give any specific answer said something else. (P 219 - 220).

Again to a news paper report that Saritha on 23rd June came and met C.M. in his office his answer was that he was not in the office on 23rd. He was taking a definite stand that he did not



see Saritha (Pp 221 - 222). Thus, it is evident from the discussion in the Legislative Assembly that in the solar scam issue, the definite stand of Sri. Oommen Chandy, former C.M was that he did not see or acquainted with Saritha S.Nair, known by name Lakshmi Nair. According to him thousands of people came and met him in his office and she may be one among them.

The Commission issued a notice dated 09-04-2014 (Ext.X 407) to Chief Minister Sri.Oommen Chandy under rule 5(2) (a) of Commissions of Inquiry (Central) Rules, 1972 which provides for notice to every person who in its opinion should be given an opportunity of being heard in the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notice.

Though Chief Minister Sri.Oommen Chandy through his personal staff had sent a letter dated 14-05-2016 (Ext.X 408) requesting for a months' time no statement nor any reply filed.



He was issued a notice under Section 8B of the Act on 09-07-2015 (Ext.X 409) affording an opportunity as contemplated under Section 8B r/w 8C of the Act.

After examining 122 witnesses, on a date suggested by Sri.Oommen Chandy, by issuing notice dated 21-01-2016 under section 4(a) of the Act (Ext.X 410) he was examined as CW 123 on 25-01-2016 in the sitting held at Government Guest House, Thiruvananthapuram and his deposition recorded. (DW Vol.XII PP 134-275).

Sri.Oommen Chandy, C.M. filed a Proof affidavit dated 23-01-2016 (Ext.X 406). This Proof affidavit dated 23-01-2016 submitted by Sri.Oommen Chandy is only a general reply with reference to the allegations raised in the assembly and outside against him. Regarding any personal acquaintance with Saritha S.Nair known as Lakshmi Nair his stand is as said in the Assembly. He did not say anywhere in the proof



affidavit whether he had seen Saritha S Nair (Lakshmi Nair) on any occasion.

In paragraph 4 of the Proof Affidavit with reference to the statement of Mallelil Sreedharan Nair Sri.Oommen Chandy said he knows Sreedharan Nair as a Congress sympathiser and as a Metal Crusher Unit owner. One day in the middle of 2012, Sreedharan Nair came to his office and gave a representation of Metal Crusher unit owners. But Sreedharan Nair's statement that Saritha was with him and talked about Solar Projects etc. is not true. He knew about Team Solar Company of Biju Radhakrishnan and Saritha S.Nair and their cheating etc. only when the allegations came in public. Before that he did not have any official or confidential/intelligence report and no other details against them came to his notice. Regarding Biju Radhakrishnan he admits of meeting Biju as Dr.R.B.Nair in the Government Guest House, Ernakulam as requested by Sri.Shanavas.M.P. The subject matter of



discussion was only a personal family problem of Biju Radhakrishnan.

In para 6 of the affidavit, regarding the allegation that Saritha met the C.M. in the Vigyan Bhavan, Delhi, he said since the allegation is factually wrong he immediately denied it in the Legislature.

The stand of the C.M. in the Proof affidavit is that he has no acquaintance with Saritha S Nair known as Lakshmi Nair and Team Solar Company until the controversy arose. No where it is stated that she had come to the office of the Chief Minister for any purpose.

Clarifications were sought from him by the Commission, parties impleaded, counsel for the accused Biju Radhakrishnan, Advocate assisting the Commission and by the Senior Government Pleader assisting the Advocate General for the State. There was no representation for Saritha S Nair.



The Commission while examining Sri.Oommen Chandy, C.M. on 25-01-2016 (DW. Vol.XII P 145) asked a specific question.

When did he hear and know about Saritha Nair known by the name Lakshmi Nair, Biju Radhakrishnan known by name Dr.R.B.Nair and Team Solar Renewable Energy Solutions (Pvt.) Ltd. for the first time. C.M's definite answer was 'He knows about their company only after the arrest of Saritha Nair on 03-06-2013. Biju Radhakrishnan, as R.B.Nair based on an interview fixed on his behalf by Sri.Shanavas.M.P. stating that the M.D of a big company wanted to talk about a personal matter with C.M. was allowed to meet him in the Government Guest House, Ernakulam. Biju Radhakrishnan and another person came and met him.

Biju Radhakrishnan, in the course of the talk, told him for identification purpose that his wife Lakshmi Nair on two occasions came to C.M's office for giving representations, for, he



could not recognise Lakshmi Nair, wife of Biju (Vol.XII Pp 145 - 146) .

The deposition of Tenny Joppan, Personal staff of the C.M. that in late 2011 Lakshmi Nair called him over phone and sought for an appointment with the C.M. for giving donation to the Chief Minister's Distress Relief Fund, that he, after contacting the C.M., told her to come the next day and that she came along with her personal staff in the C.M's office and handed over a cheque for Rs.2 lakhs to the C.M. The C.M's answer was that he does not remember it. It's possibility is remote. (Pp 147 - 148) .

Regarding the Section 164 Cr.P.C. statement of Sri.Sreedharan Nair in which he had stated that on intimation of an appointment with C.M. fixed by Saritha and conveyed to him by E-mail he and his advocate went to Secretariat and Joppan took him and Saritha to the C.M's chamber and C.M. gave assurances to him CM said, he firmly denies the said allegation for which he gave some



explanations in support. He said Sreedharan Nair alone came and met him for a quarry matter based on appointment fixed by their Association and gave a representation. (DW Vol.XII pp 151-153).

Regarding the deposition of Sri. Thomas Kuruville, the aid of C.M. at New Delhi that Saritha S Nair contacted him and wanted an appointment with the C.M., that he informed her that the C.M. is busy with the programme in the Vigyan Bhavan, that if she comes at Vigyan Bhavan she can meet the C.M. and that in the evening since the C.M. had to go to the air port for catching the flight C.M. could not see Saritha; C.M.'s answer was that Kuruville did not ask for an appointment for Saritha. He said there was no possibility of Saritha coming there on that day. He did not see her (P 156).

When he was informed of Pala, Kadaplamattom Jalanidhi Programme and a photograph in which Saritha S Nair stands close to him and talks he said, he is not denying the photo published in



the news paper. He explained that when he was sitting in the stage and reading something a person came behind him and said something in his ear. Even after seeing the photo he is not able to recollect that it was this solar scam cheat Saritha Nair.

A specific question was put to the C.M. whether, after he assumed office as the C.M in 2011 till Saritha was arrested (on 03-06-2013) in solar criminal case, he had met Saritha Nair in connection with her solar business.

The C.M's answer was that he was able to recollect that Saritha Nair came and met him twice only when Biju Radhakrishnan met him in the Government Guest House and told him about his wife Saritha for him to remember. One for giving a cheque for Rs.1 lakh to the C.M's Relief Fund and the second for giving a representation in connection with their business. Similarly, as found in the photo, she might have seen him at Kadaplamattom. Other than these three occasions



Saritha, either for her business or otherwise did not come and meet him.

Here, it must be noted that though CM Sri. Oommen Chandy did not admit meeting Saritha S Nair (Lakshmi Nair) both in the Assembly discussions and in his proof affidavit he has admitted seeing Saritha S Nair on these occasions. Here also the CM says he did not identify her as Saritha S Nair- still his stand is, as one among the thousand he met her as the CM.

The allegations settled by the Commission in its order dated 07-11-2014, the first limb of item no.1 of the Terms of Reference as coined in the C M's argument notes, as already stated is: (i) The "Chief Minister, his office, his personal assistants, his personal security officer, close party worker and his aid at Delhi are all partisans to the Solar Scam deals of the prime Accused Saritha Nair and Biju Radhakirshnan and rendered all help to them for



cheating their Solar Scam customers in one way or the other."

Former Chief Minister Sri.Oommen Chandy in his argument note Para 15 inter alia concludes:

- i. There is no substance in the allegations related to Solar Scam and allied financial transactions raised in the floor of the Kerala Legislative Assembly and outside against Sri.Oommen Chandy since:
- ii. the imputers were not able to prove that the Chief Minister and his office are partisans to the Solar Scam deals of the prime Accused Saritha Nair and Biju Radhakishnan and render any help to them for cheating their customers in any way;" Hence this issue is being considered as follows:

Saritha S Nair and Biju Radhakishnan are the two main accused in the Solar Scam. The case is that the persons mentioned in the allegations



noted above are partisans who rendered all help to the said two solar scam accused for cheating their customers one way or the other.

So the first question required to be addressed is whether the former CM Sri.Oommen Chandy had acquaintance with and knows Saritha S Nair and / or Lakshmi Nair and Biju Radhakishnan and / or Dr. R.B.Nair.

Initially the stand of Sri. Oommen Chandy, as already noted earlier, was that so many people come every day to meet him in his chamber in the Secretariat for many matters; there was no restrictions for the visitors in his office, Saritha S Nair might also have come and met him. He is not sure. One among the thousands.

Sri. Tenny Joppan was examined before this Commission as CW 122 on 23-01-2016 and 02-03-2016 and his deposition recorded (DW Vol XII Pp 73-133) It reveals thus:



Sri.Tenny Joppan who was a clerk in the personal staff of the CM Sri.Oommen Chandy, started his connections with Sri.Oommen Chandy while Joppan was, studying in the Mar Ivanios College, Thiruvananthapuram during 1991 - 1996 and Sri.Oommen Chandy was an MLA residing in the MLA Quarters. Tenny Joppan was staying in the room of Sri.Kallada Narayanan MLA just opposite to the room of Sri.Oommen Chandy in the MLA Quarters; he said. In 1997 Sri.Tenny Joppan was a KSU worker. He had close contact with Sri.Oommen Chandy since that time. In 2005 when Sri.Oommen Chandy became the Chief Minister he was taken as a clerk in the personal staff of the CM. From 2005 till he is removed from the personal staff of the CM in June 2013 on this Solar issue he was with Sri. Oommen Chandy. Sri. Tenny Joppan was available with the CM at all time when the CM is in



his cabin in the Secretariat (vide DW vol. XII P 79 to 92). All representations received by the CM personally in his Chamber were handover to him. He said he had the freedom to tell any thing to the CM and that matters which could be said were conveyed to Sri.Oommen Chandy CM.

Sri.Jikkumon Jacob, Addl. PA to Sri. Oommen Chandy, Chief Minister, in his examination before the commission as CW118 on 18.01.2016 (DW Vol. XI P 295 - 335) has stated thus: He belongs to Puduppally and is from the same ward where Sri.Oommen Chandy resides. He was a KSU worker. From 1998 onwards he worked as an aid of Sri.Oommen Chandy. From August 2004 when Sri.Oommen Chandy became the Chief Minister he was working in the personal staff of the CM. Up to 2010 he worked as clerk and when Sri.Oommen Chandy again became the Chief Minister in 2011 he was appointed as addl. PA and



continued as such and he was relieved in June 2013 in connection with the Solar issue. He used to come to the residence of the CM at Puthuppally on Saturday evening and return to Thiruvananthapuram along with the CM. Monday to Saturday he will be in the Secretariat. He said he was residing in the room of Sri.Oommen Chandy in the MLA Quarters for Two Years while he was working as Trainee in Hindustan Latex after passing the Engineering Diploma. He has also stated that during that period Tenny Joppan, a KSU worker studying in the Mar Ivaneous college stayed in Sri.Oommen Chandy's room, He knows Tenny Joppan from that period onwards, he and Tenny Joppan were close to Sri.Oommen Chandy particularly as KSU workers. There was no difficulty not only for them but to anybody to talk to Sri.Oommen Chandy, any problem.




Sri.Salimraj, former gunman of Sri.Oommen Chandy, CM was examined as CW 121 on 22.01.2016 and 14-12-2016 (DW vol XII PP 32 - 72 and vol XXII PP 331 - 354). He is SCPO No.1960. He belongs to Kottayam. While he was working in Devikulam Police Station in 2004 he was shifted to the security wing of the CM Sri.Oommen Chandy. He has explained the details regarding his service with Sri.Oommen Chandy from 2004 to 2013 June till he was removed from the personal security of Sri.Oommen Chandy based on the solar issue. He said he had the freedom to inform the CM matters affecting the CM.

Sri.Thomas Kuruvila is a resident of Kottayam. He has stated his connections with Sri.Oommen Chandy in his deposition dated 16-11-2015 (DW vol. IX PP 146 - 174)



Sri.Oommen Chandy, the CM was examined before the Commission as CW 123 on 25.01.2016 (DW vol.XII PP 134-275). His relationship with Tenny Joppan, Jikkumon Jacob and Salimraj are clearly stated at PP 136 - 140 thereof. The CM had clearly admitted his long association with the said four persons in his depositions and even in the proof affidavit Para 10.

From the evidence discussed above the connection of Sri.Oommen Chandy, former CM with Sri.Tenny Joppan and Sri.Jikkumon Jacob personal staff, Salim Raj, Gunman and Sri.Thomas Kuruville, his aid at Delhi, are so close, that they had the full freedom (not as a visitor) to talk to Sri.Oommen Chandy on any matter freely, be it in his favour or against him. This is all the more so in the case of a politician like Sri.Oommen Chandy.



It is an admitted position that Saritha S Nair had very good contacts with Tenny Joppan and Jikkumon Jacob. The family history and the business matters, they say, were the subject matter of telephone talks, in abundance between them. They were good friends and had very good opinion about Saritha. The evidence afforded by the depositions of Tenny Joppan and Jikkumon Jacob also support. Para 10 of the proof affidavit regarding the involvement of his personal staff and security is also significant in that he admits illegal acts on their part. Both Tenny Joppan and Jikkumon Jacob say that Saritha once seen will not ordinarily be forgotten. But both these persons say that they saw Saritha S Nair personally only on 3 or 4 occasions which can be swallowed only with a pinch of salt. Since both of them had very good opinion about Saritha there is no reason why they



should not tell about Lakshmi Nair (Saritha) and her solar business to the CM.

Though initially, that is up to 25-01-2016 and in the proof affidavit dated 23-01-2016 Sri. Oommen Chandy had denied any acquaintance with Saritha S Nair/Lakshmi Nair he slightly changed the stand in his deposition dated 25-01-2016. The CM admitted that in between 2011 and 2013 he had seen Saritha S Nair on two occasions; he says, one for giving a cheque for Rs.1 lakh to the Distress Relief Fund of the CM in late 2011, and the other, for giving a representation in connection with her business. He said even this meeting he remembered only when Sri.Biju Radhakrishnan met him in the Government Guest house, Ernakulam reminded him of those two occasions. Regarding a photograph which showed Saritha S Nair standing near to him and

[Signature]

talking to his ear in the stage at Kadaplamattom produced by a witness Sri.Oommen Chandy said he does not deny but he did not know then that she was this cheat Saritha S Nair, for, while he was reading something she was standing behind him (PP 157 -159). He said these are the only 3 occasions on which she came and met him either for her business purposes or for anything else. In short, according to CM Sri.Oommen Chandy, Saritha S Nair was one among the thousands who meets him every day and to remember all those who meet him is not possible.

Thus the vastness of the evidence relate to the search for an answer to this issue namely, whether Sri.Oommen Chandy knew Saritha S.Nair/Lakshmi Nair and that too as a person dealing with solar business.



Sri.Oommen Chandy, it must be noted, started his social work right from his school days; he has been an MLA for more than 40 years in 2011-13; his capacity to understand men and matters is a matter of common knowledge.

Smt.Saritha S.Nair, by her appearance, her dressing and her versatility and capacity to impress anyone by her talk, all those witnesses to whom it was asked, do admit that once seen her will not ordinarily be forgotten. ADGP Sri.A.Hemachandran, IPS in his interim report says about 'Magic spell' of Saritha.

Chief Minister, Sri.Oommen Chandy, did not share the views of these persons. This clearly is a stand totally different from all those witnesses who deposed before this commission to the effect that from her dressing, physical appearance



and her capacity and versatility in her talk Saritha once seen, ordinarily will not be forgotten. Jikkumon, Salimraj, Tenny Joppan, Dr.Sugathakumar etc., have said so. This would *prima facia* show that Saritha was not one among the thousands. It is difficult to conceive that a seasoned politician with more than 40 years dealing with men Sri.Oommen Chandy can be a different man when he says that she was one among the thousands who meets him every day and that he is not able to recollect her identity even now.

Here, it must be noted that this solar scam issue was raised in the print and visual media and also in the Legislative Assembly not by Saritha S Nair, Biju Radhakrishnan or Team Solar Company and its staff. Saritha S Nair was sailing with and was dancing in tune with the wishes of others for Sri.Oommen



Chandy, according to Saritha S Nair herself.

It is the media out side and thereafter the LDF in the Assembly raised this issue.

Of course, in the sudden provocation of her arrest and detention in jail, in the solar criminal cases based on complaints filed by the victims, Saritha S.Nair, it is stated, has written how she was led to that situation and who are all mainly responsible for that. That is how, she had written the letter dated 19.07.2013 while in the custody of Dy.S.P., Perumbavoor. She wanted to disclose her mind and disclosed it to the ACJM (EO) Court, Ernakulam orally, in something like an in camera proceedings; a few portions of what she had stated the ACJM himself admitted before the Commission. None the less she did not



want to say anything against Sri.Oommen Chandy. An instance: a CD containing the talk between Saritha S Nair and Salim Raj is produced (Ext. X 798). Salim Raj was instructing Saritha S Nair as to how she has to answer to the officers who cross examine her in connection with the telephone calls from the land phones in the official residence of the CM for which disciplinary action is taken against Salim Raj. Saritha S Nair was telling Salim Raj that if she says so will it not be against CM Sri.Oommen Chandy.

Added to this, when this commission had issued notice dated 03.05.2014 to Saritha S Nair she challenged this notice in W.P (C) No.16752/2014 before the High Court. Her contention was that the Notification appointing the Commission is aimed at her only and that no public interest is involved. It was also



contended that the details sought to be ascertained from her are outside the purview of the Commission and was meant for causing damage to her. The writ petition, however, was dismissed by judgment dated 24.07.2014 (Ext X 340).

She was examined before the Commission on 21.12.2015 (DW Vol.X - I PP 27 - 61). She spoke about the letter given to her advocate Sri.Pheney Balakrishnan through the Jail Superintendent Pathanamthitta for handing it over to Sri.Pradeepkumar who was waiting outside the Jail for delivering it to Sri.R.Balakrishna Pillai. (Pp58-60).

Till 27.01.2016 she did not say anything against Sri.Oommen Chandy, former CM or about his personal staff or any other persons except that she said something which she had to experience

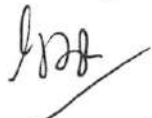


without mentioning names to the ACJM (EO) court, Ernakulam and that she handed over the letter to her advocate Sri.Pheney Balakrishnan through the Jail Superintendent, Pathanamthitta.

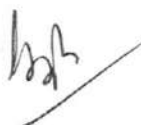
But there happened to be a turn in her attitude from 27.01.2016. She, of course, explained the circumstances for such change in her stand in her deposition itself. It is significant to note that Sri.Oommen Chandy, former CM had deposed before the Commission on 25.01.2016 two days before and spoke many matters about her.

Saritha S Nair in her deposition dated 27-01-2016 has stated thus:

She was one of the Directors of Team Solar Renewable Energy Solutions Pvt. Ltd. which was registered in January, 2011. It was after the formation of this Company decision was taken to handle mega



Solar Power Projects. On behalf of this Company she handled Solar Mega projects. Project Development matters were also her responsibility. Therefore in connection with that she was entrusted with the responsibility to get Government recognition and other benefits. As a first step she went to the Chief Minister Sri.Oommen Chandy in his office in the North Block of the Secretariat and submitted to him the profile of the company and the project reports of various schemes which are proposed to be implemented in Kerala. The C.M. after reading it called the Power Minister Sri.Aryadan Mohammed over phone and told him that a person by name Lakshmi will come with a new project and requested him to examine the same and do the needful. She was asked to meet Sri.Aryadan Mohammed. In the representation submitted



to the C.M. the main demand was with regard to Renewable Energy Policy.

Thus one of the main allegations of Saritha S.Nair is that got acquainted with the C.M. for the purpose of declaring a Solar Energy Policy for Kerala which is one of the requirements for establishing Mega solar projects in the State of Kerala, and for getting various incentives and benefits from the Central and State Governments. It is the case of Saritha S.Nair that when she approached the C.M. with the proposal for setting up her Mega projects; the C.M. after reading the project report contacted the Power Minister Sri.Aryadan Mohammed over phone and told him that a person by name Lakshmi Nair will meet him with a project and requested him to examine the same and do the needful. The C.M. had also asked her to meet the Power Minister Sri.Aryadan Mohammed in the



matter. She met Sri.Aryadan Mohammed in his official residence with the projects and he assured her that it will be done.

The genuineness of the allegation made by Saritha S.Nair as above has to be examined on the basis of materials available on record in the form of evidence both oral and documentary. Sri.Paul Antony, IAS was the Principal Secretary to Government, Power Department of the State Government during 2010 up to February, 2011. He was examined before this Commission on 16-12-2016. During this period also he has been holding the charge of the Power Department as Addl. Chief Secretary. His deposition is available at Pp 300 - 307 of Paper Book DW Vol.XXI.

The Addl. Chief Secretary has produced a copy of Government Order (G.O.Rt.No.137/2010/PD dated 11-06-2010 (Ext.X 866). The subject was solar power policy- designating ANERT as competent authority for Kerala under Jawaharlal Nehru National Solar Mission. This order refers to the



communication received from the Secretary, Ministry of New and Renewable Energy, Government of India requesting the State Government to make immediate arrangements for the launching of the National Solar Mission. There was also a request for an agency to be designated as Competent Authority for the State of Kerala. The State Government accordingly designated ANERT as Competent Authority. The ANERT was also directed to open a Cell within the organisation for the time bound clearances of solar power proposals. A further direction was also issued to ANERT to render reports to Government on the applications received and approval given within a time frame.

The Addl. Chief Secretary, as requested by the Commission, has produced before the Commission the Government file G.O.No.49/2013/PD dated 25-11-2013- Kerala Solar Energy Policy, 2013. This file would show the entire correspondence/proceedings leading to the Kerala Solar Energy Policy 2013.



This file opens with a communication No.2334/GC/ANERT/2012 dated 04-06-2012 from the Director, ANERT to the Private Secretary to the Power Minister in the Secretariat. The subject referred is, for generation and distribution of Power from Mega Solar Plants determination/ policy tariff. It is stated in the communication that in this matter a preliminary report had been submitted to the Power Minister; as requested by the Minister he discussed the matter with the Chairman, KSE Board; thereafter he had discussed about this with the Member, Regulatory Commission. From the above discussions he got the message that more serious evaluation can be made on this proposals. It is also pointed out that many companies are approaching ANERT expressing interest for producing and supplying Solar Electric Power. He, in the circumstances, has stated that it will be beneficial to have a discussion on these project proposals with the connected persons including the persons of KSEB in the presence of the Power Minister.



It is seen that Power Minister Sri.Aryadan Mohammed on 26-06-2012 made an endorsement in the letter itself to the Principal Secretary (Power Department) to arrange a meeting on this on 29-06-2012 in his chamber. After discussions in the matter, a minutes of the meeting prepared evidenced by Pp 19-23 of the Government file. A draft of Kerala Solar Energy Policy 2012 was accordingly prepared by a Committee constituted by the Government as per G.O.(Rt) No.160/2012/PD dated 04-08-2012. The draft policy so prepared is available at Pp 57 -66 of Government file. Since by then, the year 2012 was over the policy was named Kerala Solar Energy Policy - 2013; draft available at Pp 92 -111 of the Government file. It was published in the website of ANERT for Comments/views of the public. (See P 115 of Government file). It is seen from the Government file that the KSEB by letter dated 22-4-2013 has forwarded the draft Kerala Solar Policy, 2013 for placing the same before the Council of Ministers for approval. However, it is seen that the



Government after further deliberations have approved the draft policy as per G.O.(Rt) No.49/2013/PD dated 25-11-2013.

The Kerala Solar Energy Policy, 2013 originally drafted made available for placing before the Cabinet (Pp 241 - 262 of Government file) did not contain paragraph 3 of the preamble to the policy, 2013 as obtained in the final order. The Note file available would show that the said paragraph in that form was the result of a suggestion by the Addl. Chief Secretary, Power Department, Dr.Niveditha P.Haran, on 01-09-2013 (Pp 38 - 39 of Note file). She has suggested that a new paragraph as 'solar energy is one of the major sources of renewable energy. As improved technology becomes available and at reasonable cost, the use of solar energy will gain acceptance. The negative impact that the actions of the imposters and scamsters out to make legal gain has to be strongly counteracted by the Governmental agencies working in the field of Renewable Energy' can be added. It is seen that



the Power Minister had approved this suggestion and observed that the "draft solar policy incorporating the suggestion of Addl. C.S. in paragraph 106 above may be placed before the council for approval. C.M. may see and agree. This note of Power Minister is dated 19-09-2013 and signed by the C.M. on 15-10-2013.

From the above details which are available in the Government file it would appear that it is at the initiative of the Power Minister, Sri.Aryadan Mohammed the solar power policy was thought of as early as 04-06-2012. It would appear that it was thought of and deliberated much earlier also. The Government Order - G.O.(Rt)No.49/2013/PD dated 25-11-2013 itself in the opening paragraph says that the State Government as per minutes dated 29-06-2012 have decided to formulate a solar policy for the development of solar power in the State.

It is in this context, the relevance of the annual conference of the Kerala State Electricity



Board Engineers Association conducted on 06-05-2012 in Sumangali Auditorium, Kodimatha, Kottayam District arises. This function was inaugurated by Power Minister Sri.Aryadan Mohammed. A seminar on Solar Renewable Energy was also arranged. Home Minister Sri.Thiruvananthoor Radhakrishnan was also present and inaugurated the seminar. The Engineers Association had invited Saritha S.Nair also to the function. The Power Minister, the Home Minister and Saritha S.Nair were in the stage. This is evidenced by the video visuals of the said function produced by the Engineers Association at the request made by the Commission. The CD produced was an audio visual one. Sri.Aryadan Mohammed in his deposition made on 29-06-2016 before the Commission had stated that Annual Conference of KSEB Engineers Association was held at Sumangali Auditorium, Kottayam in 2012; being the Minister for Power, they invited him for inaugurating the function and he had performed it. He said, he had only inaugurated the conference. He was not aware



whether any seminar was conducted and who all participated in it. He also does not know whether Saritha S.Nair had made any speech in the seminar regarding solar subjects. He said he did not see this Lakshmi Nair there on that day.

The Advocate assisting the Commission brought to his notice the statement made by Saritha S.Nair in her deposition before this Commission on 27-01-2016 (Vol.X-I, Page 53) i.e. - Saritha S.Nair as the person responsible for project development etc. of the Team Solar Company, for the purpose of getting Government recognition had met the C.M. Sri.Oommen Chandy in June, 2011 and gave the profile of the Company and the project which are to be implemented to him. The C.M. after reading the same, telephoned Sri.Aryadan Mohammed and told him that a person by name Lakshmi will bring a new project and requested him to examine the same and do the needful. C.M. also asked her to meet Sri.Aryadan Mohammed personally. Sri.Aryadan Mohammed denied this statement completely. He said C.M. did not



call him over phone nor did he say anything to him as mentioned above. He also denied Saritha meeting him and giving the projects. She did not reach there, no representation was given, she did not come to Man Mohan Bungalow to see him. He never had a talk with ANERT or Energy Management Centre regarding any such things. He further denied the telephone calls stated to have been made by Saritha S.Nair in the matter. Saritha S.Nair had alleged in her deposition before the Commission that she has paid a sum of Rs.15 lakhs as the second instalment to Mr.Kesavan, P.A. to the Minister when she was in the Sumangali Auditorium at Kottayam. She also stated that the Minister in his speech introduced her and talked about her solar business. He reiterated that he did not see Lakshmi Nair in the stage on that day and did not say anything special about her in his speech. As already noted, the KSEB Engineers Association, at the request of the Commission produced two CDs containing the audio visuals of their annual function. Certain portions of the



said CD were played to the witness at the time of his examination by this Commission. In those visuals Saritha S.Nair was seen as standing behind a lamp in the stage and another as sitting in the second row of the stage. The second CD was the visual of a presentation of Team Solar. He answered thus: that on that day he did not see her or talked to her in the stage, but from the CD now played it can be clearly seen that Saritha S.Nair was sitting in the back seat. He did not see such a visual on that date. He does not know when did she come and sit there. The visual of the CDs does not show that he is talking to her. A person like Saritha S.Nair standing behind the lamp in the second row is seen in the second CD. In the same CD it can be seen that he was standing in the other end. The CD does not show that he is looking SarithaS.Nair from there. Even if he looks she cannot be seen. It is also seen from the visuals that a presentation of Team Solar was there, but he is not seen in the visuals.



In fact, the former C.M. Sri.Oommen Chandy in his deposition before this Commission as CW 123 on 15-06-2016 was asked with reference to the Annual Conference of the Kerala State Electricity Board Engineers Association at Sumangalai Auditorium, Kottayam (Pp 31 - 32 of Vol.XII-A Part II). He said it was a conference of KSEB Engineers Association; both Sri.Aryadan Mohammed and Sri.Thiruvanchoor Radhakrishnan had participated in it; who are all participated in the symposium conducted in connection with that is not known to him.

(See the discussions in this matter in the deposition of Sri.Oommen Chandy available in Vol.XII-A Part-II Pp 364 to 375).

Sri.Oommen Chandy was again informed of the meeting of the KSEB Engineers Association held at Sumangali Auditorium, Kottayam on 06-05-2012. The CD containing the visual footages of this function produced by the KSEB Engineers Association was played in his presence. It



evidences a speech made by Sri.Aryadan Mohammed looking at the side Saritha S.Nair was sitting. It was brought to his notice that in the speech made by former Power Minister Sri.Aryadan Mohammed while Saritha S.Nair was in the stage, looking at her side he said that she came and met him stated to be as instructed by the C.M., that similar other people also had met with Mega Projects and that all efforts will be made from the Government side for them. Sri.Ommen Chandy admitted that Sri.Aryadan Muhmmmed in his speech had made such a statement as could be seen from the audio/video visuals.

Prima facie, these circumstances clearly indicate that the statement made by Saritha S.Nair before this Commission that she had met the C.M. with the proposal, that the C.M. had contacted Sri.Aryadan Mohammed over phone and told him about Lakshmi Nair and her project for examining it and to do the needful and Saritha Nair had met Sri.Aryadan Mohammed with the Project. That he made an assurance to her about



the formation of a solar policy is also prima facie seen sought to be implemented by his subsequent steps evidenced by the details contained in the Government file G.O.No.49/2013/PD dated 25-11-2013 discussed above.

Further, this has been dealt with in detail while dealing with the involvement of the Power Minister Sri. Aryadan Mohammed. Her connection with the CM and his office was stated at PP 67-68 of the deposition dated 27-01-2016. She stated that she got opportunity to meet CM Sri.Oommen Chandy through the PA to Sri.Ganeshkumar, Minister. Sri.Oommen Chandy told her to contact him in the mobile phone of Tenny Joppan. She has further stated that she talked to CM directly and through phone on many occasions. She was contacting him through the mobile phones of Tenny Joppan, Salim raj, Pradeep, Ravi, Jikkumon and Surendran. She got acquainted with Sri.Thomas Kuruvila at Delhi. In the meantime, she and the staff of the company went and



directly gave cheques to CM twice to the Distress Relief Fund of the CM. She admits that the 2nd cheque was returned for want of sufficient funds in the account.

She said she does not remember the number of times she had been to the CM's office precisely. She had been there many times for many matters.

She said she met the CM Sri.Oommen Chandy in the Delhi Vigyan Bhavan along with Thomas Kuruvila and talked to him briefly. She said she along with her daughter met CM Sri.Oommen Chandy on 26.02.2013 after getting an appointment through Tenny Joppan at 7.30 PM in the Secretariat. Jikku and Joppan were there at that time, thereafter she used to contact Sri.Oommen Chandy in his personal phone every day morning before 7 a.m. as instructed by him. Mobile phone number she said does not remember. It starts with 0471-66...

Sri.Biju Radhakrishnan as Dr.R.B.Nair along with Mr.Sivadas of Mathrubhoomi met C.M.



Sri.Oommen Chandy in the Government Guest House, Ernakulam. He says that it was on a day when the C.M. was at Ernakulam in connection with Emerging Kerala function at Le Meredian. Sri.Sivadasan said that Biju Radhakrishnan of Team Solar Company was a participant in 'Mathuram Malayalam' Programme of Mathrubhoomi and that he got acquainted with Saritha Nair also in that connection. His personal problem was mentioned to him. This was his wife Saritha Nairs unpleasant relationship the then Minister Sri.Ganeshkumar. He wanted to bring this to the notice of the C.M. and get redressed.

Deposition of Sr.T.Sivadasan, as CW 94 on 18.09.2015 was recorded. (DW Vol. VII PP 303-307).

The CM in his argument note dated 02.03.2017- Appendix 2 paragraph 20 says that the deposition of Sri.T.Sivadasan as CW 94 on 18.09.2015 is an honest disclosure of the true facts and certified it. Therefore, it will be appropriate to extract



the relevant portion of the deposition of Sr.T.Sivadasan. it is as follows.

Biju confidentially told him about a personal matter, which cannot be disclosed to others, that his wife Saritha had unholy connection with Minister Sri.Ganeshkumar which has to be brought to the notice of the Chief Minister and this problem has to be solved. For that Biju went and met Mr.Shanavas.M.P. and requested him for an appointment with the Chief Minister. Himself and Biju together went to the residence of Sri.Shanavas and talked to him. Biju told Mr.Shanavas all matters mentioned above in detail. Mr.Shanavas told him that this has to be corrected.

Sri.Shanavas.M.P. said that it is better to talk to the Chief Minister. He, in their presence, contacted Chief Minister over phone and talked to him. Chief Minister was there in the Government Guest House, Ernakulam in connection with a programme at Kochi. The Chief Minister



told Shanavas to ask Biju Radhakrishnan to meet him.

Sri.Shanavas.M.P. told the Chief Minister that the M.D. of Team Solar Company and Sivan of Mathrubhoomi will meet him. The purpose for which Biju, meet the Chief Minister was also conveyed. The illegal connection of Saritha S.Nair with Minister Sri.Ganesh Kumar was the issue conveyed.

The Chief Minister had a programme in Le Meridian, Kundanoor - Emerging Kerala function, it appears. He came to the Guest House after the meeting. Date he does not remember.

He does not remember whether the meeting with the Chief Minister was on the same day Sri.Shanavas fixed the appointment. He knows Manilal, a staff of Team Solar. But Manilal was not with them on the day they met Chief Minister. The vehicle was driven by Biju himself. The Chief Minister was in his suit in the Guest House. Both of them entered Chief Minister's cabin.



Joppan, Personal staff of Chief Minister was there. Nobody else was there at that time.

He is meeting the Chief Minister for the first time. Biju Radhakrishnan and the Chief Minister introduced mutually. They sat with him. Biju Radhakrishnan talked about the matter in detail with Chief Minister. He understood that the Chief Minister was convinced about the matter conveyed to him. Chief Minister said he will talk to Mr. Ganesh Kumar and convince Ganeshkumar to avoid such situations in future. Chief Minister did not talk to Biju any business matter.

Biju told Chief Minister about the frequent illegal connection of Ganeshkumar and Saritha, that he attempted to dissuade Saritha from continue this affair any longer and that he had talked to Ganeshkumar also in the matter. During this talk Joppan was frequently going out and coming in. Biju did not give any written complaint to the Chief Minister. Biju tried to



convince the Chief Minister about the meeting of Ganeshkumar and Saritha in a hotel in Tamil Nadu. They met the Chief Minister in the evening after 7.00 P.M. About 30 to 45 minutes talk. Thereafter they returned. He contacted Biju thereafter. After realising that Biju Radhakrishnan is a fraud he did not keep company with Biju. No occasion to meet him also. He did not see or contact Saritha after arrest.

Query by Advocate for Commission.

It was the decision of Biju Radhakrishnan to meet Chief Minister.

Sri.B.Rajendran:- He knew Biju Radhakrishnan only as Biju Radhakrishnan. He said Biju told him that Biju's name is Dr.R.B.Nair. Shanavas conveyed the name of Biju as Dr.R.B.Nair. Biju did not tell him about any illegal connection of Saritha with other Ministers, MLAs etc.

Telephone contacts from the mobile phones used by Saritha S.Nair two numbers to the mobile phones of Tenny Joppan, Jikkumon Jacob, Personal



Staff of the C.M. and Salim Raj, Gunman in the security as well as to and from the two land phones in the official residence of the C.M.

Enquiry in this regard available are -

(1) Interim report of Sri.T.P.Senkumar, IPS, ADGP (Int.) and (2) Interim report of Sri.A.Hemachandran, IPS, ADGP (SZ) supported by the statements obtained by him from Saritha S.Nair, Jikkumon Jacob and Salim Raj. Telephone call details not seen as part of the records.

Of course Sri.T.P.Senkumar, IPS collected the CDRs. of Saritha S.Nair. It is based on the call details so obtained he found that from the mobile phones used by Saritha S.Nair lot of calls made from those numbers to the mobile phones of Joppan, Jikkumon and Salim Raj and back. It was also found that lot of calls made from mobile phones used by Saritha to the land phones in the official residence of the C.M. Sri.Oommen Chandy and back. Sri.Senkumar IPS wanted a detailed enquiry particularly with reference to the calls



to and from the land phones in the official residence of the C.M.

Sri.A.Hemachandran IPS, in his interim report it is seen, side tracked it by saying, since enough materials are there regarding the misbehaviour of the personal and security staff from the talks in their mobile phones them self there is no need to consider the land phone calls. Not said in so many words in his report.

The C.M. said in the Assembly that since nobody had misused his office there is no scope for interference by his office.

The next circumstance is that the C.M. did not have a mobile phone (mobile number shown in the website not denied) and that for calling him people Ministers, MLAs and other political leaders used the mobile phones of the persons with him. He also used the mobile phones of the persons with him whenever needed.

Admittedly, at all times the C.M. is in his office in the Secretariat, Tenny Joppan as his



shadow was with him in his chamber. Besides, other personal staffs Jikkumon Jacob, security Salim Raj were with him in the office at times. C.M. had admitted that calls are received in those numbers and he also called in those numbers. The allegation is that most of the calls of Saritha to the mobile phones of those persons and back are for talk between C.M. and Saritha.

It is relevant in this context, it must be noted, Sri.A.Hemachandran considered the telephone calls as the misdemeanour of the personal staff and security and thereby to make it appear that the telephone calls between the mobile phones used by Saritha and the mobile phones of personal staff and security were not for talking to the C.M. but only for their misconduct.

The C.M. announces in the Assembly that in view of these allegations raised mainly by Sri.Raju Abraham, MLA in his resolution and the



interim report of Sri.Senkumar, IPS, Government had decided to constitute an SIT for investigating all the cases registered in the various police stations in the State against Saritha S.Nair and Biju Radhakrishnan.

There is an allegation in the Assembly that Team Solar Company had sponsored the Annual function of the Kerala Police Association by spending Rs.40 lakhs and that a Dy.S.P. under the C.M. had interfered for settling the criminal cases registered against Saritha and others. The stand of the LDF was that investigation by these police officers cannot be believed. The C.M., it is stated, did not give any reply to this in the Assembly.

Sri.T.C.Mathew, a business man at Thiruvananthapuram, who attend the prayers in the same church where C.M's wife Smt.Mariyamma also attends went and met the C.M. in his official residence and complained against Saritha S.Nair that she had cheated him. The C.M. told him that



he does not know Saritha Nair (Lakshmi Nair) and tried to avoid him. When the photograph of Saritha in the mobile phone was shown to the C.M. and to his wife both of them denied knowledge but the CPO present there said he knows her. The next day T.C.Mathew met the C.M. and told him that he got a phone call from Sarithas number and asked him why he complained to the C.M. and also threatened him. According to Saritha the visit of T.C.Mathew was intimated to him by the C.M.

Next one is the Section 164 Statement of Sreedharan Nair, complainant in Crime NO.656/13 of Konni Police Station to the Ranni Magistrate Court. Sreedharan Nair has categorically stated in that statement, that on 09-07-2012 after prior appointment himself and his advocate Ajith went to the Secretariat where Saritha was present and they along with Saritha went to C.M's office in the North Block by about 8 P.M. and while entering the cabin of the C.M. with Tenny Joppan also Neyyattinkara MLA Sri.Selvaraj was therewith the C.M., that after sending him the C.M. from



the chair and came to them, that Saritha introduced him as the Metal Crusher Unit owner who gave an order for 3 MW solar plant and the C.M. said that persons like him have to take it and that all assistance from the Government would be made available. The C.M. does not have a case that Sreedharan Nair by making such a statement had any axe to grind.

Another circumstance is that the C.M. was aware of the antecedent criminal activities of Saritha Nair. WCPO Sheeja Das who was in the security wing of the C.M. in the Secretariat who was on surveillance duty along with another WCPO Nazeena Beegum while Saritha was an inmate of Central Jail, Thiruvananthapuram and at the time when Saritha was hospitalised in SUT Hospital for her delivery had conveyed the antecedents of Saritha to Sri.Tenny Joppan and other police officers in the security. This apart there was intelligence report also available. It cannot be believed that C.M. did not know the antecedents of Saritha S.Nair.



The next circumstance stated is Saritha, after her arrest, while in Pathanamthitta Jail as per the orders of the ACJM (EO) Court, where 4 criminal cases registered against Saritha and others in the Ernakulam North Police Station were pending obtained her custody by Dy.S.P., Perumbavoor Sri.K.Harikrishnan on 16-07-2013 and kept her in his office at Perumbavoor. When she was produced before the ACJM Court on 20-07-2013 she said in the court that she has to say something confidentially and the court permitted. Her advocate Sri.Pheney Balakrishnan said to the media that she gave 21 page notes to him for producing it in court. In that note mention is there against senior dignitaries in the Government. By making use of this she could settle many cases by paying the amount to the complainants.

Then comes the meeting of the C.M. with Biju Radhakrishnan at Government Guest House, Ernakulam. According to C.M. the talk was



regarding a personal matter. This also would show that C.M. had acquaintance with Saritha.

The stand of the C.M. was that thousands of people come to meet him in the office. He does not know whether Saritha was one among them. But, when the Pala, Kadaplamattom function which was inaugurated by the C.M. and a photograph showing that Saritha was standing behind his chair in the stage and talking to his ear came he admitted to have seen Saritha.

Then comes the news of Saritha meeting the C.M. at Delhi in the Vigyan Bhavan premises as arranged by Thomas Kuruville who use to be with C.M. at Delhi on 27-12-2012. Initially C.M.'s attempt was to say that he was in Delhi on 29-12-2012, the date of the NDA function in the Vigyan Bhavan. Later, when Thomas Kuruville told the Reporter Channel there that it was he who arranged the opportunity for Saritha to talk to the C.M. in the Vigyan Bhavan and the same broadcasted the C.M. gave a different story.



After attending the function in the Vigyan Bhavan he along with Planning Minister Sri.K.C.Joseph came out to catch the 5.30 flight to Thiruvananthapuram and proceeded to the road. It took some time for the car to come. He spoke to the media people who gathered there for a minute.

Allegations regarding Solar Scam were discussed in the State Legislative Assembly from 12th June, 2013 till 9th July, 2013. This discussion as downloaded from the Kerala Legislature Website is composed in a book form Paper Book IV.

Allegations against the Chief Minister, his office, some of the personal staff, security staffs etc. are dealt with in the Paper Book.

The allegations are opened by the then Opposition Leader Sri.V.S.Achuthanandan on 12th June, 2013 in his speech and the Chief Minister replied to it. The next day i.e. on 13th June, 2013 Sri.Raju Abraham, MLA and 4 other MLAs.



moved an urgent resolution and notice given to the C.M. The Chair took it for consideration. The demand of MLA in the words of the Speaker, shortly stated in page 13-14 is:

Economic Offences accused in many cases both inside and outside the State kept in Jail for the purposes of settling her cases had connections with the office of the Chief Minister. It is with reference to this situation Sri.Raju Joseph, MLA and others have issued notice under Rule 50.

This is dealt with under the caption.

'Connection of the Economic Offences accused with the Chief Minister.'

The Chief Minister answered that Saritha S.Nair known by the name Lakshmi Nair who is one of the main accused in cheating many persons undertaking to set up solar plants, Wind Mills etc., took Crores of rupees from them was arrested by police from her rented house at Edapazhanji, Thiruvananthapuram on 03-06-2013. On enquiry by police it was understood that Saritha



S.Nair and her husband Biju Radhakrishnan together had cheated many other persons by taking Crores of rupees from their customers. Already 13 cases are registered in different districts. Steps are being taken to conduct detailed investigation and to bring all the accused before the law. Cases are registered in different districts and hence, a Special Team will be constituted for investigation of all these cases. His office has not done anything for interference by his office. Now, mention is there about some who had telephone contacts. On completion of the enquiry it will be examined. He asserted the Sabha that legal steps will be taken in this matter in a manner convincing all.

Sri.Raju Abraham, not satisfied with the reply of the C.M. pinpointed the specific allegations available at pages 15 to 20. He said the matter is more than 70 calls from and to the phones regularly used by the C.M., his residential phones, office phones etc. is seen as per the list came in the channels. Though it is



true that plenty of phone calls come to social workers who keep in touch with the public the issue here is the person who regularly contacts in phone is such a person, a small fish or not. It has come out that 21 cases have already been registered.

Sri.Raju Abraham continued his talk. Saritha S.Nair has been cheating the public in different parts of Kerala for the last many years. She got employment in a private financial institution at Kozhencherry with the help of an Abkari Contractor. A case has been registered against her by the police in the year 2000 for involving in a cheating. Again she committed cheating another financial institution at Kollam. In year 2009 she and her husband committed cheating at Thiruvananthapuram. Crime Branch arrested Saritha S.Nair. She delivered a child while in jail. She was not given parole for that. Then she moved to Delhi; later registered a company by name Team Solar. Mudickal Sajjad was cheated by receiving 40.5 lakhs. It was on his complaint she was



arrested by the police. Even prior to that, they had involved in so many cheating cases undertaking to install Solar Plants, Wind Mills etc. She used the recommendation letter for that of the Chief Minister. It was a recommendation that Sajjad's Solar Plant will be considered in the Emerging Kerala Programme. She cheated Abdul Majeed, owner of Associate Steel Yard, Kozhikode by obtaining Rs.47.70 lakhs from him. In year 2004 they set up an establishment by name Credit India at Kowdiar, Thiruvananthapuram and committed cheating. On that basis, she was arrested and kept in the jail for six months. They undertook to establish solar plants, wind mills, solar distribution agency etc. to various parties and cheated them. She moved from Kozhencherry to Ranni, where they changed their name and cheated E.M.Thomas Pathali by taking Rs.2 lakhs from him. She obtained orders from Ranni St. Thomas College, Ranni St. Thomas Valiyapalli Chappel and a prominent house in Chenthonkara. But police did not take any case



against her. It is doubtful why police did not register a case. Deposition in that regard was given by Sri.E.M.Thomas. Sri.Raju Abraham MLA said that it is an important issue, which is seriously discussed in Kerala. A DySP made a recommendation for this hardcore criminal and when an NRE Kerala person from Aranmula filed a case against her this police officer interfered and asked him to withdraw from the case. She had sponsored a programme of the Kerala Police Association. He made a reference to a press conference made by the C.M. in which he had stated that many people come to his office. He asked whether the Saritha is one among the thousands. The C.M. did not have a mobile phone of his own. He was using the mobile phone of Tenny Joppan his personal staff. The people contact the Chief Minister in that Mobile Number C.M. also spoke in that phone. Similarly, Saritha did not have a mobile phone of her own. She uses the mobile phone registered in the name of one Rajan Nair. From the mobile phone number



9447274799 and 9446735555 and land phone numbers 0471-2314853, 2318056 in the official residence of the C.M. On 31-05-2013 there were 32 calls from and to these phones. Saritha was arrested 3 days thereafter. In the previous month there were more than 70 calls. The details for the subsequent periods are yet to come. The State-wide inauguration of Saritha's solar plant project was inaugurated by a Minister at Kaduthuruthy. The people of Kerala would like to know all about it. These people have committed very serious crime and the people of Kerala are very anxiously looking at this problem. The connection of the C.M. and his office with these criminals and the protection given from there to the criminals shocks the public and become aggressive. It is in these circumstances, according to him, discussion is required in the Sabha.

The C.M. made a reply. He said everybody admits that this lady had involved in so many cheating cases. Already 13 cases are registered



against her. She had cheated so many persons police took immediate action on receiving complaints and she was arrested. The police will specially enquire about the jail life of Saritha and delivering a child. Since the complaints are registered in different districts, Government have decided to constitute a special team. He denied the recommendation letter to the Emerging Kerala. He admitted that the Government could not identify this criminal. So many people come to his office including MLAs; they all know about the restrictions there. Many people come with representations. It is not possible to send those representations to the concerned department after ascertaining the whereabouts of the persons. However, if he had done anything to help the criminal, people can criticise and blame him. He admitted that he did not have a mobile phone; he used the phones of the persons who are with him mostly he uses other phones; but remember that now there is facility for ascertaining the call details, time etc. That is why he said; let



independent enquiries go on. Nothing can be hidden. He repeated that those who committed crimes will not escape. Serious action will be taken.

Opposition Deputy Leader Sri.Kodiyeri Balakrishnan has stated that the issue is regarding the connection of the C.M.'s office with this Solar Scam accused. The allegations is against the man always accompanies the C.M. in his personal staff. The C.M. also has got a role and that is why his personal staff is protected. In the website there is a mobile phone for the C.M., 9495655500. But the C.M. will not be available in this number. He always contacts in the mobile phone 9447274799 belongs to his P.A. Tenny Joppan. He referred to the telephone call details published in the Kairali T.V. he said, he will place the CD containing the call details.

The C.M. replied to that. He said, all these cases are investigated by a Special Team which will investigate into all matters including this.



He specifically said these matters are included. Each phone call and the details including the time of calls will be clear. If the 70 phone calls for a limited period it will be necessary to examine the phone calls of both prior and after this which will be enquired into. He said, therefore no room for the anxiety expressed by Sri.Raju Abraham. He repeated that a Special Team will be constituted to examine each calls, calling time and other details. Sri.Kodiyeri said the C.M. is not prepared to enquire in to the role of the C.M's office. He asked; whether the Intelligence failed to inform the C.M.'s office about the antecedents of this accused. He mentioned that the calls were not only from the mobile phones of personal staff, calls were made to the land phones in the official residence of C.M. It has to be ascertained as to why the calls are made to the C.M's residence and back; who made the call etc. The office of the C.M. shall not become a centre of criminals. A programme of the solar scam accused was inaugurated by a



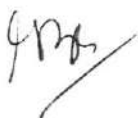
Minister in the Cabinet who is close to the C.M. He was not the Minister of the Energy Department and had no connection with it. It showed that a team in the Government worked as part of the scam. It is to influence the police Saritha had sponsored the programme of the Police Association.

Sri.R.Raghothaman, the D Party under Section 4 and 5(2) of the Commissions of Inquiry Act, r/w Order 16 Rules 5 to 21 of the CPC filed a petition numbered 7/2015 for direction to Smt.Saritha S.Nair to produce the original letter written by her running about 30 pages which she had shown to the media persons in the Press Conference held in April, 2015 at Thiruvananthapuram before the Commission. Summons in this petition was issued to Smt.Saritha S.Nair and Sri.Anukumar. The petition was posted to 26-11-2015 and then to 07-12-2015. On 21-12-2015 when this petition came again counsel for Saritha S.Nair submitted that since the production of this letter would



adversely affect her she must be afforded opportunity to have her say in the matter. Opportunity granted. An order was issued on 14-01-2016 in I.A.No.7 of 2015 for producing the letter written by her. The relevant portion of this order reads:

Considering the entirety of materials available on record and the subject matter for inquiry under item 1 and the allegations as settled by the Commission - the Commission is of the definite opinion that the said letter, if produced, will be of great use and relevance in the inquiry. Though it is stated that the said letter if produced will adversely affect her right of privacy, the Commission, on the evidence available on record, is of the opinion that it has lost its confidentiality and therefore she must be directed to produce the same before the Commission to satisfactorily complete the inquiry. Hence, Smt.Saritha S.Nair is directed to produce the letter handed over to her Advocate Sri.Pheney Balakrishnan by the Superintendent,



District Jail, Pathanamthitta, while she was an under trial prisoner in the said jail, on the date when she appear before this Commission for further examination.

Thereafter, a detailed order was passed in I.A.No.7/2015 on 23-01-2016 as observed in the order dated 14-01-2016. This order clerly states the reason why it is said in the earlier order that the confidential nature of the letter is lost. Hence, the relevant portion is extracted in full.

There is an allegation that though Tenny Joppan was made an accused the Chief Minister, his personal staff, his personal security officer and his aid at Delhi, all similarly placed were purposely excluded from the array of accused by the Special Investigation Team by dubious methods. The then Home Minister Sri.Thiruvanchoor Radhakrishnan took interest in protecting the Chief Minister by all means by using his



position as the Home Minister which is also indicative of his involvement in the solar scam affairs of the accused. The phone call details from the mobile phone used by Saritha Nair available with the media opened the gate for connecting some of the Cabinet Ministers, their private Secretaries, one former Central Minister, many members of the Kerala Legislative Assembly and other political leaders in the solar scam deals of Saritha S.Nair. The reports also disclose the call details of Saritha Nair with high personalities which is indicative of their connection with the solar scam accused."

The letter written by Smt. Saritha S.Nair and handed over to her advocate Mr. Pheneey Balakrishnan, according to the petitioner and other parties, contains the names of the persons about whom allegations as above and their acts and omissions in the course of the solar business of Smt. Saritha S.Nair. In this view of the



matter the Commission felt that this letter is relevant and useful in the inquiry.

The objection taken by Smt. Saritha S.Nair in her objections and in the arguments of her counsel is that the personal letter written by her and handed over to her advocate has nothing to do with the subject matter of inquiry and that it is entitled to protection under Article 20 and 21 of the Constitution of India and further the said letter which is given to her advocate is a privileged communication falling within the ambit of Section 129 of Evidence Act, r/w 5(2) of the Commissions of Inquiry Act. Further objection is that she has a right to protect her privacy.

The said objections are considered as follows:

The main allegations with respect to which inquiry is ordered have already been stated supra. The details contained in the said letter according to the petitioner and other parties are also stated. If, as a matter of fact, the averments made by the petitioner



and others are true, certainly it is of great relevance and use in the inquiry. In these circumstances there is no merit in the objection that the said letter has no bearing on the terms of reference. The contents of

the said letter if disclosed to this Commission do not amount to giving evidence against her, for, if at all it will only help her in the solar scam criminal cases pending against her. Coming to the contention that the said letter handed over to her advocate Mr. Pheney Balakrishnan is a privileged communication by virtue of Section 129 of the Evidence Act r/w Section 5(2) of the Commissions of Inquiry Act the Commission notes as follows:

Smt.Saritha S.Nair in her deposition made before this Commission on 21-12-2015 has clearly stated the purpose with which the said letter was handed over to her advocate Mr.Pheney Balakrishnan. It is evident from pages 59-60 (DW Vol.X Part I PP 27-61). that



the said letter was handed over to her advocate not for the purpose of any case but for the purpose of handing it over to one Mr. Pradeepkumr, P.A. to the then Minister Sri.Ganeshkumar for entrusting it to the former Minister and Kerala Congress (B) Chairman Sri.R.Balakrishna Pillai for his information. Further, Sri.R.Balakrishna Pillai in his deposition before this Commission on 17-4-2015 has clearly stated that he had received the said letter and had read the contents of the same and that it discloses the names of some of the persons mentioned in the allegations settled by this Commission and that his sense of propriety does not permit him to disclose the acts and omissions of these persons with Smt.Saritha S.Nair. The evidence of Sri. Pradeepkumar and Sri. Saranya Manoj, the nephew of Sri.R.Balakrishna Pillai also would disclose the above facts. Besides, the former Government Chief Whip Sri. P.C.George in his



deposition dated 22-4-2015 at pages 11 to 14 also stated that Smt. Saritha S.Nair met him in his residence at Erattupetta and shown him the letter written by her in order to clear his misunderstanding about her and that it contains the names of many persons mentioned in the allegations and their deeds which he also, considering his sense of propriety, did not disclose before this Commission. That apart Sri. Alexander Jacob, former DGP, Jail in his deposition before this Commission on 15.1.2016 has stated that Smt. Saritha S.Nair when she was produced before the Pathanamthitta District Jail after custody had brought 21 sheets of paper written on both sides, that on search by the woman warders, they seized the same and kept with the Superintendent for giving it to either Saritha S.Nair's mother or to her advocate. He has also stated that the contents of the said letter was intimated to him from the Jail and that it contained the



names of 13 such persons and a high police official. He also declined to disclose the names of those persons and their deed. This is apart from the media reports and the interviews with Smt. Saritha S.Nair by media evidenced by the CDs produced by them. If this is the state of affairs the contention that it is a privileged document protected by Section 129 of the Evidence Act read with Section 5(2) of the Commissions of Inquiry Act cannot be sustained. In other words, the letter written by Smt. Saritha S.Nair and handed over to her advocate by Jail Superintendent was not for the purpose of the case pending against her but only for the purpose of handing it over to persons whom she thought can help her in her sad plight. As such there is no question of privilege as claimed. Similarly, her contention that it is a confidential letter of purely personal in nature and therefore she has a right to protect her privacy also cannot be sustained.



She wanted, of her own, it to be conveyed to many persons. The jail authorities, Sri. R.Balakrishna Pillai, Sri.S.Manojkumar, Sri.P.C.George all have read this letter. Certain portions of the said letter have also been published in the media. She herself had shown the 30 pages letter to the press by turning the pages and the media took photograph of some of the pages. As such, the question of confidentiality, privacy, etc. has been lost. In this situation the decision of the Supreme Court in Rajagopal V. State of Tamilnadu is in favour of the direction issued by this Commission in the order dated 14-01-2016, for the said decision even according to Smt. Saritha S.Nair carves out an exception to the right of privacy when the matter becomes a public record.

For all the above reasons, I hold that the order dated 14-01-2016 issued in this petition will stand.



For arriving at the said conclusion the Commission relied on the depositions of;

Smt.Saritha S.Nair dated 21..12..2015,

Sri.R.Balakrishna Pillai dated

17..4..2015, Sri.P.C.George dated

22..4..2015,and Sri.Alexander Jacob,

former DGP Jail dated 15..1..2016.

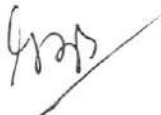
Being aggrieved by the directions in the order Saritha S.Nair filed Writ Petition No. in the Hon'ble High Court and obtained stay of the direction. The Writ Petition, it appears, still pending.

Sri.A.Hemachandran, IPS, ADGP (SZ) as head of the SIT has also filed replies to the 8B notice issued to him which will be dealt with in detail.

Sri.Thiruvanchoor Radhakrishnan was examined as CW 156 before this Commission on Ist, 5th and 28h July, 2016 and his depositions recorded Exts.X 627 and 628 were marked (Deposition Vol.XVI PP 65 - 195).



He was elected as MLA from Kottayam Assembly Constituency, under Indian National Congress ticket in the year 2011 Assembly election and he was a Minister in the UDF Government from 2011 to 2016. He was the Minister for Home and Vigilance from May 2012 till the end of 2013. He is presently the MLA from Kottayam. He knows about the discussion regarding solar scam in the Legislative Assembly held from 12th June, 2013 to 9th July, 2013 and the resolution moved by Sri.Raju Abraham, MLA on 13-06-2013. As mentioned by the C.M. an interim report regarding the phone call details was submitted by ADGP (Int.) Sri.T.P.Senkumar and that further enquiry was suggested in the said report. He replied that the C.M. in the Assembly had announced that a Special Investigation Team under ADGP (SZ) Sri.A.Hemachandran, IPS is being constituted for investigating the solar scam criminal cases registered in various police stations in the State against Biju Radhakrishnan and Saritha S.Nair and that the State Police Chief on that



basis had issued an order on 14-06-2013. He admitted that the C.M. in the Assembly had stated that for conducting further enquiry suggested by Sri.Senkumar in his report Sri.Hemachandran, IPS was entrusted as part of the investigation of the SIT. He also admitted that the C.M. had stated in the Assembly that apart from the telephone call details for the short period brought out in the motion telephone call details for the prior and subsequent period can be collected from which the details as to the number of the mobile, the time at which the calls made etc. can be ascertained and this responsibility given to the SIT. Since he did not interfere in the investigation he did not enquire whether the SIT had done this. He does not know the contents of the investigation reports. Here he has stated that neither the head of the SIT Sri.A.Hemachandran nor any member of the SIT met him or taken statement from him. He has heard about Team Solar Renewable Energy Solutions Pvt. Ltd. when the solar scam news was reported in the



medias. He was not aware that this company had a project for solar installations in the Harijan Colonies (one each) in all the 14 districts in the State at their expense and that project was submitted to Sri.Oommen Chandy. He also denied any knowledge about the state-wide conference of the said project held at Kuruppanthara within the Kaduthuruthy constituency; and that it was inaugurated by the then Planning Minister Sri.K.C.Joseph; Kaduthuruthy MLA Sri.Mons Joseph presided over the function.

Now he understands about the aforesaid matters as spoken to by Sri.K.C.Joseph and Sri.Mons Joseph, MLA. He also denied knowledge about the state-wide Jalanidhi programme held at Kadaplamattom. He said he knows about the Writ Petition filed against constituting the SIT by the State Police Chief and on the basis of the decision in that case Government issued orders dated 17-08-2013 ratifying the order of the State Police Chief. Regarding the scope of the investigation by the SIT - he said that it was



for investigating the complaint regarding the cheating of the customers by Saritha S.Nair and Biju Radhakrishnan as per the provisions of the CRPC and it is for the Commission to enquire into the terms of reference as per the Government Notification. He was asked about the complaint filed by Mudickal Sajjad in the Perumbavoor Police Station against Saritha and Biju and the police officers who conducted the investigation, the complaint filed in the Thalassery Police Station by certain Doctors and the arrest of Saritha in Perumbavoor Police Station case. His reply was in a vague manner as from his memory. He said he had heard that the Tellicherry Police Team came to Edappazhanji, Thiruvanantham to arrest Saritha Nair and they saw the Perumbavoor Police Team there to arrest Saritha S.Nair.

Sri.Thiruvanchoor Radhakrishnan the then Minister for Home and Vigilance said in the Assembly as follows:



In answer to Sri.Kodiyeri Balakrishnan there is a Government Order in his possession. This is a letter from the Superintendent of Police, Kannur on 01-06-2013 on getting secret information regarding the accused Lakshmi Nair @ Saritha S.Nair in Thalassery Police Station Crime No.1647/2012 under Section 420 r/w 34 IPC. Biju John Lukose, SHO, Thalassery Police Station sent for Thiruvananthapuram in a Toyoto Innova owned by Shameer, Thalassery along with CPO Rajeevan, CPO 4311 Ajayakumar, CPO 5109 Nijesh.P.P., CPO Sunil Kumar and WCPO 5077 Sheeja. They reached Thiruvananthapuram on 02-06-2013 at around 7.00 A.M. They proceeded to the suspected flat at Ambalamukku and verified that the person residing there was not Saritha S.Nair. They cannot go without an order from the District Police Chief.

He asked whether the CD of the Cyber Crime attached to the Crime Records Bureau will come to the Home Minister. You know where the CD is recorded. Only print out of CDR will come to Intelligence.



On 28-04-2013 he went to attend the House warming ceremony of Shalu Menon's house. On 23rd there was a phone call for 19 seconds.

Regarding 164 statement the person who gave the statement gives it to private channels. Urgent motion comes seeking for discussion. Demands the resignation of the C.M. This cannot be done for the reason that it is a continued plot. Democratic Kerala will not stoop to that. Team Solar Company was registered 2010 December 2014. You gave registration to Team Solar Company on 03-01-2011. At that time they were accused in criminal cases. Registration was given by the LDF Government. The C.M. will answer.

The C.M. answered under the head- 'Sabotage of Solar case'. He said Sri.Kodiyeri Balakrishnan based on 164 statement of Sreedharan Nair wanted him also to be made an accused and the investigation of the cases with him as the C.M. will give way to his escape. He said he wanted



only the protection of an Indian citizen. He does not desire or claim anything more.

He said he had assured the Sabha that the investigation of this case will go in the right direction. Eg. Section 164 statement of Sreedharan Nair obtained by the police. Truth cannot be hidden by anybody. There are 5 circumstances connected with Sredharan Nair. They are (1) petition filed by him before court (2) statement given to police (3) the name of the C.M. was added thereafter. Statement by him that it was not given by him. Now he has corrected that statement. He said against that. It is available in all the media offices and (4) the Advocate clerk said it was done by him as instructed by the Advocate. Statement to police. Section 164 statement is before court. Nobody knows about it. Let these 5 circumstances, be examined. Let a decision be taken. He wants only that protection.



While participating in the Assembly discussion he explained the following three matters.

(1) State Government had not suffered any loss in this. Not only that no benefits of any kind were given from the Government or its agencies to these scamsters.

(2) Steps will be taken for convicting all the persons who are involved in the solar crime cases, and;

(3) All the allegations raised in this connection will be examined and steps taken.

The Opposition not being satisfied with this without any basis or evidence raised various allegations and demanded for judicial enquiry, based on which this Commission has been appointed. The Opposition unfortunately took the stand that they will not co-operate with the Commission and not join as a party.

A handwritten signature, possibly 'JMS', is written in ink and underlined with a single stroke.

Later, instead of producing evidence in support of the Inquiry with this Commission again the same allegations are presented before the Commission with political motive. With reference to the steps taken by the Commission he has stated thus:- He knows Sri.Mallelil Sreedharan Nair as a Congress sympathiser and as a Crusher Unit Association leader. Towards the middle of 2012, one day Sreedharan Nair came to his office and submitted a representation of Crusher Unit Owners. But, the statement of Sreedharan Nair that Saritha S.Nair was with him and had talked about solar project and connected matters is not true. He understands about the solar company of Biju Radhakrishnan and Saritha Nair and the cheating of their customers only when the solar scam allegations are come out. Before that he had no official or intelligence reports about them. Biju Radhakrishnan had visited him in the Government Guest House one day in 2012 in the name Dr.R.B.Nair. The interview was fixed by Wayanad M.P. Sri.M.I.Shanavas. Biju Radhakrishnan



came along with another person and made some complaints about his family. No other matters were talked to him. He always was of the view that personal family matters of individual comes to his notice shall not be disclosed and therefore, he did not disclose it in the Assembly also. An allegation was raised that Saritha S.Nair met the C.M. outside Vigyan Bhavan, New Delhi on the day the NDA meeting held there. He had denied this in the Assembly since the allegation is baseless. By mistake he had mentioned the date of NDA meeting as December 29th instead of 27th. The Opposition has taken this as a serious issue. The recommendation letter in the letter head of the C.M. shown by the accused to their customers was found on investigation that those documents are forged by the accused for influencing the customers. The statements and allegations made by CW 4, CW 7, CW 41, CW 64, CW 65, CW 71, CW 79, CW 80 and CW 105 before this Commission are untrue, baseless and made with bad motive. He has denied all those allegations are



as false. This Government has always taken strict action against all persons who had acted illegally in connection with solar scam. As soon as the allegation came in the Assembly obtained an interim report from Intelligence ADGP on 13-06-2013 and Tenny Joppan and Salim Raj were removed from personal staff and security immediately. Thereafter for investigating solar cases an SIT was constituted under ADGP (SZ). Based on the report of the ADGP (SZ) the State Police Chief had suspended Salim Raj and removed Jikkumon Jacob, Addl.P.A. from his office. It is only because the SIT had conducted independent investigation in Konni Police Station Cr.No.656/13 legal steps were taken by arresting Tenny Joppan. It is only because as assured by him in the Assembly that strong action will be taken against all those who are connected with solar scam persons with whom he had long associations in the personal staff who acted illegally and without due cautions suitable steps were taken against them. Unfortunately, the



accused had misused the name of even persons with highly educated industrial back ground, Indian President, present Indian Prime Minister, Central and State Ministers for cheating their customers. Some of the staff of his office was involved. Based on this the attitude of the Opposition was to attack him politically without any principle. This attitude was not good. Though there were cheating cases, against Biju Radhakrishnan and Saritha S.Nair since 2005, the only case which was strongly investigated report and filed was the Aranmula PS Crime No.817/2013 investigated by the SIT. Not only that in the murder of his wife, the leftist Government stand was of helping Biju Radhakrishnan (Cr.153/2006 of Kottarakkara PS). Biju Radhakrishnan was arrested from Coimbatore on 17-06-2013 and offence u/s 302 IPC was charged and he was got convicted during this Government. The Opposition was not able to produce before this Commission any evidence so far to establish that, the Government had suffered any economic loss either from the Government or from his side,



any help has been extended for the conduct of their solar business, or for excluding any person from criminal liability. At this juncture, because strong legal action has been taken, exploiting the situation with the help of the solar scam accused, the Opposition with political motive is attempting to mar his political life for the last 50 years and is trying to misuse this Commission. This is the sum and substance in the argument note submitted by the Chief Minister on 02-03-2017.

The following circumstances, in this context are also relevant.

The solar scam with which the Commission is concerned related to the period after the formation of Team Solar Renewable Energy Solutions Private Limited, incorporated on 03.01.02011. The Registrar of Companies is a Central Government officer under the Central Government and not one under the State Government as misunderstood.



The allegation is that the solar business of Saritha S. Nair's Team Solar Company was operated from the C.M.'s Office. Of course, this allegation is initially based on the phone contacts of Saritha S.Nair with the personal and security staff of the C.M. The publicity celebrations of Team Solar Company of Saritha S.Nair was inaugurated by a Minister and attended by important persons, the local MLA, the Mayor of Kochi, Cine Star Sri. Mammooty, Actress Smt. KaviyoorPonnamma, Environmental expert Dr.Seetharaman, etc. This was followed by the inauguration of the Energy Marts of Team Solar in different districts by Ministers and MP's. A project for Solar installation in one Harijan Colony each in the 14 Districts of Kerala at their expense was prepared and submitted by Saritha S.Nair to the C.M. and the State wide function of this project was inaugurated by Planning Minister Sri.K.C.Joseph at Kuruppamthara in Kaduthuruthy Constituency. MLA of that constituency Sri. Mons Joseph presided over the



function. In fact, according to Saritha S.Nair, they requested the C.M. to inaugurate the function and it was in his absence Sri.K.C.Joseph inaugurated the function.

The investigating officers of the SIT found that it was Sri.Joppan who arranged the Ministers for the inauguration of the functions of Team Solar company. In fact, Bijuradhakrishnan has alleged that the Ministers who inaugurated the functions of Team Solar were paid uniformly an amount through Joppan. Sri.VasudevaSharma, Political Secretary of the C.M. has deposed that Joppan by himself cannot arrange the Ministers for their function.

All these circumstances would have given a good impression about them to all those who deal with Saritha, Biju and Team Solar Company.

Leave alone ordinary people, who with great expectations of getting the benefits of Central and State subsidies and other incentives for installing Solar Panels, Solar Plants and

[Signature]

windmills, both for domestic and for industrial purposes in view of the hikes in electricity charges, Sri.Subramonian, KPCC Secretary from Kozhikode, after discussion with Saritha S. Nair entered into an MOU for his wife's brother, for their company's dealership and parted with Rupees Nine Lakhs.

What more is required to understand the influence of Saritha S.Nair with the higher ups in the administration. Sri. Subramonian was examined as CW 168 on 11.08.2016 (DW Vol. XVIII PP 1-37). He has produced the MOU for Dealership of Team Solar Company for his wife's brother Sri.M.U.Shajith Kumar on 05-03-2013. Sri.N.Subramonian is a witness to the deed. The MOU is marked as Ext.X 679 and the cash receipt is Ext.X 680. The amount was paid in cash is deposited by Sri.Subramonian. The telephone calls from his mobile phone 9847474747 and Saritha's mobile phones 8606161700 and 9446735555, calls between 06.04.2012 and 15.05.2013, and between 11.11.2012 and 03.06.2013 were a total of



347+1078= 1425. CDR details are marked as Ext.X 681 and 682. In that, calls are seen made on 01.06.2013 and 03.06.2013, besides SMS messages.

Saritha S. Nair from 27.01.2016, as already stated, has made so many revelations. She said she has paid a total sum of Rupees Two Crores Ten Lakhs to Sri.Oommen Chandy through his Delhi aid, Sri. Thomas Kuruvilla. Rupees Thirty Two Lakhs out of Rupees Forty Lakhs received from Sri. Sreedharan Nair was utilised for payment to C.M. She said that the amounts paid are amounts collected from their customers for establishing Solar Mega Projects, with the expectation that if the solar policy of Kerala is ordered huge profits can be obtained by establishing mega projects with various incentives available under the policy. She has also stated that a sum of Rupees Forty Lakhs- Rupees Twenty Five Lakhs paid directly to Sri. Aryadan Mohamed in his official residence at Manmohan Bunglow and Rupees Fifteen Lakhs through his P.S, Mr. Kesavan at Sumangali



Auditorium premises at a function inaugurated by Sri.Aryadan Mohamed.

The allegations, as settled by the Commission are against the Chief Minister, his office, some of the Cabinet Ministers, some Central Ministers, MLA's MP's and high officials and the personal staff of some of them etc.

The letter written by Saritha S. Nair on 19-07-2013 while in the custody of Dy.S.P. Perumbavoor and found out by the Jail warders when Saritha was produced after custody on 20-07-2013 and handed over to her advocate Pheney Balakrishnan by the Jail Superintendent on 24-07-2013, the contents of which was known to many as observed by the Commission in its detailed order dated 23-01-2016.

Saritha S.Nair had disclosed her mind in that regard to the ACJM (EO) Court, Ernakulam confidentially on 20-07-2013. She said she was sexually harassed and was raped. Though, according to Saritha S.Nair, she had stated many

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of those matters the Court did not record it. Instead she was directed to give it as a complaint in writing.

There was a tendency to black mail the persons mentioned in the letter both by Saritha S.Nair and her Advocate Pheneey Balakraishnan and it is said Pheneey had collected substantial amounts.

Naturally, the attempt would be to prevent the contents of the letter from being made public. There were also some media reports that if disclosed, Kerala cannot bear it.

It is in this context, the alleged involvement of political leaders comes in the picture.

Kerala Congress B was a constituent of UDF Government. Smt.Saritha S.Nair was having confidence in Sri.Ganeshkumar MLA, his father, former Minister and Kerala Congress B Group Chairman Sri.R.Balakrishna Pillai, his nephew Sri.Saranya Manoj, General Secretary of Kerala



Congress (B) and Sri. Manoj Kumar, P.A to Sri. Ganesh Kumar MLA. Besides, she had confidence in her High court advocate Sri. Rajeev.

The apprehension was that if the contents of the letter become public the existence of the UDF Government itself will be in jeopardy. It is to avoid such a situation, according to those people, efforts were made to ensure that Saritha S. Nair does not disclose the contents of the letter in the complaint directed to be filed before the ACJM (EO) Court.

It is the case of Saritha S. Nair, as disclosed in her deposition before the Commission, that Sri. Thampanoor Ravi, Ex MLA and KPCC General Secretary and Sri. Benny Behnan MLA (as he then was) on behalf of Sri. Oommen Chandy, Chief Minister, had contacted Saritha S. Nair's mother and through Kerala Congress (B) Group Sri. Saranya Manoj, undertaking repayment of the amounts paid to Sri. Oommen Chandy and / or paying money for the settlement of her cases, persuaded



Saritha S.Nair who was in the Attakulangara Vanitha Jail, using Saritha S.Nair's mother and the P.A. to Sri.Ganesh Kumar not to include the contents of her letter in the complaint to be filed in the ACJM Court. It is Sri.Pradeep Kumar, P.A to Sri.GaneshKumar who went along with Saritha S.Nair's mother to Jail for conveying to Saritha S.Nair about the payment of money etc., undertaken to be paid to her. The details are available in the deposition of Saritha S.Nair. The then Jail DGP Dr.Alexander Jacob had instructed the Jail Superintendent, Attakkulangara to permit only the mother, her advocate and close relation of Saritha to meet her in the Jail. The Jail records show that one Adarsh was admitted along with Saritha S.Nair's mother as a close relation of Saritha S.Nair. Jail DGP has deposed before the Commission that on enquiry it is understood that the person who accompanied Saritha S.Nair's mother was not a relation of Saritha S.Nair.



There is an allegation that Sri.Gopakumar, I.G., Prisons, examined as CW 114 came to the Jail and met SarithaS.Nair for this purpose. One Sreeraman, Deputy Prison officer, examined as CW 67 was transferred from Thiruvananthapuram to Chimeny Jail at Kasargode for disclosing the long presence of Sri.Gopakumar in the Jail on that day to the media.

The Jail DGP said that since the letter written by Saritha S.Nair was in 21 Sheets written on both sides the Jail Superintendent was directed to give 22 sheets of paper for preparing the complaint. However, the complaint prepared by Saritha S.Nair and filed before the Court was only 4 pages.

The phone calls details of the mobile phones used by Saritha S.Nair showed a large number of calls between the mobile phones of Saritha S.Nair and Sri.Thampanoor Ravi and Benny Behanan. The voice records of the talk between Saritha S.Nair and Sri.Thampanoor Ravi and Saritha S.Nair and



Benny Behanan would also indicate their connections.

From the telephone talk between Saritha S.Nair and Sri.Thampanoor Ravi it is evident that he has been giving clear instructions to Saritha S.Nair as to how matters are to be presented before the Commission.

The video talk between Saritha S.Nair and Sri.Benny Behanan would show Saritha S.Nair is telling matters which are patiently heard and nodded by Sri.Benny Behanan.

The summary of the depositions of Sri.Thampanoor Ravi, Sri.Benny Behanan MLA are also appended.

Sri.Thampanoor Ravi called Saritha S.Nair's Advocate Sri.Pheney Balakrishnan a number of times. The CDRs of the mobile phone calls Saritha S.Nair and advocate Pheney Balakrishnan are marked as Exhibits.



Sri.Pheney Balakrishnan also, it is seen, has contacted the new mobile of Sri.Oommen Chandy, C.M. on twice.

Sri.Abraham Kalamannil, Chairman Mount Zion Group talks to Saritha S.Nair's driver Vinukumar when Saritha S.Nair was proceeding to Thiruvananthapuram and Sri.Kalamannil coming after meeting the C.M. on the road side in the M C road at Elamon, the video - Audio visuals of their talk is in the CD produced by Saritha S.Nair.

Sri.Abraham Kalamannil was examined as CW 126 on 19-02-2016 and his deposition recorded. The voice record shows that he also want Saritha S.Nair not to say anything further against C.M. Sri.Oommen Chandy.

The voice record showing the talk between Rijesh and C.M. and also with Sri.P.A.Madhavan MLA would also reveal that there is some connection for helping the accused and for settling the Solar Cases by paying amounts.



Saritha S.Nair has furnished a CD and marked. This contains the voice talk between Saritha S.Nair and Sri.Thomas Kondody, who is from Sri.Oommen Chandy's constituency and a strong worker in his party with close contacts. His talk reveals many matters connecting the CM with the solar scam matters.

The following circumstance, according to the Commission, would reveal that the former Chief Minister Sri.Oommen Chandy very well new about Team Solar Company of Saritha S. Nair and Biju Radhakrishnan at least from late 2011.

1) Saritha S.Nair contacts Sri.Tenny Joppan, clerk of C.M. Sri.Oommen Chandy as the G.M. of Team Solar Company for an appointment to meet the C.M. for giving donation to the Chief Ministers Distress Relief Fund and Tenny Joppan after talking to the C.M. asks her to come the next day morning.

2) The Private Secretary of the C.M., Sri.P.S.Sreekumaran, gives an



acknowledgement letter dated 08-08-2011 to the CEO, Team Solar Company and the staff of Team Solar along with the C.M., his P.S. and an Addl. P.S. poses for a photograph. Saritha S.Nair, it is said, declined to be present in the photo. The statement of Sri.P.S.Sreekumaran in his deposition before the C.M. The C.M. also admits now.

3) Another cheque for Rs.2 lakhs to the Chief Ministers Distress Relief Fund dated 10.07.2012. C.M. in his letter had acknowledges the receipt with his signature and date 09-07-2012. It is issued to Team Solar Company.

4) Sri.Biju Radhakrishnan, CEO of Team Solar Company meets the C.M. in the Government Guest house, Ernakulam in September 2012.

C.M. says Sri.Sivadasan, a Mathrubhoomi official was with Biju Radhakrishnan and deposition given by Sivadasan to this Commission represent the time facts.



Sri.Sivadasan said Sri.Shanavas M.P. over phone told the C.M. that Dr.R.B. Nair of Team Solar Company is coming to meet the C.M., that when they together met the C.M. in the Suit in which C.M. was staying in the Guest House. Biju and C.M. mutually introduced and talked about his problem for about 45 minutes. According to the C.M., Shanavas MP said, the M.D. of a big Company wanted to meet C.M.

Needless to say, that from the circumstances already discussed it is evident that C.M. Sri.Oommen Chandy very well knows Saritha S.Nair by name Lakshmi Nair.

SARITHA S.NAIR'S LETTER DATED 19-07-2013

As already noted Saritha S Nair was arrested by the police on 03-06-2013 from her residence at Edapazhanji, Thiruvananthapuram in Crime No.368/13 of Perumbavoor Police Station.

She was kept under remand initially in Kakkanad Jail. From there she was shifted to



District Jail, Pathanamthitta on 27-06-2013 as per directions of court. She was there upto 02-07-2013.

The investigation of Crime No: 368/13 was taken over from Inspector of Police Sri.V.Roy by Perumbavoor Dy.SP Sri.K.Harikrishnan after the constitution of the SIT with ADGP(SZ) Sri.A.Hemachandran IPS as its head, as per his order. Sri.V.Roy was also a member of the SIT constituted by the State Police Chief as per order dated 14.06.2013. But he was not involved in the investigation of this case or any other solar case.

There were 4 solar cases of Ernakulam Town North Police Station against Saritha S Nair and Biju Radhakrishnan, directors of Team Solar Renewable Energy Solutions Pvt. Ltd, which were also entrusted to Dy.S.P. Sri.K.Harikrishnan for investigation as member of the SIT which are under consideration by the ACJM (EO) Court, Ernakulam.



Sri.K.Harikrishnan, Dy.S.P. got the custody of Saritha S Nair from 16-07-2013 as per order of the ACJM Court from the District Jail, Pathanamthitta and returned her back to the Jail at 8.50 PM on 20-07-2013 after producing her before the ACJM (EO) court on that day.

Saritha S Nair was produced before the ACJM (EO) Court on 20-07-2013. Dy.SP Sri.K.Harikrishnan was also in the court office and premises.

Saritha wanted to say something confidentially to the ACJM and accordingly her case was taken after roll calls etc., at about 1.30 PM. The Magistrate, Bench clerk, Junior Superintendent (a lady), a woman CPO, Saritha S Nair and her advocate Pheney Balakrishnan alone were in the closed court hall. WCPO was standing near to the door of the court hall to ensure nobody else enters the court hall.

Saritha spoke to the Magistrate who was in the Dias; Saritha was standing in the box near to

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the bench clerk. What Saritha told the court could be heard by those present except perhaps the WCPO.

Media people and channel people, it is stated, were in the court premises. Sri.K.Harikrishnan, Dy.SP himself was telling that Saritha told the court about higher ups media people say. Now the position is that the ACJM asked her whether she had been sexually abused and also raped. She said yes to both. She was asked to give it in writing in the form of a complaint. Sri.N.V.Raju, ACJM(EO) Court has deposed so before the Commission. The APP and Dy.SP Sri.K.Harikrishnan met the ACJM in his chamber during lunch break and ascertained the details.

As already noted, the Police took Saritha back to District Jail, Pathanamthitta at 8.50 PM on 20-07-2013. The Jail Superintendent was not there. The Jail Warders (Women) on duty, while admitting Saritha back to Jail, on search of the



person and belongings with her, found a few hand written papers. The Jail Superintendent in his deposition has said since Saritha told the Warders that these kurip is written for giving it to her advocate she was permitted to take it with her to the cell in the Jail. But Dr. Alexander Jacob, IPS, the then Jail DGP in his deposition before this commission says that the Jail warders contacted him, that he instructed them to keep it in the custody and give it only to Saritha's mother or her advocate. He also said that the contents of the letter were intimated to him.

On 24-07-2013 Saritha's Advoate, Pheney Balakrishnan, goes to the Pathanamthitta District Jail and meets the Jail Superintendent Sri. Viswanatha Kurup in his office. Saritha was brought there; she sought permission of the Jail Superintendent to hand over the letter to her advocate. Jail superintendent contacts the higher ups and then hands over the letter to the advocate and obtained a receipt from him.



Sri. Pradeep kumar, P.A. to Sri. Ganesh kumar MLA who came along with Pheney Balakrishnan was waiting outside the Jail. Both of them returned from the Jail. With regard to the rest of the events there are certain inconsistencies in the depositions of Advocate Pheney Balakrishnan, Pradeepkumar, P.A. to Sri. Ganeshkumar, Ex-minister, Kerala Congress B, General Secretary Sri. Saranya Manoj and Sri. R. Balakrishna Pillai, chairman, Kerala Congress B Group (not much relevant here).

Thus it has come out that there was a letter written by Saritha S Nair, according to the Jail Superintendent Sri. K. Viswananatha Kurup, the letter was having 21 sheets. Pheney Balakrishnan gave a receipt Ext 174. He mentioned the provisions of Rule 751 of the Kerala Prison Rules. He said he did not read it. He said he was sure about the number of sheets of paper as 21. Seal of the Jail was not put in the said letter.



Dr.Alexander Jacob IPS, who was the DGP (Jail) at that time was examined as CW 115 on 15-01-2016 (DW vol.XIPp 251-281) in this regard. It is revealing:

He said the Jail wardens understood that the paper in which Saritha Nair had written while she was in the custody of Perumbavoor Police was not the one issued either from the Jail or from the police station. They, on seizing those papers, immediately contacted him over phone and informed the same to him. The Wardens, he said, informed him that the seized papers 21 sheets written on both sides and it has 42 pages.

He then asked them to verify whether it is addressed to the Magistrate since on the previous day night in the TV channel news came that Ernakulam ACJM (EO) Court, had asked Saritha to give a statement in writing.

He was told that it was her biography (ആത്മകഥ) not addressed to anybody. He instructed them that if anybody connected with

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Saritha come enquiring about that letter the Jail rules 751 must be read to them and act accordingly. They were specially instructed that this letter shall not be given to anybody other than Saritha's mother or Saritha's Advocate. As per Section 751 any document which has to be given officially each page has to be signed and sealed at the bottom before delivery. If it has to be given to the Judge or to court it must be addressed from the Jail and sealed. This requirement need not be complied in one case i.e. a kurip prepared by the prisoner for giving it to the Advocate who conduct the case. Such papers shall not be read by the Jail Superintendent.

The Jail Superintendent Sri.Viswanatha Kurup was in the Jail when Saritha's Advocate Fenny Balakrishnan came to the Jail.

Jail Superintendent it is stated gave rule 751 to the Advocate for his perusal. Advocate wanted the letter to be given without the signature of the Superintendent. The Jail



Superintendent accordingly requested the advocate to give acknowledgement for the receipt of the letter and Pheney Balakrishnan in the register maintained in the Jail recorded receipt of the letter 21 sheets written on 42 papers and received the letter from the Jail Superintendent. He does not know whether Saritha was there in the Superintendent room.

While Saritha Nair was kept in the Attakulangara Jail as per his orders on 23-07-2013 strict direction was given to Jail Superintendent not to allow anybody to visit Saritha other than Saritha's mother or her advocate and close relatives certified by Saritha. There was about 150 applicants for visiting Saritha on the day when she was brought to Attakulangara Jail. He issued such a direction in these circumstances. When calls for talking to Saritha came from abroad also the instruction issued above applied.



There was an official message that during 28-07-2013 to 31-07-2013 National Human Rights Commission Member Sri.Cyriac Joseph will visit Poojapura Central Jail and Attakulangara Vanitha Jail. In connection with that he visited two Jails and collected the required details sitting in the Jail Superintendents room. He did go to the Vanitha Jail, Attakulangara for the reason that solar cases and the main accused Saritha Nair was in the said Jail. He also informed his inability to accompany the Human Rights Team to that Jail to Sri.Cyriac Joseph. The Human Rights Member therefore decided not to visit that prison. A senior police officer of the Human Rights Member was sent for collecting details.

Sri.Gopakumar, DIG, Headquarters went to Attakulangara Vanitha Jail and verified the registers and files to see whether maintained properly. In his absence DIG Sri.Gopakumar is being entrusted. He gave special instruction to DIG not to talk to Saritha Nair alone.

bf

He said, it perplexed him why Pheneey Balakrishnan has not produced the original letter of Saritha to court. He said he had also instructed the Jail Superintendent not to permit anybody to see Saritha in the Jail except her mother, Advocate or first cousins certified by Saritha. He said that he knew that a person not belonging to the category mentioned by him was allowed to enter Attakulangara Jail. It was on the previous day of preparing the statement for filing it in court. He said on that day a person below 40 years of age came along with Saritha's mother to meet Saritha. Since that person was not seen earlier the Superintendent contacted him over phone and told him. He told them to ask Saritha whether that man is a relative. Saritha told that he is a relative and hence permitted. On subsequent enquiry it was found that he was not a relative. He understood from the Jail authorities that there was change in her attitude thereafter.

A handwritten signature in dark ink, appearing to be 'LJB' or similar, with a long horizontal stroke extending to the right.

He says that the Jail superintendent was contacting the DGP in all matters relating to Saritha and that he has been giving instructions to her. He asked the Superintendent to give 22 sheets of paper for writing and to prepare the statement sitting in the Superintendent's room. The Superintendent contacted him at 9 PM on the day of preparing the statement as suggested and told him that the statement is over; 22 sheets were not required only a few pages were needed. He instructed her to get the signature of Saritha on all pages and countersign it with the seal. He also ordered police protection to Smt. Nazeera Beevi, Jail superintendent for going home and for the to and fro journey to file the affidavit in ACJM (Court), Ernakulam. DGP himself contacted the City Police Commissioner, Thiruvananthapuram and made arrangements.

He said he did not read the letter written by Saritha Nair and kept in the Jail. He did not see or read the statement prepared by Saritha but

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know from Jail Superintendent that it was only 4 pages.

He said, when confronted with Prison Rules 751, he did not see the letter, nor read it but he knows the contents told to him by the staff who seized the letter. He said, apprehending defamation proceedings unless the original letter comes out, he can only say about 13 VIPs and a police officer are there in the letter. Names cannot be mentioned.

He said the name of the C.M. is not there other name he will not mention.

Saritha S Nair in her deposition before 27-01-2016 had mentioned about a letter written by her but the details not said.

Sri.Raghoothaman, the D party, has filed a petition IA No.7/2015 for direction to Saritha S Nair to produce the original letter written by her shown to the media persons in the press conference held in April 2015 at Thiruvananthapuram, as according to him, it will

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be relevant and useful in the inquiry. Saritha S Nair and other parties were afforded opportunity to have their say in the matter. Thereafter an order dated 14-01-2016 was passed directing Saritha S Nair to produce the letter handed over to advocate Sri. Pheney Balakrishnan by the Superintendent, District Jail, Pathanamthitta. Then a detailed order dealing with contentions raised by the parties was also issued on 23-01-2016. Both these orders are available as Sl. Nos. 21 and 24 at Pp 90-91 and 102-106 respectively in the important orders Compilations.

The Commission in its order dated 14-01-2016 has observed thus:

"Considering the entirety of materials available on record and the subject matter for inquiry - the allegations as settled by the Commission - the Commission is of the definite opinion that the said letter, if produced, will be of great use and relevance in the inquiry.



Though it is stated that the said letter if produced will adversely affect her right of privacy, the Commission, on the evidence available on record, is of the opinion that it has lost its confidentiality and therefore she must be directed to produce the same before the Commission to satisfactorily complete the inquiry".

It is unnecessary, now, to deal with the detailed reasons stated in the order dated 23-01-2016 in view of the subsequent developments.

Saritha challenged the order passed by the Commission for production of the letter written by her on the ground that, if produced and made public, it would affect her right of privacy and obtained stay of the order of this Commission. Saritha has got a case that it was done at the instance of the interested parties.

Now the fact is that a copy of the letter written by her which came in the media was produced first, in spite of stay and later the



original letter written by her itself is produced before the Commission (Ext.X 639(b)). The Commission is aware that this matter is sub judice before the CJM Court, Ernakulam in defamation proceedings at the instance of former Chief Minister Sri. Oommen Chandy and former Central Minister for State Sri.K.C.Venugopal.

The SIT was constituted, based on the allegations raised in the Assembly for investigating in to the solar criminal cases in which Biju Radhakrishnan and Sritha S Nair, in the name of Team Solar Company, had cheated their customers. Since Dy.S.P. Sri. K.Harikrishnan who was the investigating officer, as a member of the SIT was very well aware of the allegations raised by Saritha before the ACJM and the letter seized by the Pathanamthitta Jail authorities, definitely these matters must be known to the ADGP (SZ) who is the head of the SIT and from them to the State Police chief, the Home Minister and to the Chief Minister. The anxiety shown by the former DGP (Jail) Dr. Alexander Jacob in the



matter of Saritha in his deposition is significant. It is surprising, rather perplexing (as said by Dr. Alexander Jacob) why the head of the SIT who is always concerned with protection of women with reference to the decision of the Supreme Court in failed to take note of the statements made by Saritha before the ACJM about the sexual harassment and rape caused to her by the higher up, leave alone the letter written by Saritha and seized by the Jail authorities and handed it over to Advocate Pheney Balakrishnan. The significance of the letter written by Saritha arises in this context. Was it not a matter which could have been made use of as a relevant material in the background of the matters told before the Magistrate?

Now the original letter written by Saritha dated 19-07-2013 while in the custody of the Dy.S.P., Perumbavoor and found out by the Jail warders is before the commission marked as Ext.X 618.

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Commission has furnished a photo copy of this letter dated 19-07-2013 to Sri.Oommen Chandy. Relevant portion in the letter relating to all other persons except Sri.Palani Manickam, Central Minister were furnished to them. All of them were afforded opportunity to cross examine Saritha with reference to the contents of the letter. (vide Sarithas deposition dated 29-6-2015 confidential but now disclosed.

The Commission has perused the letter. A translated version of the said letter is appended. It is found to be very relevant and useful to the subject matter of inquiry by the Commission.

This letter, contents thereof, is not a secret one now. Chief Minister Sri.Oommen Chandy openly said before the Commission that he has nothing to hide, does not require in camera proceedings with reference to this letter.

This letter mainly says how she was cheated by Sri.Oommen Chandy. It is better to quote the



translated version of her original letter. (Ext.X639 (b))

1) Oommen Chandy looks like her father (തനിസ്വരൂപം). He has not seen her at all. Happy to hear. Oommen Chandy Sir does not see not only her, he does not see any other women? Higher ups in the society can do anything. CM can deny. He can say not seen, forgot everything. But she cannot Sri.Oommen Chandy sexually wanted her to do oral sex. She obeyed it and had done oral sex with him in the Cliff House. Was it got done without knowing her? Has he not misused his status as the CM?. Then he knows Saritha. But the CM does not know Saritha by name Lakshmi.

Did she not inform the companies problem which arose, did she not begged (kalupidichille). Then he was more interested in his sexual satisfaction? All these have to be brought before law.

Addressed Sri.Oommen Chandy



You have obtained from her (from her company) for setting Solar Projects Rs.2 Crores 16 lakhs on different occasions. She gave money to him in Cliff house. Later Rs.40Lakhs was paid to Sri.Thomas Kuruvila of Delhi. Thomas Kuruvila and Chandy Oommen came together to Air Port, Thiruvananthapuram and received Rs.50 Lakhs. When the project was late, for removing the lagging and for expediting the Solar policy Sri.Thomas Kuruvila received Rs.25 Lakhs from her. Rs.1 Crore was first given at Cliff House. Thomas Kuruvila received Rs. 1 Lakh as his fees. Whether these money are not sufficient to pay of the complainants' in the criminal cases?

When the idea of Mega Solar Project was given Sr.Oommen Chandy contacted the Power Minister Sri.Aryadan Mohammed and told him to settle her project. Based on that it was agreed that her Mega Solar Power Project will be considered through single window arrangements. The CM had also assured her that this project Public Private



Project (PPP) can be treated as PPP. He also assured that KINFRA land or KSIDC land can be obtained. The CM had agreed to personally see the investors coming for this project. There is no doubt that one of the case will be Sreedharan Nair case being one among the controversial cases. CM had talked to the Mallelil people over phone. Date for meeting the CM was obtained after executing the MOU. Sreedharan Nair was very particular to meet the CM before the MOU. CM said that meeting can be held after he returns from Delhi and therefore based on the telephone talk with the CM the MOU was signed and initial stage fund (fees) by way of cheque issued. Of the 3 cheques the last cheque should be submitted to the Bank was the demand of Sreedharan Nair.

Though they reached secretariat by about 6.30 pm on 9th July CM came to the office only by 9 pm after the feast at Bishop House, Pattom. On that day CM met two persons of which one was the meeting with her and Sreedharan Nair. Advocate Ajith Kumar was with them. He was kept outside



when they went inside. At that time in the chamber of CM Sri.Selvaraj MLA and another accompanying him were there. Seeing her they were sent out and CM came near to them and gave all sorts of assurances (perumazha) to Sreedharan Nair. As per that Single Window Project, land in Palakkad KINFRA Park, Government subsidy and all other helps were assured.

Sreedharan Nair went along with the CM to downstairs in the lift. CM now says that Sreedharan Nair was not seen. When the CM himself has given the assurance she belived it. That self confidence cheated her. The CM demanded 10% of the Crores of Rupees project (approximately Rs4 Crores). Did he not receive 2 Crores in different occasions even before starting the Project?. In spite of the same, he did not arrange the project, now at last she is alone. Those who received money are not with her. Persons who assured are not with her. Whether these money will be got back by the police?



She had associated for so many property deals. She did not get even the margin money. She treated the CM as her father and respected him but, perhaps he, on many occasions, had treated in a different way, she treated as the ശാപം of women. But, today she knows even these case as if victim of a revenge she has to suffer. Property deals in Kochi she does not want to say more. She had been destroyed by all together. People whom she loved and believed. All including the party discards (തള്ളിപ്പറയുന്നു) and singles out. She has greatly suffered (മരിച്ചാൽ) for each of them. She may die even now for, she has the congress blood no case against cheats. When case is registered against will he not become an accused in the Mega Power Project cases. It is based on his word Mega Project investors were brought. He received money for that. Probably, it may be an ordinary government lagging but it was not contained by the investors. She was cheated though believing their words she was with them.



Said not phoned up used to phone up every day. She was called and talked from the phones of Jopan, Jikkumon And Salim Raj. Even when Biju Radhakrishnan met the CM in the Government Guest House, Ernakulam to complain about her connections with the former Minister and now MLA Mr.Ganesh Kumar CM contacted her and told her that allegations are made and that she must be careful. That much intimacy was shown by him. Now, what happened? Why telling lies? Please don't make her alone scapegoat.

The misdeeds of others will not come any where near what she got from the CM. Her money, her body every thing lost and kept her now pretends they do not know anything തള്ളിപ്പറയുന്നു. Why should she alone be crucified. How Team Solar became non existent. Marketing etc conducted day and night earned money taken by Biju Radhakrishnan, Shalu and politicians. Remains herself, her two small children and old mothers.



Now case after case. She is facing cheating cases.

In this case Chief Minister and others who received money and destroyed her by giving big assurances will be made accused?

The CM and Sri.Aryadan Mohammed when she took the customers to them gave assurance to them which they believed. What is the offence alleged against her? Gave assurance and received money by cheating? What CM had done? Can he do this to her? She did not take money belonging to the customers. Neither the Police nor the media wants, the persons who took the money nobody wants them.

On occasions when people opposing the CM came she informed this to CM for him be careful about this. She did not like to see any danger to the CM. Who she respected. But when a situation of danger came to her nobody for her not prepared to be a scapegoat. Enough evidence is with her. It can be produced in court for evidence. She does



not know when this case will be over, when will she come out of Jail. The only big blame committed by her is to believe the words of the CM. What other offence committed by her to destroy her like this? She has got evidence of exploitation in respect of each dealings and telephone talks. Let each dealings and telephone talks. Let case be registered. Let enquiry come against them.

There is mention about 16 + 1 persons of which serial Nos.1 and 2 are Biju Radhakrishnan and Salu Menon. The others are Sri.Oommen Chandy, CM, Sri. Aryadan Mohammed, the Power Minister, Sri.A.P.Anilkumar, Minister for Tourism, Sri.Adoor Prakash, Minister for Revenue, Sri.Hybi Eden MLA, Sri.K.C.Venugopal, Central Minister for Aviation and Former Minister for Power, Sri.Palani Manickam, Central Minister of State for Finance, Sri.N.Subramanian, KPCC General Secretary, Sri.K.Padmakumar IPS, IGP, Sri.M.R.Ajithkumar IPS, Former Commissioner of Police, Kochi City, Sri.Vishnunath MLA, Sri.Mons

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Joseph MLA, Sri.Ramesh Chennithala's P.A.
Pratheesh Nair and Sri.Jose K Mani,M.P.

One more man is Sri.Abdullakutty MLA.

Notice was not issued to Sri.Palani Manickam.
Hence no comments about him in this report.

Going by this letter, if the facts stated therein are true, then, the allegations raised in the Assembly and outside as settled by the Commission has got basis and the persons dealt with in the letter, it can be seen, had assisted Team Solar Company and its two Directors Saritha S Nair and Biju Radhakrishnan one way or the other.

This apart, it is a matter to be considered with reference to the provisions of the Prevention of Corruption Act (PC Act). Illegal gratification contemplated under the PC Act need not be confined to money or any other property. Giving sexual satisfaction, according to Commission is also one coming under gratification, Section 7(b) of the P C Act



The Senior Government Pleader appearing for the State in his argument note submitted to the Commission has stated that sex is not the subject matter for inquiry by this Commission. No doubt, sex and sexual satisfaction are matters which will vary from person to person. Age is no bar. It is left to the individuals. But, if sex and sexual satisfaction are sought by a public servant or somebody for getting something done by a public servant in discharge of his official duties certainly the position is different.

In these cases sex and sexual satisfaction are connected with public servants who are none other than the head of the administration, the CM, the Power Minister, other Ministers etc. named in the letter.

Besides, receipt of money for grant of benefits from Government are also stated in the letter. The persons to whom money is paid are also stated.



Here, the following circumstances are relevant.

1) Saritha telling the ACJM Court confidential matters which includes sexual harassment and rape.

2) ACJM Court without recording this telling Saritha to file complaint in writing. Assistance of advocate also suggested.

3) On body search by Jail warders on Saritha Nair when returned to Jail after custody this letter written by her found out. Contents read, it is said, conveyed to DGP (Jail) immediately.

4) Saritha's shifting from Jail, one of the reasons, is this letter, DGP (Jail) said.

5) Contrary to the instructions of the DGP (Jail) the Vanitha Jail Superintendent permits a stranger to accompany Saritha's mother without production of his identification documents before preparing the complaint.



6) Saritha's preparing the letter in the presence of Vanitha Jail Superintendent Smt. Nazeera Beevi as instructed by DGP Jail.

22 sheets of paper for preparing the complaint was provided as per the instructions of DGP since Saritha's letter was in 21 sheets.

But the complaint was only in 4 sheets and that too filed before ACJM Court by the Jail Superintendent personally. Saritha's Advocate was not associated.

7) Saritha S Nair objected to the production of the letter when the petition for that purpose was filed by D Party.

The direction of the Commission by an order to produce the original letter was not complied with.

Filed writ petition against the said order before the Hon'ble High Court and got stay.



Later, of her own, Saritha S Nair shows the letter in the press conference and without asking furnishing the copy of the letter and later, at her instance, the original letter itself produced before the commission.

The SIT head, when asked, said, if seized, it would amount to violation of Section 129 of the Evidence Act. When asked, former CM Sri.Oommen Chandy said, it was not seized. He further said to his knowledge there is nothing in the letter against him.

Sri.T.P.Senkumar IPS in his deposition also has stated.

Here, it must be noted, Sri.Alexander Jacob, former Jail DGP in his deposition volunteered to say that the name of Chief Minister is not in the letter.

It is very difficult in the back ground to believe that the Government and the Police including the SIT was unaware of this letter and its contents.



As already stated, it is a matter for consideration as to whether there is any truth in what Saritha S Nair has stated in the said letter.

So far as the solar scam is concerned it is an admitted position that Biju Radhakrishnan and Saritha S Nair, in the name of Team Solar Renewable Energy Solutions Pvt.Ltd, a company registered under the Companies Act, had entered into MOU with their customers for establishing Solar Panels, Solar Plants, Windmills as also dealership in their business, received consideration in part from them and committed breach of the undertaking. They had made many statements and shown many documents to the effect that they have connections with higher ups and their help and co-operation will be available to them. Whether, these circumstances will convert a case for civil liability to one of criminal liability of cheating is a different matter which is the concern of the investigating officers and



the court. This Commission is not at all concerned.

It is made clear that the report of this Commission has nothing to do with the criminal trial of the 33 solar criminal cases in which charge sheets are filed in courts of which two cases have already been decided.

The Commission makes this position clear only because the Senior Government Pleader for the State has been reminding the Commission that any observations against the investigation of these cases by the SIT will go in favour of the accused in trial. The SIT is also having such a stand.

Here, as Mr. Raju Abraham MLA and Sri. Kodyeri Balakrishnan, the then Deputy Opposition Leader said, the issue is different. The issue is whether the Chief Minister's office was the centre of activities of the solar scam accused Saritha S Nair and Biju Radhakrishnan. Put it shortly, the issue is as to whether there is any



substance in the allegations as settled by this Commission in its order dated 07-11-2014.

The facts now found by the Commission are:

1) There are lot of telephone contacts from the mobile phones used by Tenny Joppan closely associated with Sri.Oommen Chandy as CM. He was the shadow of CM Sri.Oommen Chandy in his office in the Secretariat. He is always there with him. Jikkumon Jacob, CM's own man, CM's Gunman Salimraj, as also CM's Delhi aid Thomas Kuruvila contact with the mobile phones used by Saritha. There are also calls between the two land phones in the official residence of CM Sri.Oommen Chandy and two mobile phones in the use of Saritha.

Sarith S Nair in her letter says she was being contacted almost every day by the CM in the mobile phones of Tenny Joppan, Jikkumon Jacob and Salim Raj. She said so in her depositions also.



Chief Minister Sri.Oommen Chandy did not have a mobile phone of his for his use and he was contacted by the ministers, political leaders etc., in the mobile phones of staff with him. He also uses their phone. While in Delhi the CM is contacted and CM contacts in the mobile phone of his aid Thomas Kuruvila.

Salimraj, Former gunman of the CM in his deposition dated 14-12-2016 says that Saritha S Nair used to call in his mobile phone to talk to CM and CM contacts Saritha through his mobile phone.

It is an admitted position that though there were many phone contacts from Saritha's two mobile phones to the two land phones in the official residence of the CM no effort was made by the SIT to ascertain as to whether the calls to and from Saritha's mobiles are by/for the CM to talk to Saritha. As part of the investigation of the SIT also no effort was made by the SIT to verify whether the telephone calls made by



Saritha to the mobile phones of Tenny Joppan, Jikkumon, Salimraj and Thomas Kuruville and back had any relevance in the investigation.

Saritha's case is that the Chief Minister and Sri.Aryadan Mohammed were contacted both in person and over phone only in connection with the Mega solar projects of Team Solar Company for which recognition by MNRE, ANERT, and a solar policy for the State are required. Chief Minister in her presence contacts the Power Minister Sri.Aryadan Mohammed over phone and asked him to do the needful. Saritha, as directed by CM, meets Sri.Aryadan Mohammed. They assured all help. It is for this both of them demanded money through their PA and PS respectively. The letter says amounts are paid to both of them. In the depositions of Biju Radhakrishnan and Saritha payments of money to the CM, Power Minister and others are stated. The statements of Biju regarding payment of money directly by him to the CM appears to be without any bona fide.



He, as already stated earlier, is the mastermind and he got things done through Saritha S Nair. When he says he paid amounts, it has to be understood that Saritha effected payments.

Sri.Oommen Chandy, CM denies any personal Knowledge about Saritha Nair. According to him she was one among the thousand. Even after Biju Radhakrishnan mentioned the occasions Saritha met the CM for identification purpose and Saritha spoke to the CM close to his ear in the stage at Kadaplamattom, Pala his stand is that he was not able to remember it as Saritha.

Tenny Joppan, Jikkumon and Salimraj, say Saritha, from her dressing style, Physical appearance and versatility in speech ordinarily once seen, will not forget her. Dr.Sugathakumar, Director ANERT in his deposition before this Commission has mentioned about her thoroughness in the subject and versatility in her speech.

Sri.Jikkumon says when Saritha and party came to give donation to the CM's Distress Relief Fund

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in 2011 everybody present in the CM's office were specially looking at her.

Above all, ADGP (SZ) Sri. A.Hemachandran IPS in his interim report dated 23-06-2013(Para 22 Ext X 393 at p 301) says 'Salimraj and Jikkumon came under a 'magic spell, cast by Saritha S Nair'.

Sri. Oommen Chandy, CM, if as a matter of fact, had met Saritha on 3 occasions as admitted by him, particularly for giving a cheque for Rs. 2 lakhs, furnishing a solar project for the Harijan colonies in the 14 Districts of Kerala at their cost and meeting again two more times with projects, proposals can one expect that a social worker like Sri. Oommen Chandy will treat her as one among the thousands he met.

Now it has come out from record that Sri.Oommen Chandy had introduced Saritha to Power Minister for doing favours to the Mega projects of Saritha evidenced by the CDs (Exts X 643 Part I, X 644 Part II) of the KSEB Engineers

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Association Annual function held at Kodimatha produced by the Association. In the speech made by Power Minister Sri.Aryadan Mohammed while inaugurating the function while Saritha S Nair was also in the stage looking at her side he said. They approached him by saying that the CM had sent them in connection with their projects.

This part of the CD was played to Sri. Oommen Chandy, Former CM when he was examined. He admitted that Sri.Aryadan Mohammed has said so as per the speech in the CD. This matter has been elaborately dealt with while dealing with Sri. Aryadan Mohammed.

Saritha was there at Delhi is an admitted position. Cr.No.630/2013 of Ernakulam Town South Police Station is relating to air fare charges to be paid to the travels. From the records in that case and the deposition of Sri.K.Harikrishnan, Dy.S.P. who investigated the case would show that Saritha S Nair gone to Delhi by flight on that day. That apart, Sri. Thomas Kuruvila, Delhi aid



of CM admits that Saritha contacted him from Delhi on 27-12-2012 on the date of NDA meeting at Vigyan Bhavan.

Many other matters stated by Saritha S.Nair in her letter are spoken to by Saritha S.Nair and other witnesses.

The Commission has seriously examined the argument notes submitted by the former CM Sri.Oommen Chandy, the E Party, the Advocate for the Commission, the F party and the senior Government Pleader appearing for the State. The Commission, while preparing this report has kept in mind the factual situations stated by them in their notes. However, this report is prepared in an independent manner. It is in these circumstances, the depositions of the former CM Sri.Oommen Chandy, his personal staff, security, Private Secretary, Political Secretaries, and Gunmen in a summary form translated version is appended in a separate volume as Appendix. Of



course the full text is available in the compiled volumes.

The first limb of the allegations which is the subject matter of the inquiry item 1 as settled by the commission is:

The Chief Minister, his office, his personal assistants, his personal security officer, close party worker and his aid at Delhi are all partisans to the Solar Scam deals of the prime accused Saritha Nair and Biju Radhakrishnan and rendered all help to them for cheating their Solar Scam customers in one way or the other.

For the reasons already discussed above the Commission finds, as a fact, that there is substance in the allegation that the Chief Minister Sri.Oommen Chandy, his office, Personal Staff, M/s. Tenny Joppen, Jikkumon Jacob, Personal Security Gunman Mr. Sali Raj, close party workers Sri.Benny Behanan MLA, Sri.Thampanoor Ravi, Ex-MLA and KPCC General Secretary, Sri. Thomas Kuruvilla, his aid at



Delhi are all partisans to the solar scam deals of the prime accused Saritha S.Nair and Biju Radhakrishnan in one way or the other.

The Commission has also suggested to the Government the actions to be taken, if any, against them at the appropriate places in the report.

The first and most important limb of the allegations is answered as above.

This issue is answered accordingly.

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APPENDIX

The letter written by Saritha S Nair on
19-07-2013 Ext X 639 (b)

Me, Saritha S Nair, Today arrested on ground of solar scam. Now she hears some problems and allegations. Reports came in news papers. She does not see news papers. But from the talk of the persons with her attempts are being made to make her alone scapegoat. She understands. Really, who are guilty? She alone? Those who have done wrong can escape? She alone will suffer at last she believe. Really when the wrong doors are living happily, false stories about her alone out. Who remembers that she has also, mother, children and grandma. Instead of killing her inch by inch why not she be killed at a stretch. "What is the wrong committed by her? Is it the crime committed by her is acting on the basis of the false stories and assurances given believing their words? No body wants dancer Shalu Menon who was hand in glow with Biju Radhakrishnan a big

[Signature]

cheat. Entire money of Team Solar was taken built house, purchased gold, and conducted tours, they are not guilty. Money belongs to the customers. Loss for who else? Loss always for Saritha. Losses only. Balance only allegations. She believed many. She obeyed their words. Now when problem come none responsible. For when she suffered (dead) none now with her. It is sad. She was only an ATM machine for Biju Radhakrishnan to make money. He kept her under him by threats and by creating problems. She being afraid of many thing, and not resist. He became rich. When money comes influence will come. He got it. What she got was some Sarees and house hold expenses. It is not something? Hard earned money was taken by Biju who was dealing company accounts and he got a life, a house and Shalu Menon.

For Saritha Rs.6 Crores liability and abusive talks alone. By gods grace she could be able to return more than half of the liability for she was not interested in hiding away. She wanted to survive.



This is not the first time that she is cheated by people who she loved and believed. She thought that politicians are better than Biju. Whether such belief was totally faulty She had all expectations in the party she believed. But all left her alone and tried to save their face. Are they not ashamed?

Since Oommen Chandy looks like her father (തനിസപുത്രൻ). He has not seen her at all. Happy to hear. Oommen Chandy Sir does not see not only her, he does not see any other women? Higher ups in the society can do anything. CM can deny. He can say not seen, forgot everything. But she cannot Sri.Oommen Chandy sexually wanted her to do oral sex. She obeyed it and had done oral sex with him in the Cliff House. Was it got done without knowing her? Has he not misused his status as the CM?. Then he knows Saritha. But the CM does not know Saritha by name Lakshmi.

Did she not inform the companies problem which arose, did she not begged (kalupidichille).



Then he was more interested in his sexual satisfaction? All these have to be brought before law.

Addressed Sri.Oommen Chandy

You have obtained from her (from her company) for setting Solar Projects Rs. Two Crores Sixteen Lakhs on different occasions. She gave money to him in Cliff house. Later Rs. Forty Lakhs was paid to Sri.Thomas Kuruvila of Delhi. Thomas Kuruvila and Chandy Oommen came together to Air Port, Thiruvananthapuram and received Rs.50 Lakhs. When the project was late, for removing the lagging and for expediting the Solar policy Sri.Thomas Kuruvila received Rs.25 Lakhs from her. Rs.1 Crore was first given at Cliff House. Thomas Kuruvila received Rs. 1 Lakh as his fees. Whether these money are not sufficient to pay of the complainants' in the criminal cases?



When the idea of Mega Solar Project was given through DPR Sr. Oommen Chandy contacted the Power Minister Sri. Aryadan Muhammed and told him to settle her project. Based on that it was agreed that her Mega Solar Power Project will be considered through single window arrangements. The CM had also assured her that this project Public Private Project (PPP) can be treated as PPP. He also assured that KINFRA land or KSIDC land can be obtained. The CM had agreed to personally see the investors coming for this project. There is no doubt that one of the case will be Sreedharan Nair case being one among the controversial cases. CM had talked to the Mallelil people over phone. Date for meeting the CM was obtained after executing the MOU. Sreeharan Nair was very particular to meet the CM before the MOU. CM said that meeting can be held after he returns from Delhi and therefore based on the telephone talk with the CM the MOU was signed and initial stage fund (fees) by way of cheque issued. Of the 3 cheques the last cheque



should be submitted to the Bank was the demand of Sreedharan Nair.

Though they reached secretariat by about 6.30 pm on 9th July CM came to the office only by 9 pm after the feast at Bishop House, Pattom. On that day CM met two persons of which one was the meeting with her and Sreedharan Nair. Advocate Ajith Kumar was with them. He was kept outside when they went inside. At that time in the chamber of CM Sri.Selvaraj MLA and another accompanying him were there. Seeing her they were sent out and CM came near to them and gave all sorts of assurances (perumazha) to Sreedharan Nair. As per that Single Window Project, land in Palakkad KINFRA Park, Government subsidy and all other helps were assured.

Sreedharan Nair went along with the CM to downstairs in the lift. CM now says that Sreedharan Nair was not seen. When the CM himself has given the assurance she believed it. That self confidence cheated her. The CM demanded 10% of



the Crores of Rupees project (approximately Rs4 Crores). Did he not receive 2 Crores in different occasions even before starting the Project?. In spite of the same, he did not arrange the project, now at last she is alone. Those who received money are not with her. Persons who assured are not with her. Whether these money will be got back by the police?

She had associated for so many property deals. She did not get even the margin money. She treated the CM as her father and respected him but, perhaps he, on many occasions, had treated in a different way, she treated as the *ശാപം* of women. But, today she knows even these case as if victim of a revenge she has to suffer. Property deals in Kochi she does not want to say more. She had been destroyed by all together. People whom she loved and believed. All including the party discards (*തള്ളിപ്പറയുന്നു*) and singles out. She has greatly suffered (*മരിച്ചാൽ*) for each of them. She may die even now for, she has the congress blood



no case against cheats. When case is registered against will he not become an accused in the Mega Power Project cases. It is based on his word Mega Project investors were brought. He received money for that. Probably, it may be an ordinary Government lagging but it was not contained by the investors. She was cheated though believing their words she was with them. Said not phoned up used to phone up every day. She was called and talked from the phones of Jopan, Jikkumon And Salim Raj. Even when Biju Radhakrishnan met the CM in the Government Guest House, Ernakulam to complain about her connections with the former Minister and now MLA Mr.Ganesh Kumar CM contacted her and told her that allegations are made and that she must be careful. That much intimacy was shown by him. Now, what happened? Why telling lies? Please don't make her alone scapegoat.

As suggested by Thomas Kuruvila for avoiding the delay in the Electricity Board gave Rs.25 Lakhs in Manmohan Bengalaw. Then she had to suffer the illegal behaviour of Sri.Aryadan



Mohammed. She even thought of committing suicide. She realised that a woman is a mere instrument in those days. Anything happened in spite of that? Nothing happened Sri.Aryadan Mohammed had sexually exploited her on many occasions whenever he summoned her and talked to her it was his practice to touch her person she was afraid that if she reacted if these persons who received money in Crores discontinue, her project will be lost. They exploited her existence. Ministers want money and the person of a woman. Not only these Ministers, Tourism Minister Sri.A.P.Anil kumar was a star pimp. A Minister who give women for Central Ministers and his PA Nazarulla. Both of them, in Rose House and in Le Meridian made oral sex with her. Many times she was called in Rose House and exploited her. It was by way of bargaining for sanction of eco tourism and other projects. She lost her reputation and body, she was not left even in Kerala House New Delhi. Nazarulla received Rs.7 Lakhs. He told her the desires of ministers many times and compelled her



to go with them. Because she was not prepared they found pleasure in delaying sanction for the project.

Anil Kumar and Nazarulla were the pimps for Sri.K.C. Venugopal (central Minister)

K.C saw her in a meeting and thereafter he was calling her over phone and caused disturbance to her. It was in connection with the inauguration of a news branch of Team Solar Sri.K.C.Venugopal was met in his house at Alappuzha "Rajeevam". He gave date and time and when she stood up after saying thanks he pressed his hand on her back portion. She bet him with the file and told him not to touch her. GM with her is a witness. Because of his interference she left the matter. Immediately she got a message in her mobile 'so soft ' when she called him and spoke in an angry manner he replied 'still love u' subsequently, frequent calls came from Delhi members. He wanted her to go to Delhi and meet her as otherwise he said, won't come for the

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programme arranged. Mr.Venugopal called in Biju's number and told him that his EO has അപമാനിച്ചു and that unless she come to Delhi and apologise he won't come for the function. Because banners, notices etc were printed Biju beat her and asked her to go and meet him in a threatening way. Gave ticket for Delhi. She along with Sivettan of Delhi's wife Geetha chechi met KC. Then keeping her a little away from Geetha chechi told her in an angry mood that she was called not to see like this. She without telling anything returned to Kochi. He again informed Biju that she again അപമാനിച്ചു. Biju beat her again. Thereafter, during night abusive messages, continuous calls became usual. Threatened through phone in many ways.

Thereafter, on a BJP harthal day Nazarulla called her over phone and asked her to come to Rose House. She was told that eco tourism paper is ready. Believing that she came to Rose Hose. Neither the minister nor any staff was seen

there, only two police men were in the gate. She contacted over phone minister comes, he is in the hall. She went there KC was not seen there. When Nazarulla was not seen there also while phoning up door was closed. KC was there. He was drunk. He by force brought her within his fold. കീഴ്പെടുത്തി. He hurt her, called bad names, she also called bad names. He physically disabled her not even to walk for 5 days she could not even stand. (she has got evidence of this). Even thereafter phone calls during night, messages. If a minister gets mad what is the safety for women. If opposed, threat. I am destroyed (നശിച്ചു). Then threat that through Biju the story of her and Ganesh Kumar will be given to media. There is no story of him and Saritha. They were good friends. People can say anything. Let that be there. She was called to Delhi telling that Biju Radhakrishnan is there and again destroyed her. Threat was that the matters stated by Biju Radhakrishnan will be given to media. Threats

[Handwritten signature]

alone. മടയ്ക്കം, fed up. It is evident that it is with the support of AP. KC had forcefully caused physical torture that day. People who exchange women and harass them are they not guilty. They are good men. Because of Team Solar she lost her. Kottayam M.P Sri.Jose K Mani is a respectable man. But after seeing her in a meeting at Delhi behind a public toilet he showed his private part and asked her whether comes വിദ്യാനാഥ്. Through phone calls he said he likes her. She was called to the M.P. office at Kottayam. When she went to Delhi in connection with Projects after seeing the (CGO Complex) of MNRE she was called to the flat and hugged her and oral sex got done. Poor people and businessmen are afraid of the influence of Ministers and MP in the administration. This is exploited by them. Let it happen. Respectable MP. Why all these people behaved to her like this. She does not know. Whenever meets for the assured projects again and again she has to give her body. No paper will be



moved. The abusea of the customers of the company is another matter. Respected Jose K. Mani.

Then, Adoor Prakash, doctorate holder telephonic sex. When drunk phone calls until it is attended. കേട്ടാലറക്കുന്ന സംഭവങ്ങൾ.

She was summoned through ADM Sri.Salim for a feasibility study for installing Solar Power Plant in Pramadam Stadium at Pathanamthitta. Minister also came there. She was taken to an isolated bed room inside the stadium and cought hold of her waist. Since it was an abrupt action she could not avoid it. Without much hurt she could escape. But phone calls, flight ticket to Bangalore book room in Bangalore Lemon Tree Hotel and gave ticket by Sri.Adoor Prakash. Talks for hours over phone. 7 to 8 time she had oral sex with him. She was called to 'Pampa' residence.

KPCC President Sri. Ramesh Chennithala Sir through his P.A. Prathesh Nair had talked to her. She had to meet central Minister Sri.Pazhani Manickam in connection with the income tax matter



of a metal crusher group in Kerala. Prathesh told her that Pazhani Manickam told Ramesh that he wants her. She refused it. No problem that will be conveyed he said. When she went to meet the minister in connection with the income tax problem when Pazhani Manickam said sorry she felt relief. But he caught hold of her and tried to take her to the room in the right side. She resisted. He left her, again said sorry. Through phone also said sorry. He used to call her there after between 6.30 and 7 in the morning. Through Pratheesh demanded Rs.50 Lakhs for the quarry problem. Paid Rs.25 Lakhs. Given by Pratheesh. Will it be got back? Pratheesh and Ramesh Chennithala get things done by arranging women she understood. She could understand many things about them.

രാഷ്ട്രീയം വെറും തരംതാണതയെടോ....

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Page 15 end. Next page. Sentence --- connecting



One page, it would appear, removed. See page no. After 15 connected the subsequent pages -----.

Sri. K.C. Joseph had seen her many times in the CMS office. Smt. P.K. Jayalakshmi was a close friend of her. She had been to her residence at Wayanad.

Sri. Hybi Eaden MLA she gave substantial Party . Party fund is donation Hybi is her- MLA. Because she could not quarrel with him she had been to MLA Hostel. Had sexual contact. He used to call her to Ernakulam guest house often. She went there. That was her situation Sri. Hybi Eaden helped her to settle the financial matter with the customers.

Chenganoor MLA Vishnunath used to call her for the Chenganoor project matter. These were at a time when the project was approved by the collectorate, Alappuzha. Met him many times in the MLA Hostel.

Mons Joseph has co-operated for the company. Called her. Not misbehaved to her. Done project



in his house. Then N.Subramaniam (KPCC General Secretary) approached for dealership. For signing M.O.U. and receiving money she was asked to come to Trident Hotel, Chennai. She went there. He told her that for getting money she has to surrender to him. It was necessary for her to close that sales then. He took advantage of that. Thereafter many times talked personally and over phone.

Panakkad Basheer Ali Thangal. She met him as instructed by Sri.Kunjali Kutty. She was called to his house. Purporting to be for seeing the project site. Harassed her sexually. Used to contact over phone. They were more concerned with exploiting her than the projects.

The company faced crisis when Biju Radhakrishnan left the company with Rs.6 Crores. Case came. Then the Police officers who were exploiting her earlier became harder. IGP Sri.Padma Kumar for settlement talks called her



to the flat at Kaloore and used her. Obscene photos and messages were sent.

City Police Commissioner M.K.Ajith Kumar, confined to telephone sex talk and SMS. Fortunately they did not want money. Instead what they want not telling. Sri.Padmakumar "മാന്യൻ ചമയുന്ന ആട്ടിൻ തോലിട്ട ചെന്നായ് ആണ്"

Taking advantage of the circumstances of the case. Salim Raj is another "കഥാപാത്രം". He tried to sexually abuse her, due to his influence with the CM. He used to have obscene talk through mobile phone. Pratheesh Nair tried to give her to Chidambaram.

The misdeeds of others will not come anywhere near what she got from the CM. Her money, her body every thing lost and kept her now pretends they do not know anything തള്ളിപ്പറയുന്നു. Why should she alone be crucified. How Team Solar became non existent. Marketing etc conducted day and night earned money taken by Biju



Radhakrishnan, Shalu and politicians. Remains herself, her two small children and old mothers. Now case after case. She is facing cheating cases.

In this case Chief Minister and others who received money and destroyed her by giving big assurances will be made accused?

The CM and Sri.Aryadan Mohammed when she took the customers to them gave assurance to them which they believed. What is the offence alleged against her? Gave assurance and received money by cheating? What CM had done? Can he do this to her? She did not take money belonging to the customers. Neither the Police nor the media wants, the persons who took the money nobody wants them.

She did not get any money, not even her salary. When Biju had left with the money only 4 lives were with her. Since she did not want to skip away by selling land and gold she settled half of the liabilities. Hears more cases will



come. She feels it is better to die now. Cheated it is said. Who cheated whom? The person who is subjected to cheating is herself. All are able men. She is a fool. Now Biju Radhakrishnan is a good man. Saritha alone is a cheat, prostitute, many adjectives. She never sold her body for money. People took advantage of her situation. Money and every thing lost. Those who received the money are good people. This letter is her language. Nobody shall escape. This must be converted to court language as her statement. FIR has to be registered. Don't show this to any one.

On occasions when people opposing the CM came she informed this to CM for him be careful about this. She did not like to see any danger to the CM. Who she respected. But when a situation of danger came to her nobody for her not prepared to be a scapegoat. Enough evidence is with her. It can be produced in court for evidence. She does not know when this case will be over, when will she come out of Jail. The only big blame



4.	Aryadan Mohammed Result	(1) Received Rs.25 lakhs for sanctioning renewable Energy policy. (2) Sexual harassment done. (Many times said time Nothing done required)
5.	A.P.AnilKumar (Minister for Tourism) (Eco Tourism)	(1) Received Rs.7 lakhs through Nazarulla (2) Stood for KC (3) Exploited her many times Rose House, LeMeridian, Kerala House.
6.	Sri.Adoor Prakash (Minister for Revenue)	(1) Sexual harassment (2) Telephonic Sex (3) Calls and SMS (4) Invited to Bangalore Hotel.
7.	Hybi Eden MLA (Helped her for settlement.)	(1) Sexual harassment at MLA Hostel Govt., Guest house, Ernakulam.
8.	Sr.K.C.Venugopal (Central Minister for Aviation former Minister for Power)	(1) Raped (2) Threatened many times (3) Telephone calls, SMS, Sex etc.
9.	Sri.PalaniManickam (MOS for Finance)	(1) Sexual harassment. (2) Received an amount of Rs.25,00,000 for one Income tax problem settlement.
10.	N.Subramoniyam (KPCC General Secretary)	Sexual harassment at Trident Hotel.
11.	I.G.K Padmakumar	Sexual harassment Kaloore Flat Online calls, telephone sex.
12.	Sri.M.R.Ajith Kumar (Former Commissioner of Police, Kochi city)	Telephone sex, SMS etc, online calls.
13.	Vishnunath MLA (gave project)	Telephone calls, SMS etc.

14.	Mons Joseph MLA (gave project)	No other problem.
15.	Sri.RameshChennithala's PA Pratheesh Nair, Delhi.	(1) Introduced PalaniManickam (2) Tried to introduce her for Chidambaram
16.	Jose K. Mani, (MP) Kottayam	(1) Behaved badly at Delhi. (2) Done oral sex at Delhi.

There is one more man. The man who said when she was arrested not to mention anything what happened or his name. Abdulla Kutty, Kannur MLA who called her to Muscat Hotel, TVM and raped her.

Why she is made like this by all, together. A woman cannot tell these in open. Hence she did not say all these. Now many things come in the media she alone is being crucified. Real culprits are safe. Many more things are there. If money with them are got back cases could have been avoided. That expectation is lost today. There is evidence for all that said here. Evidence which have been kept safe before her arrest, if Court Registers FIR it will be

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given to court and media. There are limitations for investigations Date, approximate time, video and audio of certain events she had filed. Nobody else in the state should have such an experience. She alone will not be a scapegoat. If it comes everybody must come in it. Money, influence, anything is possible. Evidence must be directly given to court. The persons responsible for her plight come before law. Everything gained persons blaming her alone not required. She loved Congress. Believed some. Those persons received money from her and destroyed her now blames her. She does not know how her old mothers and children are living. She does not believe that she can see them. Let my life go. Truth must come out. The debt will not come half of the money taken by Biju and Salu.

19.07.2013

Ernakulam

Faithfully,

(s/d)

Saritha S.Nair

Entrust after changing it to court language.



Seizure of CD from Coimbatore

Sri.Biju Radhakrishnan one of the main accused in the 33 Solar Scam criminal cases investigated by the SIT, in his deposition before the Commission made on 02/12/2015 (at Pp 34 -35) has stated that he is in possession of video records for implicating certain Ministers, their P.A, and MLA in sex scandal with Saritha S.Nair. The State Government then filed a petition I.A.No.8/15 for direction to seize the video records said to have been in the possession of Biju Radhakrishnan and verify the same forthwith.

2. The Commission, in fact, had asked Mr.Biju Radhakrishnan to produce the video footages stated to be in his possession on the 10th of December 2015 before this Commission and he had expressed his readiness to furnish the same. The Commission, therefore, observed that at present there is no need for issuing a direction as sought for by the State Government. It was observed that the Commission, under Section 5(3)



of the Commissions of Inquiry Act, 1952, has got the power of search and seizure. Copy of the order dated 03/12/2015 passed in that behalf was sent to the Superintendent of Central Jail since other directions were also in the order.

3. The Commission thereafter issued a communication dated 08/12/2015 to the Superintendent, Central Prison, Thiruvananthapuram directing him to see that Sri.Biju Radhakrishnan, Convict No.8966 is produced before this Commission at 9.00 A.M. on 10th December, 2015. He was also directed to see that necessary arrangements are made to ensure his protection while in transit.

4. This direction was issued to the Superintendent of the Central Jail to produce Biju Radhakrishnan before this Commission at 9 A.M. on 10/12/2015 with a definite purpose. If he is not bringing the video footages agreed to be produced due to any physical constraints being in Jail and if he says that it can be produced he



could have been taken to the place where it is kept on the responsibility of the Commission for obtaining and producing it before the Commission.

5. Unfortunately, Biju Radhakrishnan was produced before the Commission only by about 10.40 A.M. on 10/12/2015. There was no proper explanation from the jail authorities as to why he could not be produced as directed. Sri.Rajkumar.G., Sub Inspector of Police, Narcotic Cell, Thiruvananthapuram City who was posted for taking Convict Prisoner, Sri.Biju Radhakrishnan for producing him before the Commission on 10-12-2015 was examined before the Commission and his deposition recorded. (DW Vol.XIV Pp 1 - 11). (CW 135).

He said that under his leadership as ordered by the City Police Commissioner, Thiruvananthapuram, Convict Prisoner Biju Radhakrishnan was taken from the Central Jail and produced before the Commission. He had stated that by about 9.50 A.M. he was brought to the



Commission Office. According to him the jail authorities did not inform him of the directions of this Commission to produce Biju Radhakrishnan at 9 A.M. on 10-12-2015.

6. Biju Radhakrishnan, when produced before the Commission at 11.00 AM in the sitting, was asked whether he has brought the video footages. He said he could not bring the CD since he was in the jail and that if he is given 10 hours time he will produce the same before the Commission. He was asked whether it is from outside the State since he wanted 10 hours time. He, with diffidence, said outside the State.

7. Advocate for the Commission, Parties A to H either in person or their Advocates, recipients of notices under Section 8B of the Act through counsel, and Senior Government Pleader assisting the Advocate General for the State along with another Government Pleader were present. The State Government, as already stated, wanted the CDs to be seized by resorting to the provisions



of the Act. Unless the place where the CD is kept by the prisoner is disclosed or ascertained seizure is not possible. If at all, it could be searched and seized by using the machinery of the police it is the job of the Government. The Commission has no such machinery.

8. The matter was discussed in detail with all concerned present in the sitting. Everybody found that there is no inhibition in affording opportunity to Biju Radhakrishnan to produce the CD. The Senior Government Pleader also did not raise any objection, for, it is the requirement of the State Government.

9. Since all present agreed the Commission decided to take Biju Radhakrishnan to the place where he suggests. The town or the exact place where the CD is kept was not ascertained from him by the Commission, for, he apprehends that 'if the same is made known it is likely that it may be removed before he reaches the place'.



10. The Commission discussed the matter with the Secretary of the Commission who was a Senior District Judge as regards the procedure to be followed in taking Biju Radhakrishnan to the destination outside the State.

11. Though Biju Radhakrishnan, the prisoner, was being taken from the central jail, Thiruvananthapuram to various courts and to this Commission either by train or by bus with two CPO's as escorts, since he apprehended threats due to his deposition before the Commission, the Commission requested the Senior Government Pleader to arrange for better security to him. Based on this he was being taken to the Commission in departmental vehicle with gunman security. On 10th December, 2015 also he was brought in a police van. The Sub Inspector who accompanied him reported to the Secretary that the departmental vehicle is not suited to travel long distance.



12. The Commission, considering the entirety of the circumstances, decided to take Biju Radhakrishnan to the destination in the police car provided to the Secretary of the Commission. The Sub Inspector and two Civil Police Officers of whom one is a gunman who brought Biju Radhakrishnan from Jail to the Commission (a few more CPOs were also there) and two CPOs of this Commission of whom one drove the vehicle headed by Sri.C.Harikumar, Advocate for the Commission were to take him to the destination. The Commission did not find nor did anybody present brought to its notice any other requirements to be complied with in taking Biju Radhakrishnan, the convict, outside the State. An order was accordingly issued. This was known to all concerned including the Senior Government Pleader who were present in the Commission. The media persons were also present in the Commission sitting when these decisions were taken. Channel people were not permitted to the Commission Hall.



13. Biju Radhakrishnan was taken to the destination in the manner provided by about 3.45 P.M. on 10/12/2015. The destination was never asked nor made known to the Commission. The Advocate for the Commission who accompanied Biju Radhakrishnan was instructed to secretly ascertain from him about the destination for confidential information to the driver of the vehicle.

14. The events which ensued was beyond the comprehension/not in the contemplation of the Commission, which, if known, could have been avoided by specific directions in that regard to the media and others.

15. The transportation of Biju Radhakrishnan from the Commission office to the destination at Coimbatore was as if a celebrity of high order was being hosted. The media coverage was such that channel vehicles 7 or 8 or even more with running commentary accompanied the vehicle which carried Biju Radhakrishnan. It was astonishing



events, doubtful if there are any precedents. It perplexed the Government it would appear. The DGP contacted the Secretary of the Commission to verify the security provided to him. From Palakkad onwards separate police accompaniments followed probably as per the directions of the Director General of Police. Besides, it would appear that police authorities at Coimbatore were also informed. Ultimately, what the Advocate for the Commission who accompanied Biju Radhakrishnan could see when they reached the ultimate destination was a market place at Selvapuram in Coimbatore, a festive occasion for them. A mass of people assembled there. Tamil Nadu Channel vehicles and Police party were present there. The channel vehicles from Kerala, Kerala Police party all made a mess of the situation. People there were very frantic. It was very difficult for the Advocate for the Commission and the police who accompanied to visit the house where, according to Biju, the CD is kept. The inmates of that house, particularly, an aged woman was

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not inclined to permit Biju to enter the house. The person, with whom a bag in which various business documents including the CD/pen drive was entrusted, it is reported, was not there at that time. There were interferences by the police of the locality. The Advocate for the Commission and two of the CPOs who accompanied him to the destination house returned to the vehicle which was kept a little away in which Biju Radhakrishnan was kept in the safe custody of a Sub Inspector and two CPO's of whom one is a gunman and remained in the vehicle.

16. After almost an hour somebody came and informed that the custodian of the bag is there in the house. Then the police party who accompanied Biju from Ernakulam along with the Advocate for the Commission took Biju Radhakrishnan to that house.

17. The mahazar prepared by Sri.C.Harikumar, Advocate for the Commission on 10/12/2015 would show that Selvi.C., aged 36, W/o. Chandran, 8F



144, Amul Nagar, Indira Nagar, Selvapuram, Coimbatore (9944313507) in the house of Mrs.Rajammal, age 68, w/o.R.Murukan, X 343, Selvapuram, Coimbatore North at 10 PM on 10-12-2015 in the presence of witness produced a bag containing 9 items detailed below:

- 1) A file containing bro-chures and papers
- 2) One cover containing 46 sim cards of Airtel company
- 3) A bundle of visiting cards for company seals seven in number.
- 4) Two keys with numbers 401 and 503 in a white key-chain.
- 5) Mobile charger USB with connector - one in number.
- 6) Car Mobile charger
- 7) A plastic cover with the writing Sreekrishna.
- 8) A bigshopper without belt printed that Velavan
- 9) Selvi and Hariram witness to the Mahazar



18. In this context, it is relevant to note that Biju Radhakrishnan had entrusted his cousin sister Selvi a bigshopper in which eight items of articles are kept. Item No.6 in the mahazar - Mobile charger with USB connector - was there in the big shopper. It is probable, according to the Commission, the CD would have been kept in the big shopper. As such Biju Radhakrishnan cannot be totally blamed for taking the Commission to Coimbatore where, according to him, the CD is kept.

19. It is ascertained that Selvi is the daughter of Biju Radhakrishnan's mother's elder sister. Chandran is her husband who, it is stated, is a goldsmith working as such at Gandhi Park.

20. The CD which was stated to be kept there was not seen in the Big-shopper. It is anybody's guess as to the true state of affairs. The Commission has got a feeling that the very purpose with which Biju Radhakrishnan was taken



to Coimbatore was defeated by the media and the police. The entire circumstances which prevailed in the locality, the absence of the custodian of the Bag in which the CD is alleged to have been kept in the house at the time when the party reached that house and the time lag, the presence of police party from Kerala and Tamil Nadu there and the huge crowd in the vicinity of the house have all made it impossible to have a fair view of what transpired there. Virtually the purpose is defeated. Is it deliberate or accidental? anybody's guess.

21. The items specified in the Mahazar are in the safe custody of the Commission.

22. So many allegations, nay, views in regard to the Coimbatore journey were in the air. There were also allegations in the air from well meaning persons that the action of the Commission in taking a convict prisoner outside the State, that too, without obtaining permission and without sufficient police security is illegal and



unauthorised. There was also an allegation that the Commission is befooled by a hardcore criminal in that his allegations against high dignitaries have been believed.

23. As already stated, when Biju Radhakrishnan in his deposition before the Commission had inter alia stated that he is in possession of a CD taken by Saritha S.Nair for blackmailing purposes containing the talks between Saritha and a few Ministers and others and that he is prepared to produce it before the Commission, the State Government has filed a petition for seizing the CD. In order to seize the alleged CD it is necessary to know the place where it is kept. He has no specific abode. That apart, for the last few years he is in the Central Jail as a convict prisoner. As such there is no machinery available with the Commission to seize such a document. To issue direction to the police to seize the CD would be to pressurise the detenue by employing the police method which the Commission was not inclined to



direct. Here, the detenue himself had consented to produce the CD provided time is granted. He was granted time to produce the same. But, on the day fixed for producing the CD he explained that since he was under the stringent supervision of the jail authorities he could not arrange for it. However, to a query by the Commission he submitted before the Commission that if permitted he can bring the CD within 10 hours. The Commission, in order to fix the procedure to be followed, asked him whether it is kept inside the State or outside to which he replied the latter. This was in the presence of all the participants before the Commission. The view of all the parties including the Senior Government Pleader assisting the Advocate General for the State in that context was ascertained. As desired by all it was decided to take him to the destination suggested by him. The Commission also discussed the matter with the Secretary of the Commission as regards the modus operandi and the statutory requirements, if any.



24. As already noted there were certain complaints from the Government side and from outside. One such complaint is that Biju Radhakrishnan the convict prisoner was taken outside the State without obtaining sanction from the Court which convicted him. Incidentally it has to be noted that when Biju Radhakrishnan was served with a notice in writing with so many questions for his reply he requested for direction to the jail authorities to produce him before the Commission to enable him to file a proper reply. At that time the Commission had written a letter to the District and Sessions Judge, Kollam for issuing direction to the Superintendent of the Central Jail, Thiruvananthapuram for producing him before this Commission. Such a permission was granted and Biju Radhakrishnan was produced before the Commission for submitting his reply. This is stated only to show that the Commission was aware that Biju Radhakrishnan is a convict prisoner as



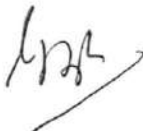
per the judgment of the District and Sessions Court, Kollam in a murder case.

25. So far as the need for obtaining sanction of the Court which convicted a prisoner to take him outside the State the legal position in that regard has to be considered. Section 4 of the Commissions of Inquiry Act, 1952 confers power of a civil court on the Commission while trying a suit under the Code of Civil Procedure, 1908, inter alia of 'summoning and enforcing the attendance of any person from any part of India and examining him on oath as also to require the discovery and production of any document. Section 5 (3) also confers power on the commission to enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found and to seize such documents subject to the provisions of Section 102 and 103 of Cr.P.C. Order 16 Rule 10 of the C.P.C. provides that where a person to whom a summons has been issued



either to attend to give evidence or to produce a document, if he fails to attend or to produce the document in compliance with such summons, the court has the power to issue a proclamation requiring him to attend. Sri.Biju Radhakrishnan the convict prisoner in the Central Jail, Thiruvananthapuram apart from being involved in large number of cases inside the State, two criminal cases are pending against him in the Judicial Magistrates Courts at Coimbatore. The details furnished by the Superintendent of the Central Jail show that on all the 14 occasions Biju Radhakrishnan was taken to the Magistrates Court at Coimbatore no sanction was obtained from the Sessions Court, Kollam which convicted and sentence him to imprisonment. In these circumstances, the apprehension / allegations that the Commission sent Biju Radhakrishnan to Coimbatore without obtaining sanction from the Sessions Court, Kollam has no merit.

26. Now coming to the security issue raised by the State police department, the details



furnished by the Superintendent, Central Jail would show that Biju Radhakrishnan, the Convict prisoner, on all the occasions, was taken to Coimbatore from the jail only by train or bus or both train and bus and that only two civil police officers escorted him from the jail. As already noted, earlier it is only by the direction of this Commission to the Sr. Government Pleader sufficient security was given to Biju Radhakrishnan whenever he was taken from the jail to attend the court proceedings. On 10th of December, 2015 also Biju Radhakrishnan was brought from Thiruvananthapuram in a police van with 6 or 7 CPOs headed by a Sub Inspection of Police. The Commission decided to take Biju Radhakrishnan to the destination he suggests, with the accompaniment of the S.I and two CPOs of whom one is a gunman who brought him and two CPOs attached to this Commission besides the Advocate for the Commission. This was the security arrangement the Commission thought it fit for taking Biju Radhakrishnan to Coimbatore.



It is unfortunate that the police authorities were not aware of the fact that while Biju Radhakrishnan, the convict prisoner was being taken from the Central Jail, Thiruvnanthapuram to Coimbatore and other places to attend courts, the services of only two CPOs were provided and that his transportation was either by train or by bus or by both.

27. Thus the allegation that Biju Radhakrishnan the convict prisoner was taken by the Commission to Coimbatore without obtaining the sanction of the Sessions Court which convicted him and that too without sufficient security measures is, to say the least, is high handed and without any justification.

28. Look, even the Kerala Police Association General Secretary who is a Civil Police Officer for many years in the Police Department governed by the Police discipline without any bonafides makes allegation about the steps taken by the Commission for taking Biju Radhakrishnan, convict



prisoner to Coimbatore. It is too strange. He was expected to know the procedure being followed by the Police Department and Jail authorities for taking this convict prisoner to courts both inside and outside the State. At any rate, before making such serious allegations he should have ascertained the actual position.

29. In para 2 of his affidavit filed in support of I.A.No.5/2017 he has stated thus:

"Apart from the fact that the applicant herein was the General Secretary of the Kerala Police Association, as a citizen, the proceedings of the Commission as reported by the visual and print media were closely observed. On such observance, the irresistible conclusion, which the applicant had formed, was to the effect that the Commission was acting far beyond the terms of reference and issuing orders which had even violated the requirements of law by directing the police to accompany a convict to



Coimbatore, without obtaining the required permission of the custodial court as mandated under law. The order thus passed by the Commission was executed by the police in obedience of the direction contained therein by spending huge amounts of the State exchequer and without taking care of the security aspects when a convict is virtually released and taken out of State, as it violated the due process of law."

30. It is not clear as to how and why he has stated huge amounts from State exchequer had been spent in this process.

31. It is unfortunate that Kerala Police Association General Secretary Sri.G.R.Ajith, a Civil Police Officer has dared to make comments on the action of the Commission in taking the convict prisoner Sri.Biju Radhakrishnan to Coimbatore calculated to bring the Commission into disrepute.



32. Sri.Ramesh Chennithala then Home Minister in his deposition before the Commission expressed his views in the matter thus:

33. He was the Minister for Home and Vigilance in the UDF Government from 1st January, 2014 until the LDF Government came in power in May, 2016. The Commission in the course of his examination brought to his notice, the deposition made by one of the accused Sri.Biju Radhakrishnan before the Commission that he is in possession of a CD which will support his case, that the Government filed petition for seizing the said CD and the steps taken by this Commission in that regard. (Pp 77 -80). Sri.Ramesh Chennithala justified the steps taken by the Commission for sending Sri.Biju Radhakrishnan to Coimbatore for taking the CD. But he said that there was a lot of Intelligence/Special Branch inputs about Biju Radhakrishnan. In the report of the Special Branch the possibility of Biju Radhakrishnan escaping from the custody was reported many times. It was the stand of the Government that



when Biju Radhakrishnan who was taken to a place where he has many years acquaintance, sufficient security arrangements should have been made. The Government was apprehensive of the risk involved in taking Biju Radhakrishnan to outside the State without sufficient security. He was asked when a convict prisoner in the Central Jail, Thiruvananthapuram for quite some time when he says that he is in possession of a CD which the Government wanted this Commission to seize what was the mode expected of by the Government for seizing the CD by this Commission. His answer was that when it is said that a CD is in his possession which created some controversy it was only to explain the intention of the Government such a request was made. The method by which it has to be seized was not thought of at that time.

34. The observations of Sri.Ramesh Chennithala, then Home Minister is understandable. This situation arose all on a sudden. He may not be aware of the procedure being followed in taking Biju Radhakrishnan from



the Central Jail to various courts both inside the State and outside the State in spite of intelligence reports that Sri.Biju Radhakrishnan may jump from the jail. If the Government was serious about the intelligence reports severe instructions should have been given to the Jail authorities and to the police officers concerned. It is only at the instance of this Commission such precautionary arrangements were made.

35. The comments of G.R.Ajith, General Secretary of the Kerala Police Association without properly ascertaining the factual and legal position mentioned supra is unbecoming of a disciplined police officer, especially against a Commission presided over by Retired Judge of the High Court appointed by Government is a serious matter which calls for appropriate actions at the instance of the Government.

Recommendations

Though this is only a circumstance in the process of collection of evidence as provided in



the Commissions of Inquiry Act, it has assumed significance and is an eventful one. Attempt was made to seize a document, if available, which may be relevant and useful in the inquiry. The State Government also shared the same view and made a request therefor. Though Biju Radhakrishnan had stated that he had put the CD along with some other documents in a big-shopper, entrusted with his cousin sister for safe custody, the CD was not found in the big-shopper, when it was taken possession of by the Commission.

This matter is dealt with separately and in some detail for impressing upon the State Government on certain matters of security, discipline etc. for future guidance also.

Sri.Biju Radhakrishnan is one of the prime accused, in the solar scam criminal cases, both inside and outside the State. He is also accused in a murder case (the death of his wife Smt.Rashmi). He was convicted and sentenced to life imprisonment by the District and Sessions



Court, Kollam. His appeal against the judgment is pending before the Honourable High Court. He is in the Central Jail, Thiruvananthapuram on life imprisonment.

He is involved in 33 criminal cases in solar deal and all those cases except two cases are pending trial before different courts in the State. This apart, two or more cases are pending trial before Magistrate Courts in Coimbatore, Tamil Nadu State.

Biju Radhakrishnan was arrested in connection with the solar crime cases / murder case in the State from outside the State in July, 2013.

He was kept in connection with solar crime cases in Pathanamthitta District Jail. He was transferred from the said Jail to Central Jail, Thiruvananthapuram for security reasons based on Intelligence reports. The apprehension in his case was that he may jump the jail and escape.

Apart from producing Biju Radhakrishnan by police before various Judicial Magistrate Courts



in different districts in the State on receiving summons from those courts by the jail authorities, on receipt of summons from the Magistrate Courts at Coimbatore, Biju Radhakrishnan was produced before those courts in police escort and brought back to jail.

Here the situation;

- (1) Biju Radhakrishnan is a prisoner with life imprisonment - Judgment of District and Sessions Court, Kollam. Appeal against this pending before High Court.
- (2) He is accused in solar criminal cases pending before court at Coimbatore in Tamil Nadu and in various districts in the State.
- (3) He has to be produced before all those courts when summons for his appearance is received from those courts.
- (4) It is the obligation of the Thiruvananthapuram Central Jail Authorities to honour the summons and produce him before court.



(5) It is the obligation of the City Police Commissioner, Thiruvananthapuram under whom is the Reserve Police of the District to provide police escort on request by jail authorities.

(6) Biju Radhakrishnan, as per Intelligence reports, is a dangerous person who, will jump out from jail, whenever he got an opportunity for the same. He was transferred from Pathanamthitta District Jail to Thiruvananthapuram Central Jail on that ground.

The reports obtained from the Jail Authorities and the Police are that on all the earlier occasions Biju Radhakrishnan was sent from jail to appear before courts both inside Kerala and to Coimbatore in Tamilnadu on escort by two CPOs sent from Reserve Police there and that too by bus or train or by both depending on the location of the courts. It is also ascertained from the jail authorities that though Biju Radhakrishnan is a prisoner with



life imprisonment as per the judgment of the District and Sessions Court on no occasion when Biju Radhakrishnan was taken to courts at Coimbatore on summons either the jail authorities or the police had sought the permission of the District and Sessions Court, Kollam. This is the position when Biju Radhakrishnan was being produced before courts in the State also.

One important question to be considered is whether orders in the form of permission from the court which convicted and sentenced him is required for producing such a convict prisoner in a court outside the State on summons received from that court.

Scanning through the provisions of the Cr.P.C. did not reveal any inhibition for the same. The State has also not pointed out any provision in the form of statute, Regulation or by-law requiring permission.



Does not the District and Sessions Court, Kollam on rendering judgment become functus officio? The State Government, according to the Commission, must consider this issue seriously.

Now coming to the security aspect, in the case of Biju Radhakrishnan, the DGP finds, on intelligence report that sufficient security is required as otherwise he will jump the jail. Even then he is sent to the courts at Coimbatore in bus and train with the escort of two CPOs.

Whether this will be sufficient security to Biju Radhakrishnan and similarly placed prisoners?

Certainly the State Police Chief who is the head of the Police Force in the State and the State Government in the Home Department has to make necessary amends if they are serious about it.

The Commission recommends for that.



CCTV

The main allegations which are the subject matter of item 1 of the terms of reference, as settled, centres round the office of the Chief Minister. Allegations are to the effect that Smt.Saritha S.Nair was a regular visitor in the office of the Chief Minister. The complainant in Crime No.656/13 of Konni Police Station, Sri.Mallelil Sreedharan Nair, a metal crusher unit owner and office bearer of their Association in his statement under Section 164 Cr.P.C. and before this Commission has stated that he along with Smt.Saritha S.Nair had met the Chief Minister in his office in the Secretariat on 09-07-2012 and discussed about the solar business of Saritha S.Nair. This is confirmed now by Saritha S.Nair in her deposition before the Commission. (Vide DW Vol.X-I at Pp 87 - 89) .

This alleged meeting is denied by the Chief Minister, Sri.Oommen Chandy. He has stated that Mr.Sreedharan Nair alone came and met him for



submitting a representation of the Metal Crusher Unit Association. (Vide DW Vol.XII Pp 152 - 153) .

Since the correctness of the allegations is relevant for consideration in the inquiry, it was decided to ascertain as part of the evidence in this regard whether the CCTV installed in the office of the Chief Minister in the Secretariat contained the visuals of Sreedharan Nair and Saritha S.Nair together meeting the Chief Minister on 09-07-2012. Since it is understood from media reports that in the CCTV cameras installed in the Secretariat the visuals recorded therein have existence only for 14 days and since it is over written many times in the Hard Disc the renewal of the visuals of the period prior to 14 days is remote is the stand of the Government.

The Commission, in the circumstances, to verify the correct position and if found necessary to consider the possibility of retrieving the same by applying the latest scientific technology, decided to call for the



records relating to the installation of CCTV cameras in the Secretariat.

The Commission, therefore, issued a proceedings on 20-07-2015 which reads as follows:

"There is an allegation that Smt.Saritha S.Nair, one of the Prime accused in the Solar scam had close connection with the Chief Minister Sri.Oommen Chandy and his Personal staff M/s. Tenny Joppan, Jikkumon and his Personal Security Officer Sri.Salim Raj and that she was a frequent visitor in the Chief Minister's Office in the Secretariat.

It is brought to the notice of the Commission that CCTV and camera have been installed in the Secretariat including the Office and Chamber of the Chief Minister and that the facts stated in the preceding paragraph can be verified with the CCTV camera visuals.

It is understood, as stated by the members of the Special Investigation Team, that the CC camera picture from the CC TV can be viewed only

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for 14 days and the same cannot be retrieved thereafter.

The witnesses examined, particularly Mr. Pinarayi Vijayan, State Secretary, CPI (M), in his oral evidence has stated that if the stand that the CCTV pictures could be viewed only for 14 days, it will tantamount to destruction of records which has to be ascertained. With reference to Newspaper reports and other reports published he has stated that the CCTV pictures can be easily retrieved.

Considering the rival stands, the Commission is of the opinion that it is necessary to examine the Government file regarding installation of CC TV and web camera in the Secretariat premises, the limitation if any, fixed regarding the durability of the pictures recorded etc.

In the circumstances, the Senior Government Pleader assisting the Advocate General for the State was directed to obtain the Government file regarding the installation of the CC TV and

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camera in the Secretariat, the condition such as durability of the CC TV pictures, limitations, if any, fixed in that matter etc. and to produce the same within 10 days from today. Proceedings dated 20/07/2015 (Order).

Sri.Roshan D.Alexander, Senior Government Pleader on 18-08-2015 along with a letter produced the Government file G.O.No.4634/2009/GAD relating to the installation of CCTV in the Secretariat.

Government in the General Administration (House Keeping Cell-A) Department also wrote on 23-07-2015 to the Chief Security Officer, Government Secretariat, Thiruvananthapuram and to the Managing Director, Keltron, Thiruvananthapuram requesting them to furnish the details, regarding the durability of pictures recorded, the storage capacity of the recorded data in CC TV and cameras installed in the Secretariat premises.



The Keltron furnished a reply dated 23-07-2015 to the Secretary, Public Department as follows:

സെക്രട്ടറിയെറ്റിലെ സി.സി.ടി.വി. സംവിധാനത്തിന്റെ മെമ്മറി രൂപ കല്പന ചെയ്തിട്ടുള്ളത് 16 അനലോഗ് ക്യാമറകളുടെ റിക്കോർഡിംഗ് 14 ദിവസവും 5 ഡിജിറ്റൽ ക്യാമറകളുടെ റിക്കോർഡിംഗ് 8 ദിവസവും സൂക്ഷിക്കുവാൻ മാത്രമാണ് എന്ന് ഇതിനാൽ രേഖാമൂലം അറിയിച്ചു കൊള്ളുന്നു.

The Chief Security Officer, Government Secretariat also furnished the details to the Secretary, Public Department as per letter dated 23-07-2015 as follows:

ഗവ. സെക്രട്ടറിയെറ്റിൽ CCTV സംവിധാനം സ്ഥാപിച്ചിരിക്കുന്നതുമായി ബന്ധപ്പെട്ട ഫയലുകൾ സുരക്ഷവിഭാഗത്തിന്റെ കൈവശം ഇല്ല എന്നും ടി ഫയലുകളെല്ലാം പൊതുഭരണ വകുപ്പിന്റെ ബന്ധപ്പെട്ട സെക്ഷനുകളിലാണെന്നും അറിയിച്ചുകൊള്ളട്ടെ. CCTV സംവിധാനത്തിന്റെ ഇന്നത്തെ അവസ്ഥയിൽ DVR ക്യാമറകളിൽ 14 ദിവസത്തെയും NVR ക്യാമറകളിൽ 9 ദിവസത്തെയും ആണ് സ്റ്റോറേജ് കപ്പാസിറ്റിയുള്ളത്. ഇതേക്കുറിച്ച് ആധികാരികമായി പറയേണ്ടത് അത്



സ്ഥാപിച്ച കെൽട്രോൺ ആയതിനാൽ കെൽട്രോണിന്റെ സെക്രട്ടറിയെറ്റിൽ ചുമതലയുള്ള ചീഫ് എഞ്ചിനീയർ ശ്രീ.ജയകുമാറിന് രേഖാമൂലം ഈ ഓഫീസിൽ നിന്നും കത്ത് നൽകിയിരുന്നു.

The following persons were examined by the Commission in this regard as CWs 55, 97, 98, 125 and 128. Sri. Joy Kaitharath, a public interest litigant who filed CrI.M.C.No.3536/2013 (Ext.165) before the High Court, General Manager, KELTRON, Sri.V.Jose Kurien, Chief Security Officer, Secretariat, Sri.Bhadran.V.K., Associate Director, C-DAC and Sri.Vinod Bhattathiripad, a Cyber law expert and their depositions recorded.

Government file G.O.No.4634/2009/GAD dated 02-07-2009 produced was examined from which and the following information could be obtained.

The file is opened in the Home (SC) Department No.50920/SC2/03/Home dated 09-02-2007. It mentions about the strengthening of the security arrangements at the Secretariat and Secretariat Annex and the forwarding of the



minutes of the meeting held on 27-01-2007 on this to General Administration Department (Political) and to House Keeping and also to Home (A) Department for necessary action.

The Principal Secretary (Home) chaired and 10 other officers, DGP, ADGP (Int.), ADGP (Opr) IGs etc. present. It is stated in the minutes, now anybody can enter the Secretariat and loiter here and there at any time. In view of the threats being faced by Government institutions from anti-national elements and extremists the committee noticed the need for immediate action for the implementation of the scheme sanctioned by the Government. This meeting was pursuant to the Government Order G.O.(MS) No.1/2007/Home dated 03-01-2007. The order says in view of the threats being faced by important Government installations from anti-national elements and extremists Government are pleased to implement the following measures for strengthening security at the Government Secretariat. The Government order G.O.(MS) No.1/2007/Home dated 03-01-2007



which contains so many safeguards to be taken for strengthening the security of the Secretariat.

Item No.5 in the Government Order relates to closed Circuit Television. Closed Circuit Television system should be installed in the Secretariat Complex.

CC TV cameras should be installed
. . at the entrance of the offices of Hon. Chief Minister and other members in such a way
. the facial features of the visitors are unobtrusively captured for the purpose of identification.

The Managing Director, KELTRON was informed about this by letter No.14924/H.K.AI/2007/GAD dated 23-06-2007 and asked them whether they are interested in taking up the work, in which case they were requested to send a detailed estimate to Government. The KELTRON by their letter No.KEC/MCE/122 dated 11-07-2007 expressed their willingness and enclosed price schedule. Item No.6 in the price schedule 'Kollector Pro server



X9, preloaded Viconnet ver 3, 16-ch net worked digital video recorder, 16 x 4 analog video matrix, 120 fps, 500 GB hard drive PAL'.

In the Project proposal - Technical Offer available at Pp 125 - 140, P 127 - under Control room item 2. Net work video Transceiver (NVT) and under Option for better monitoring and control -1, Storage for one month. Further, and at page 129 under item 3 Solution in Brief. It is stated:

'VICON Digital Video Recorder (DVR) with high-performance processors and high-capacity HDDs allow you to record images for a long period of time, even at high frame rates. This capability allows you to support a large number of cameras with a single recorder. The DVR has the limitation of holding images for few days depending on the recording configuration. However, to overcome this limitation the important images to be written to CD for archival and remove from the hard disk. This calls for



technically qualified operators. (2 people at each shift).

Storage solution is necessary for a customer like Secretariat and the data or video recordings from each camera have to be stored for a month. It is proposed as option to include data storage with a capacity of 12 x 750 GB Raid Hard disc in the Control room.' (Underlining Supplied).

These are all with reference to Vicon Industries Products.

The Government in the General Education (Home Keeping A) Department issued G.O. (Rt) No.4127/2008/GAD dated 16-05-2008 according administrative sanction for the purchase and installation of the items for a total cost of Rs.70,68,813/- detailed below. This order is available at Pp 191 - 194 of the government file. The KELTRON informed that they are importing CC TV and its accessories from VICON, USA.

Agreement No.1/CR/2008-09 dated 04-08-2008 was executed between the Chief Engineer, PWD,



Building and Local Works and M/s.KELTRON evidenced by letter dated 05-08-2008 of the EE (Electronic) office of the CE, Thiruvananthapuram. Items 6 and 8 of the Agreement Schedule has to be considered. (Page 282 of the file).

The CC TV system was commissioned and handed over to the Government on 01-01-2009.

Thus it is seen from the Government file produced, there are suggestions regarding storage of the CCTV visuals for one month, protecting important visuals and also for transferring it and keeping it.

There is no clarity in the matter.

Sri.R.Pradeep, General Manager, KELTRON was examined before this Commission as CW 97 on 06-10-2015 and his deposition recorded. (DW Vol. IX Pp 30 - 39). He has stated thus:

He said, in 2007 SPCID and State PWD jointly requested the KELTRON for a tender for installing



CCTV arrangement in the Secretariat. As per the requirements of the Government CCTV project specifications prepared by PWD was given to KELTRON. KELTRON considered the feasibility of the specification and submitted the tender as requested. The Chief Engineer, PWD approved it and issued work order to them and accordingly they executed the work. Work order dated 11-07-2008 (Ext.X 312). They completed the installation on 01-01-2009 and intimated the department.

In the accepted schedule, serial No.6 says 'KOLLECTOR, Pro, Server, XG, Preloaded Viconnet VR-3, 16 channel net worked digital vedio Matrix 120, EPS, 500 GB, Hard drive, PAL-1.

From this it can be understood that the visuals from the 16 cameras in 500 GB Hard drive for 14 days was required to be recorded.

The visuals from the 16 cameras recorded in 500 GB Hard drive has the capacity of recording only 14 days visuals.



If the visuals recorded in 500 GB Hard drive has to be retained beyond 14 days they can do that. But in the work order given to them such a requirement was not there.

The work order did not specify the places where the CCTV cameras have to be installed. They, after receipt of the work order, discussed the matter with the Chief Security Officer of the Secretariat and the CCTV cameras have been installed in the places suggested by him.

There is a control room in the Secretariat under the charge of the Security Wing. It is in this control room the visuals from the 16 cameras are recorded in the 500 GB Hard drive; and monitored.

There is a main door to enter the C.M's office and another door for the office staff to enter the C.M's office. For both, entrance is from the corridor.

A CC TV camera is fixed near to the door for entrance to the C.M's office in the corridor. In



this camera the visual of entering the C.M's office and the entrance to the staff room of C.M's office can be seen. But cameras are not installed inside the C.M's office or in the staff room.

In the PWD accepted schedule item 6 its visuals can be seen only for 14 days. Whether this is intimated by KELTRON to the PWD or whether they have understood in a different way is not known. The corridor which he mentioned is also called C.M's visitors lounge.

The CC TV camera visuals installed by them in the Secretariat are not being recorded specially. The Chief Security Officer in the Secretariat is the custodian of CC TV system.

Advocate for the Commission sought clarifications. Letter dated 23-07-2015 sent by KELTRON to the Secretary, General Education Department is shown to the witness. He said, it is the letter sent in reply to the Chief Security Officer's letter. This is consistent with what



was stated with reference to the work order accepted schedule (Ext.X 313) which he has produced before the Commission.

Sri.V.Jose Kurien, Chief Security Officer, Government Secretariat was examined as CW 98 on 20-10-2015 and his deposition recorded. (DW Vol.IX Pp 40 - 54). He has explained the security measures provided in the Secretariat and his duties in connection with that. He did not have in his possession the plan of the place, where the 24 CCTV cameras have been installed. He said, on enquiry, it is understood that the PWD is also not having such a plan. He has brought a sketch prepared by him of the CCTV camera installed in the Secretariat Northern Block and produced as (Ext.X 316). In that when one comes by lift in the 3rd floor, and goes to the left side corridor CCTV camera 5 is installed inside the grill.

The visuals of persons entering the cabin of the C.M. or his dias office will be recorded in



camera 5. But, arrangement for recording the visuals inside the chamber of the C.M. and inside his office are not included in the range settled for the CCTV. But, this will be recorded in the Web camera installed by C-Dit. He has further stated thus:

There is a control room in a permanent shed behind the Durbar Hall for the working of the CCTV camera. Security staffs experienced in the functioning of CCTV camera are posted there. Security Officers are posted there for 24 hours in 3 shifts.

In the CCTV camera installed in the Secretariat, the visuals are recorded in 500 GB Hard Disk which becomes full in 14 days. At present as per the arrangement from the 15th day, the Hard Disc will be overwritten.

If, within the 14 days, any incident adversely affecting the security takes place, those visuals are saved and kept for evidence.



There is no existing system of 14 days visuals recorded in 500 GB Hard Disk becoming full to transfer it to tape or CD. Therefore, as per the existing arrangements the CCTV visuals cannot be retrieved after one year or thereafter.

The cabinet has taken a decision to install 48 CCTV cameras in the place of the 24 numbers and for recording over the web camera installed by C-DIT in the cabin and office of C.M. C-Dit alone can authentically state anything about it. From the very date of installation of CCTV, visuals are recorded in the Hard disk for 14 days only. It is only now a decision is taken to vary it.

The security wing made suggestion for installing 72 CCTV cameras and the visual recorded have to be kept for one year. The Government have reduced it to 48 CCTV cameras and limited to duration to 6 months.

The Associate Director, C-DAC a Central Government organisation which was part of KELTRON



and now stationed in KELTRON compound was examined as CW 125 on 12-02-2016 and his deposition recorded. (DW Vol.XII Pp 2287 - 309). The relevant portion of his deposition is summarised thus:

He knows about the installation of CCTV camera in the Secretariat, Thiruvananthapuram by Keltron. Since the Keltron is an institution under the State Government, there is no need for inviting quotations from other institutions. Government can directly negotiate with Keltron and enter into MOU and issue work order. Based on which Government Orders will be issued. All details relating to the installation of CCTV camera must be specified in the MOU and in the work order. He knows that CCTV has been installed in that manner in the Secretariat. CCTV camera are installed by institutions and individuals for security surveillance. The number of cameras to be installed will depend on the points at which the security problem is likely to arise. (DVR) Digital Video Recorder



will be selected depending on the number of camera recording in the DVR and store in hard disk. Now it is digital recording. When CCTV cameras are installed for security reason ordinarily it has to work all the 24 hours. It is for the person who installs the CCTV camera to decide how long the visuals recorded are to be protected as such. The DVR manufacturers decide how much video visual can contain in a 500 GB hard disk. In short it is for the person for whom it is installed is to decide the purpose for which this is installed and the duration of saving the visuals recorded in the CCTV camera. The decision in this matter has to be intimated sufficiently early to the person who is entrusted to install the CCTV. If CCTV is installed in an institution and 500 GB hard disk is used in it, if the visuals recorded in it have existence only for 14 days, the visuals so recorded have to be protected for long period. He answered that if the video visuals exist only for 14 days there is a method for backing it up. This backup method



is by transferring each day's video recording to another and store in DVD by using the backup server with more capacity. Another method is storing it in digital tapes. For all the three methods to be followed, it must be done at the time of installing the CCTV camera. For that there must be provision in the work order and in the MOU. He said the cheapest among the 3 methods is transferring it in to DVD. There is small problem for managing it. One workable position is arranging it in storage server. It costs Rs.65,000/- to 2 lakhs. If digital tape is used its cost will be more than the DVD. A 500 GB hard disk will cost between Rs.2000 and 3000. Though it is not a costly affair for the Government, to change the 500 GB hard disk when it is full after 14 days, since skill is required for changing the hard disk it may create some problem. He was asked about the difference between digital video recording and net work video recording. He answered that if it is digital video recording, for saving the visuals,




digital video recorder is required. The visuals are saved by storing in it. But this is not required in the case of net work video recording. In this recording the videos are converted to IP Packet and saved it in a server easily. This is installed in the institution where net work exists. CCTV camera visuals recorded in 500 GB hard disk, if it is not removed or not transferred by using the storage device and the visuals are lost, he was asked whether there was to his knowledge any device for retrieving the said visuals in Kerala, in India or in the World. If the visuals recorded in 500 GB hard disk, if after 14 days the said hard disk is over written continuously, for retrieving the visuals thus lost, to his knowledge there is no method in Kerala or in India. It is heard that there is a method available with Federal Bureau of Investigation (FBI) USA for retrieving data over written in the hard disk. But, no details in that regard are available in the public domain. C-DAC by itself has developed software for



recovering the data by way of visual or documents in the CCTV deleted. This software was given to all law enforcing agencies for their use. By examining the hard disk in which the CCTV camera visuals recorded in 2013 in the Secretariat, if found to be deleted, it can be understood through their software. The visuals so deleted can be retrieved also, but if it is over written it cannot be retrieved. He said if the visuals in the hard disk are deleted and then data come in that place the deleted visuals cannot be retrieved.

He knows Dr.P.Vinod Bhattathirippad. He came to C-DAC as a consultant along with an Advocate in a software piracy case 5 - 6 years back. Thereafter, he got opportunity to interact with Sri.Vinod in connection with that case and on other functions. Sri. Vinod had worked for a long period in the software development field. He understood that after this software piracy case, he worked as a cyber forensic consultant and helps the police. He knows that Dr.Vinod



went abroad for taking Doctorate and had published journals and papers there.

He was shown an article that came in Mathrubhoomi special open forum under the caption 'CCTV വിവാദങ്ങളും യാഥാർത്ഥ്യവും' (Ext.X 158).

According to him the matters stated in the article regarding the CCTV installation and working, saving the visuals recorded for protecting the visuals recorded for future uses, its necessity, the costs involved, the law governing the same and the possible legal problem, to his knowledge is correct. News came in Mathrubhoomi daily dated 12-07-2013 in the first page under the heading for examining CCTV an expert suggested by CPM can be engaged - Chief Minister. A small heading, visuals can be easily retrieved. He replied that from the camera installed in the C.M's office the visuals in it, if deleted after 14 days and new visuals come in that place the old file can be recovered easily. He answered that the said news is not correct.



He has already explained it. It is true, that the recovery software will be available from the internet free of cost for recovering deleted files. In the software developed by C-DAC, apart from recovery of the deleted file the other related matters such as analysis etc. can also be done. He was told that in the Kerala Kaumudi daily dated 13-07-2013 a news in the front page under the head 'camera visuals of C.M's office can be recovered'. The minor head 'visuals of Secretariat with Keltron'. 'അതീവസുരക്ഷാ

മേഖലയായ സെക്രട്ടറിയേറ്റിലെ തന്ത്രപ്രധാന ഭാഗങ്ങളിലെ വീഡിയോ കെൽട്രോണിന്റെ പക്കൽ ഉണ്ട്'. The camera visuals of the corridors of Ministers offices etc. are sealed and kept by Keltron. If requested by police they will get the same. He answered that the above method, if required, can be done by Keltron. But he cannot say whether any such arrangement was there in connection with the installation of CCTV in the Secretariat.



Dr. Vinod Bhattathiripad, Cyber Forensic Expert about whom Sri.Pinarayi Vijayan and some of other witnesses have mentioned about his expertise in this field, was examined before this Commission as CW 128 on 25-02-2016 and his deposition recorded. (DW Vol.XII Pp 340 - 350).

His academic qualification, books and articles published, his experience, expertise etc. in Cyber Forensic field is stated. Regarding the issue involved here he has stated thus:

CCTV Visuals come by cable to the Computer and are saved in the computer hard disc. Whether it should be saved or not has to be set in the form of command. If the setting in the computer is made for saving, then only it will be saved. That decision has to be taken by the owner of the establishment when the CCTV is installed. Once a policy decision is taken it is the Corporate Data of that establishment, if it is Government it is the file of the Government. In such cases, when



the Government documents are destroyed the relevant rules in that regard has to be complied with. To his knowledge there is no law in existence regarding how long the CCTV visuals have to be kept. Therefore, it is the policy decision of the organisation which has to fix the period. Presently it works in that fashion. Regarding the duration of the CCTV visuals saved, for the command setting, directions have to be issued to the Engineer who installs the CCTV in the work order sufficiently early. To 'set the command' means in the software connected with the CCTV the duration of the visuals to be saved has to be typed. It can be changed by the owner of the CCTV based on the policy decision by using a user name and password. If the CCTV visuals are recorded in a hard disk for a fixed period, the hard disc can be replaced by another hard disc on the expiry of the free space in the hard disc. If the hard disc which is removed from the CCTV has to be kept for a long period it has to be preserved in the scientific manner. For



purchasing and using a 500 GB hard disc it will cost about Rs.5,000/-. One other safe method by spending lesser amount is transferring the visuals recorded in the hard disc to a CD or DVD through computer and protect it. This has to be done and protected in a scientific manner. In that process once it is transferred to the CD the visuals recorded in the hard disc can be deleted and it can be used again. To install new hard disc after removing the used hard disc has to be done by a technical expert. But the device of transferring of the visuals to CD or DVD and protecting it can be done by anybody. These are the true practical methods at present. If the visuals in a hard disc are overwritten after each days overwriting the possibility of retrieving the existing visuals will stand reduced. If the visuals are recorded in 500 GB hard disc, for saving a day's data if 35 GB space is required, on completion of 14 days 490 GB space is filled. If the balance is 10 GB space, since it is not sufficient for recording a full day's visuals,



that portion has to be left and visuals can be overwritten from the first day and record the 15th day visuals. The method mentioned by him now, can be done by setting the command for keeping every day's visuals as a file. If it is not done like that, the entire visuals of 500 GB can be saved as one file.

A specific question was put to him whether the CCTV visuals of 09-07-2012 overwritten up to 2015 or 2016 can be retrieved. His reply is, as he had stated earlier, overwriting on the visuals already recorded every day the possibility of it being retrieved will be reduced. If it is within 4 or 5 months the possibility of retrieving is more. To his knowledge, the technology for retrieving such video visuals even in the world there is one institution in Kerala itself, is C-DAC, Thiruvananthapuram which is established by them for Central Government purposes. Its software is specially set up for that. To his experience the possibility of retrieving the video visual overwritten up to 3 times is up to

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70 percent. If it is overwritten 10 times the possibility of retrieving the visuals is negligibly less. In short, according to him, today in the world itself the possibility of retrieving the video visuals of 09-07-2012, if overwritten continuously, in 2015 is almost nil. The software developed by C-DAC has been recognised by the International Conference on Digital Forensic and Cyber Crime held in 2010. He also participated in that conference.

Thus it is evident from the documents and evidence discussed above that the decision to install CCTV cameras in the government Secretariat in the important places such as the Chief Minister's office etc., was taken as a security measure and it was installed as early as in 2009 by KELTRON, a State Government approved institution.

Exhaustive deliberations are seen made in higher level in the Government in this matter before entering into MOU with KELTRON. There



were suggestions from the KELTRON regarding the CCTV visuals duration and the various methods for preserving it.

As Sri. Pinarayi Vijayan, then State Secretary of the CPM in his deposition before the Commission said CCTV visuals are government records and therefore it can be destroyed only in the manner government files are destroyed.

Here, it is seen that in the CCTV installations only 500 GB Hard Disc is installed. The visuals recorded in it becomes full in 14 days. The methods which could have been availed are one to replace the 500 GB Hard Disc when it becomes full and install another 500 GB Hard Disc. Other Methods to retain the visuals are also stated. The visuals can be recorded in tapes so that the 500 GB Hard Disc can be again used. Only thing for all these a decision has to be taken at the time of installing the CCTV camera initially, for, set up has to be made therefor.

A handwritten signature in black ink, appearing to be 'LSP', with a diagonal line drawn through it.

The Government, it would appear, did not take this matter seriously. Consequently, the visuals recorded in the 500 GB Hard Disc on the 15th day starts overwriting of it and consequently the visuals already available will go. The same Hard Disc goes on overwriting. For example, if today, the visuals of one month before are to be seen it won't be available.

The stand by the LDF was that there are methods for retrieving the visuals in the Hard Disc over written on it and they pointed out that cyber forensic expert Dr. Vinod Bhattathiripad. The Commission discussed the matter with him in the office. From the discussion with him it was understood that there is another expert, the Associate Editor of C-Dac, a central government organisation. As already seen both of them were examined.

Both of them have made it clear that there is now mechanism available in India for retrieving the visuals overwritten many times in the Hard



Disc. They are also not sure whether any such arrangement is there elsewhere in other countries.

Now, it is understood that decision have been taken for installing more CCTV cameras in the Secretariat and regarding the preservation of the visuals recorded in the CCTV for larger period.

In the present case, if the visuals of the visitors to the CM's office and chamber recorded in the CCTV cameras installed there during 2012-2013 were available many of the exercise made by this Commission in that regard could have been avoided.

No motive can be alleged against the UDF government or other government for the non availability of visuals earlier to 14 days.

The Commission hopes that the government will consider the matter seriously keeping in mind that CCTV visuals recorded are just like any other government file.

L. Vasudevan