

War on Modi

Metropolitan Magistrate of Ahmedabad S.P.Tamang who conducted a magisterial inquiry into the killing of four alleged Lashkar-e-Toiba terrorists including the teenage college girl Ishrat Jehan from Mumbai in an encounter with the Ahmedabad Crime Branch personnel on June 15, 2004, submitted his 243-page hand-written report to the Chief Metropolitan Magistrate of Ahmedabad on September 7, 2009. The report, released to the press by Mukul Sinha, a senior advocate representing Ishrat's mother Shamima Kausar, described the said encounter as a fake one, stage-managed by Crime Branch personnel. The Crime Branch had alleged that the four LeT activists were on a mission to eliminate chief minister Narendra Modi. However Judge Tamang in his report charged that the Ahmedabad Crime Branch had kidnapped the four persons from Mumbai on June 12, 2004, brought them to Ahmedabad and killed them in cold blood to secure appreciation and promotions for them from the Modi government. Judge Tamang further revealed that all the four persons killed in the incident were innocent Indian citizens and there were no Pakistanis among them and that all the four were killed on 14th June 2004 night. Tamang's report has also implicated many senior police officials in the said fake encounter like the then Police Commissioner K.R.Kaushik, DCB Joint Commissioner of police P.P.Pandey, DCP D.G.Vanzara, ACP Narendra Amin and a few other subordinate officials.

The Gujarat High Court, acting on a petition filed by the Gujarat government, however stayed Ahmedabad Metropolitan Magistrate S.P.Tamang's report which claimed that the state police officers had faked the encounter killing of Ishrat Jehan and three others in June, 2004. The High Court also directed the Registrar General to initiate disciplinary action against S.P.Tamang for not obtaining the court's permission before forwarding the report to the Chief metropolitan Magistrate and allowing it to be made public. The Gujarat government in its petition filed in the High Court had described Tamang's report as illegal and doubtful and called for scrapping the same. It further said that the Metropolitan Judge had exceeded his jurisdiction by making critical references about the encounter.

The incident.

On June 15, 2004, Ahmedabad crime branch, then headed by the now jailed IPS officer DIG Vanzara, had shot dead four alleged Lashkar-e-Taiba (LeT) operatives in an encounter at Kotarpur on the outskirts of Ahmedabad, who were allegedly on a mission to kill chief minister Narendra Modi. Mumbai-based Ishrat Jahan, Pune-based Javed Ghulam Shaikh alias Pranesh Pillai, Amjad Ali Akbar Ali Rana, r/o Sargoda, Pakistan, Zeeshan Johar @ Janbaaz r/o Gujaranwala, Pakistan are the four LeT suspects killed in the said encounter at Kotarpur. The encounter was reportedly carried out on the basis of information received from the Intelligence Bureau. An affidavit filed in the Gujarat High Court by Under Secretary (Internal Security, MHA) R.V.S. Mani had also asserted that all the four persons killed in the encounter were closely linked with the LeT.

The National Human Rights Commission (NHRC) had taken suo moto notice of the encounter incident within three days and had directed the state government to order a magisterial as well as a police investigation into the June 15, 2004 encounter as required under the NHRC 2003 Guidelines. Ishrat's mother Shamima Kausar had also filed a petition in the Gujarat High Court seeking the transfer of the police investigation to the CBI.

The killing of 19-year old Ishrat Jahan, a student of Guru Nanak Khalsa college, Matunga, Mumbai, had initially created a lot of commotion and anger among the Muslim masses in Mumbra because of their strong belief that it was a case of plain murder as a college going teenager like Ishrat Jehan can not be a terrorist. Some local Muslim communal elements and political leaders, especially from Samajwadi Party and Nationalist Congress Party (NCP), had also started further vitiating the atmosphere by dubbing the encounter in which Ishrat Jehan and three other Muslims were killed as a fake one and resorting to agitational programmes demanding stringent action against the Gujarat government and the concerned police officials. Vasant Davkare, a senior NCP leader who visited Mumbra to convey his anguish over the killing of Ishrat Jehan to Ishrat's mother had also condemned the gruesome incident and demanded action against the Gujarat government. He also announced a personal donation of Rs.1 lakh to the bereaved family of Ishrat Jehan. Three days after the incident, amidst mounting tension in Mumbra town, a news item quoting Intelligence Bureau sources had appeared in the newspapers which stated that all the four persons killed in the Ahmedabad encounter were LeT activists and the operation against them was carried out on the basis of a tip off from the Centre. This news item which came as a bomb shell had the desired effect in capping the rising temper and resentment among the agitated Muslim masses in Mumbra. It helped to create some doubts and suspicion in the minds of local Muslims about Ishrat's possible links with some shady characters. Some of the local Muslims were already haunted by some uncomfortable questions like how Ishrat Jehan who had gone to the college on June 11 had reached Ahmedabad without any intimation to her mother or anyone else and what she was doing in Ahmedabad in the company of three male members of her community, etc. The disclosure that the operation against the LeT activists was carried out on the basis of information provided by the Centre further strengthened their suspicion that Ishrat was probably engaged in some undesirable activities. By then it was also found that Pune-based Javed Shaikh who was also killed in the said encounter had earlier stayed in Mumbra for a few years working as an electrician and that he was known to Ishrat's family members. It was also found that Javed Shaikh who had criminal tendencies was intimately linked with Ishrat. Following such revelations, the resentment and anger among the local Muslims against her killing gradually subsided. Meanwhile some Hindu activists in Mumbra and Thane started demanding stern action against senior NCP leader Davkare who had given a personal donation of Rs.1 lakh to Shamima Kausar, mother of LeT-linked Ishrat Jehan and for leveling baseless allegations against the Gujarat government in connection with the encounter killing of Ishrat Jehan. Embarrassed by this development, Davkare immediately made a public announcement that he was taking back the cheque given to Ishrat's mother in the light of the new facts emerged against Ishrat Jehan.

Following serious doubts and allegations raised by some human rights activists over the encounter killing of Ishrat Jahan and three other LeT activists on June 15, 2004, the Ahmedabad Crime Branch Police had requested the then Chief Metropolitan Magistrate to hold an inquiry into the said encounter. The inquiry under Section 176 of the Criminal Procedure Code was to be held by a sub-divisional magistrate (SDM) appointed by the government. But a central amendment to the CrPC later gave the authority to conduct such inquiries to the Metropolitan Magistrates, a wing of the judiciary. However the request of the Crime Branch was not acted upon for about four years as probably no Metropolitan Magistrate was willing to handle this sensitive inquiry.

Affidavit filed by the MHA

In response to the petition filed by Shamima Kausar, Ishrat's mother, asking for a CBI probe into the encounter case, the Union Home Ministry had filed an affidavit in the Gujarat High Court on August 6, 2009, opposing any CBI probe into the encounter as the Centre did not consider the case fit for investigation by the CBI. The affidavit pointed out that Ishrat was actively associated with the Lashkar-e-Taiba and after the encounter even the LeT mouthpiece had described her as a martyr who sacrificed her life for the cause of Islamic jihad. The affidavit said that the Union government had received some inputs that the Lashkar-e-Taiba (LeT) was planning to assassinate some national and state leaders in India and it had tasked its India-based cadres to monitor the movements of some of such targeted leaders. The Government of India was also aware that LeT had inducted its cadres into Gujarat to carry out specific terrorist acts in Gujarat and that Javed Sheikh of Pune was in regular touch with LeT operatives, particularly one Muzammil, to carry out such acts in Gujarat. The affidavit further stated that the police action was independently inquired into by a top state police official and contended that the petition having no merit deserves to be dismissed.

The Gujarat High Court on August 7, 2009 while rejecting the demand for a CBI inquiry into the case as demanded by Shamima Kausar, however ordered a fresh probe by a three-member special investigation team (SIT) comprising of senior police officers into the encounter killings on the outskirts of Ahmedabad on June 15, 2004. It was only when the High Court ordered this SIT probe on August 7, 2009 into the encounter killing of Ishrat Jehan and three other LeT suspects, that the Chief Metropolitan Magistrate decided to act on the four-year old request from Ahmedabad Crime Branch for an inquiry into the encounter killings on June 15, 2004 and sent a letter on August 12 to Ahmedabad Metropolitan Magistrate S.P.Tamang, asking him to conduct the inquiry into the encounter death of four LeT suspects and submit his report at the earliest. Tamang completed his inquiry in record 25 days and submitted a 243-page hand-written report to the Chief Metropolitan Magistrate on September 7, 2009, castigating the encounter as a fake one, and calling for suitable action against all the policemen involved in the fake encounter.

Metropolitan Magistrate S.P.Tamang in his inquiry report gave a clean chit to the alleged four terrorists killed in the encounter and asserted that all the four persons were innocent Indian citizens and charged that all the four people were kidnapped by the Gujarat police and later shot dead in cold blood in a fake encounter to secure appreciation and promotions from the Narendra Modi government. Many senior Congress-I and leftist leaders and human rights activists quoting from Tamang's report had described Narendra Modi as a murderer and called for his immediate resignation and stern action against all the police officers involved in the fake encounter. To counter these allegations, the Gujarat government immediately circulated copies of the affidavit filed by the Union Home Ministry in the Gujarat high Court confirming the close links between the four alleged terrorists shot dead in the encounter and the LeT. The sources in the Gujarat government had also made it clear that the operation against the four terrorists was carried out on the basis of information provided by the Centre. Embarrassed by this revelation, the vindictive UPA government decided to file a fresh affidavit in the Gujarat High Court to corner the Gujarat government.

Second affidavit

In the second affidavit filed by the MHA in the Gujarat High Court on September 30, 2009, the Centre had contended that it was in no way concerned with the police action nor does it condone any unjustified or excessive police action against the LeT suspects. It said that intelligence inputs are regularly shared by the Centre with the states, but such inputs are not conclusive proofs. It further pointed out that the Centre was not aware of the fact that a judicial inquiry into the encounter was on at the time of filing the first affidavit and added that it was not averse to any fresh and independent probe into the incident. Apparently the second affidavit was intended to dilute the strong assertions made in the first affidavit against the terrorists killed in the encounter and to give some respectability to Metropolitan Magistrate Tamang's findings so as to create some doubts about the Gujarat government's action.

Javed Sheikh @ Pranesh Kumar

According to the affidavit filed by the Union Home Ministry in the Gujarat High Court, Javed Ghulam Mohammed Sheikh was residing in Mumbra (Thane) between 1992 and 1998 and during this period there were some criminal cases registered against him in Thane district which indicated his criminal background. In 1994 he had obtained a passport (No.S-514800) issued by RPI Mumbai on June 28, 1994 in the name of Javed Ghulam Sheikh, son of Ghulam Mohammed Sheikh. Javed, who originally hailed from Kerala, was a Hindu earlier and he got converted to Islam to facilitate his marriage with a Muslim girl of Ahmed Nagar. However his father is still a Hindu and yet Javed wrongly mentioned his father's name as Ghulam Mohammed Sheikh in his passport. Using this passport, he had traveled to Dubai in 1994. It is possible that he developed his links with Lashkar-e-Taiba while he was in Dubai. Javed had earlier obtained another passport (No.E-6624203), dated September 16, 2003, issued in the name of Pranesh Kumar Manaladithekku Gopinatha Pillai, son of Gopinatha Pillai giving his Kerala address. Thus he held two passports, one in his Hindu name and another in his Muslim name, which reveals his dubious character and criminal intentions.

Contradictory claims, lies and suppression of truth

The contentions of Gopinatha Pillai in his writ petition filed before the Supreme Court are contradictory and at variance with the facts mentioned by Shamima Kausar in her present petition filed in Gujarat High Court. Gopinatha Pillai had stated that his son Javed was working in a travel agency in Pune at the time of his death and he used to take tourists in vehicle No.MH-02 JA 4786, an Indica car (blue in colour) to various places. But it was found that the car No.MH-02 JA4786 was never registered as a taxi. On the other hand Shamima Kausar in her petition had claimed that Ishrat had got a job in Javed's perfume and toiletry business which was arranged through a friend of Shamima. But Javed did not have any perfume or toiletry business. Thus it is obvious that both the petitioners were not telling the truth.

Comments

Immediately after the encounter killing of Ishrat Jehan and three other LeT suspects on June 15, 2004, an LeT website had claimed Ishrat as a martyr of the outfit and had paid rich tributes to her for her sacrifices for the cause of Islam. A month after the encounter, a report published in Lahore-based Ghazwa Times, a Lashkar mouthpiece, had also described Ishrat as a martyr of LeT and it had also criticized Gujarat police for removing the veil of Irshat.

It has now been learnt that Pak-American terrorist David Headley, during his interrogation by officials from the National Investigation Agency, has told them that Ishrat Jahan, the Mumbai girl who was killed along with three alleged terrorists in a police encounter near Ahmedabad in 2004 was indeed a Lashkar fidayeen. He said that Ishrat Jahan, a resident of Mumbra, in district Thane, was recruited by top Lashkar commander Muzammil who was in charge of LeT's operations in India till 2007. Headley's statement corroborates the version of Gujarat police and the Centre in this controversial case. According to Gujarat police, they had received a tip-off from IB New Delhi that Lashkar leader Muzammil had sent four terrorists including Ishrat and two Pakistanis to Gujarat on a terror mission to target some VIPs, including Narendra Modi. The National Investigation Agency's 106-page chargesheet against Headley however has left out Headley's statement describing Ishrat Jehan as a LeT fidayeen, as the UPA government is more interested in depicting Ishrat as an innocent girl, so as to strengthen the charge that Ishrat Jehan and other three alleged LeT terrorists killed in an encounter with the Gujarat police were innocent people.

It was only when the High Court ordered a three-member SIT probe on August 7, 2009 into the encounter killing of Ishrat Jehan and three other LeT suspects, that the Chief Metropolitan Magistrate decided to act on the four-year old request from Ahmedabad Crime Branch for an inquiry into the encounter killings on June 15, 2004 and sent a letter on August 12 to Ahmedabad Metropolitan Magistrate S.P.Tamang, asking him to conduct the inquiry into the encounter death of four LeT suspects and submit his report at the earliest. Without seeking permission from the High Court, Tamang went ahead with his probe and completed his inquiry in record 25 days and submitted a 243-page hand-written report to the Chief Metropolitan Magistrate on September 7, 2009, castigating the encounter as a fake one. The entire episode sounds highly suspicious.

Why was the inquiry completed in such a hurry? Why was the report leaked to the press? How can judge Tamang proclaim the two Pakistanis as Indian citizens without any shred of evidence? The whole exercise appears to have been part of a conspiracy to defame the Modi government. And the Centre again exhibited its anti-national credentials by siding with the terrorists and trying to project Ishrat Jehan and other three LeT operatives as innocent citizens.

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