

## **Encounter killing of Ishrat Jehan and three other LeT activists**

Four Lashkar-e-Taiba (LeT) operatives who were reportedly on mission to kill Chief Minister Narendra Modi, were gunned down by the Ahmedabad crime branch personnel in an encounter that took place on the outskirts of Ahmedabad on June 15, 2004. Those killed in the encounter were identified as Mumbra-based girl Ishrat Jehan, Pune-based Javed Ghulam Shaikh alias Pranesh Pillai, Amjad Ali Akbar Ali Rana, r/o Sargoda, Pakistan and Zeeshan Johar @ Janbaaz r/o Gujuranwala, Pakistan. The encounter was reportedly carried out on the basis of information received from the Intelligence Bureau.

### **A brief background of the incident.**

Ishrat Jehan was a second year BSc student of Guru Nanak Khalsa College, Matunga in Mumbai. Ishrat's family, originally hailing from Bihar, lived in the Rashid compound in Mumbra, a Muslim-dominated town in Thane district of Maharashtra. She was the second of the seven siblings. She lost her father, Mohammad Shamin Raza, in 2002. Raza was working as a construction contractor for a Mumbai-based firm. Her mother Shamima worked for a long time in a medicine packaging company in Vashi. Ishrat Jehan, while pursuing her studies, was also earning some money by taking tuition classes and undertaking embroidery work to support her family.

Javed Sheikh @ Pranesh Pillai lived in Pune with his wife Sagita and three children. Javed, who was involved in some anti-social activities like smuggling and fake currency racket, did not have any regular job. 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 four criminal cases registered against him in Mumbai and Pune. He had also been charged with involvement in fake currency racket, 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 in early 1990s to facilitate his marriage with a Muslim girl by name Sagita. But 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. He is learnt to have developed his links with Lashkar-e-Taiba while he was in Dubai. Javed subsequently had obtained a second passport (No.E-6624203), dated September 16, 2003, issued in the name of Pranesh Kumar Manaladithekku Gopinatha Pillai, son of Gopinatha Pillai from RPO Cochin, giving his Kerala address. Thus he held two passports, first one from Mumbai in his Muslim name and second one in his Hindu name (when he had already converted to Islam) obtained from Cochin, which reveals his dubious character and criminal intentions.

Javed knew Ishrat's father Mohammad Raza when he was working as an electrician in Mumbra and he used to occasionally visit Raza's house in Mumbra. Even after Raza's death, he

sometimes used to visit Raza's family. Gopinatha Pillai, father of Javed Sheikh, in his writ petition filed before the Supreme Court 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, mother of Ishrat Jehan, 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 the police investigation revealed that Javed did not have any perfume or toiletry business. Thus it was found that both the petitioners were not telling the truth. The fact is that Ishrat was working as a personal assistant to Javed who did not have any regular job and that she often accompanied him on outstation tours. Gujarat police had reported that Javed and Ishrat had stayed together in hotels in Lucknow and Surat and at a private residence in Ibrahimpur, district Faizabad, UP.

Ishrat had reportedly left Mumbra on 11<sup>th</sup> of June, 2004, i.e. four days before she was killed, without informing any of her family members. But on the same day evening she contacted her mother from a public booth in Nashik and informed her that she was waiting for Javed uncle. A little later on the same day she called up her mother again and said that Javed uncle has come with some strangers and hung up abruptly. On June 12<sup>th</sup> also she rang up her mother to inform her that she was with Javed uncle. That was her last contact with her mother. On June 15<sup>th</sup> 2004, the Gujarat police announced that four LeT terrorists including Mumbra girl Ishrat Jehan who were on a mission to eliminate Chief Minister Narendra Modi were killed in an encounter with the police on the outskirts of Ahmedabad on that day.

### Reaction in Mumbra.

The killing of 19-year old Ishrat Jehan, 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 Vasant Davkare who had given a personal donation of Rs.1 lakh to Shamina 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, Vasant Davkare immediately made a public announcement that he was taking back the Rs 1 lakh 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 Jehan 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. 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.

#### 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 specific intelligence inputs that the Lashkar-e-Taiba (LeT) was planning to assassinate some of the top Hindutwa leaders in India and four of the operatives assigned to target Narendra Modi were already on their way to Ahmedabad. It further said that LeT operative Javed Sheikh of Pune was in regular touch with LeT leaders, including

LeT commander Muzammil, to take instructions in this regard. The affidavit also disclosed 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 killing of four LeT suspects and submit his report at the earliest. Tamang completed his inquiry in record 25 days and submitted a 243-page handwritten 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.

### S.P.Tamang's report

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 over the Gujarat government's action.

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 Court however allowed the SIT to make use of the findings of Tamang for their probe.

### Unanswered questions

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 an inquiry into the encounter death of four LeT suspects and submit his report at the earliest. Why this sudden hurry in ordering this four-year delayed probe, when an SIT probe was already announced?

Since the Gujarat High Court had already ordered an SIT probe into the encounter killings by three senior police officers, why didn't S.P. Tamang seek the permission of the High Court before initiating his probe and forwarding the probe report to the Chief Metropolitan Magistrate?

How can AMM S.P.Tamang conclude that the four suspects killed in the encounter were not LeT terrorists, contradicting the claim made by the IB? The Union Home Ministry in its affidavit submitted in the Gujarat High Court had also asserted that Ishrat Jehan and the other three suspects killed in the encounter were indeed LeT terrorists sent on a mission to eliminate Narendra Modi. Former Union Home Secretary G.K.Pillai in 2009 had acknowledged an affidavit of his ministry to the Gujarat High Court confirming the LeT links of Ishrat Jehan and other three suspects killed in the encounter. Even in 2011, Mr G.K.Pillai had reiterated that he stood by the IB input that linked Ishrat Jehan to an LeT module. Has Mr Tamang got a better mechanism to verify such information? The IB had claimed to have documentary evidence to prove that all the four slain suspects were LeT terrorists. In fact, some of the evidences like a letter written by the Director of IB to the CBI giving details such as how and when Javed Sheikh and Ishrat Jehan were recruited as LeT operatives and recorded conversations between LeT commander Muzzamil and Javed Sheikh and other operatives were shown during a debate on the subject telecast on an English news channel at 9 PM on June 13, 2013. What can S.P. Tamang say about this?

Shri. S.P.Tamang had asserted that the other two suspects killed in the encounter were Indian citizens and not Pakistanis. The police investigation and the identity cards recovered from

them had revealed their identity as Pakistani citizens. Shri.Tamang says that the I-cards found on their bodies were fake. In that case, he should produce some evidence to prove their Indian identity. The fact is that they were senior operatives of Lashkar-e-Taiba, hailing from Pakistan. Their dead bodies were not claimed by anybody in India, and were later disposed of by the police.

### Attempt to malign Intelligence Bureau (IB) and make it totally ineffective.

The Intelligence Bureau cannot be considered as a very efficient organization because of its misuse for political purposes and wrong priorities given in intelligence collection. But now, there appears to be a calculated attempt by some elements in the UPA government to make the IB totally ineffective and useless. The questioning of IB's Special Director Rajinder Kumar by the Central Bureau of Investigation (CBI) in connection with the alleged generation of fake IB alerts, ahead of the encounter killing of Ishrat Jahan and three other alleged LeT terrorists in June, 2004, is indicative of such a sinister move. Such a thing has never happened in India before. An IB officer can never be questioned by any agency on the basis of the intelligence inputs he provides. Because, without such protection, the IB cannot function. The IB only collect intelligence and pass it on to the concerned agencies. It is for the concerned agencies to take action on the input. The IB will however keep on monitoring all further action. The IB officers function like the eyes and ears of the government and they can report on anything under the sun, including some rumours floating around, provided it has some value to the government. They are not supposed to reveal their source of information or any other operational details. However, these reports are properly graded and only confirmed reports are passed on to the concerned ministry or other agencies. What is the purpose of questioning an IB officer in connection with something he did as part of his normal course of duty, when he is duty-bound not to disclose his source of information or any other operational details. An IB officer is not given police powers, mainly to keep him out of court proceedings and protect him from embarrassing questions on operation details. The CBI's questioning of Rajinder Kumar has set a bad precedent. No IB officer will give any sensitive humint (human intelligence) inputs from now onwards because of the realization that he could be questioned by some other agency on the authenticity of the report.

### CBI probe

The CBI took over the Ishrat Jahan encounter case in December 2011 as per the orders issued by the Gujarat High Court. The CBI probe also found the encounter killing of Ishrat Jahan and three others as fake and booked some top police officers responsible for the alleged fake encounter killings. The CBI now says that the alleged fake encounter killing was part of a larger conspiracy and Rajinder Kumar, Special Director in IB who was posted as Joint Director of IB in Gujarat in 2004, was the mastermind behind this conspiracy. The CBI further asserts that even the IB alert issued in this regard was based on the fake intelligence generated by Rajinder Kumar. He is thus accused of generating a fake intelligence alert and the subsequent killing of Ishrat Jahan and three other suspects and even planting of an AK-47 rifle on the dead bodies of

the victims. The CBI even wanted to arrest Rajinder Kumar for his involvement in the encounter conspiracy. However Kumar could not be arrested so far because of stiff opposition from the IB chief who had already taken up the matter with the NSA and the Prime Minister.

The charges leveled by the CBI against Rajinder Kumar are bizarre and unbelievable. CBI Director Ranjit Sinha knows very well that Rajinder Kumar could not have involved himself in any manner in the encounter killing and planting of weapon on the victim's dead body as it is against the IB's self-imposed code of conduct. Why should a senior officer like Rajinder Kumar should risk his career by involving himself in such illegal activities. Even if he had indulged in any activity which is beyond his call of duty, the CBI chief was duty-bound to bring it to the notice of the IB Director and seek his advice in resolving the issue amicably in the national interest. Instead, the CBI started leaking information to the media holding Rajinder Kumar as the mastermind behind the conspiracy and hinting about his immediate arrest.

### 'Headlines Today' revelations

The English news channel 'Headlines Today', through a debate on the issue on June 13, 2013, has already shown that the IB has solid evidence against the encounter victims Ishrat Jehan and three others to prove their LeT links and the terrorist assignment undertaken by them. The channel showed a letter written by the Director of IB to the CBI chief, stating that besides Narendra Modi, the LeT's hit-list included L.K.Advani, Shiv Sena leader Bal Thackeray, and VHP leaders Pravin Togadia and Ashok Singhal, and that a team of four terrorists, including Ishrat Jahan, was heading to Ahmedabad to target Narendra Modi. The channel also played the recorded conversation between LeT commander Muzammil and Javed sheikh with Muzammil giving some instructions to Javed on the Gujarat assignment.

The disclosure on the news channel 'Headlines Today' about the genuineness of the IB report on Ishrat Jahan had taken the sting out of the pseudo-secular lobby's claim of Ishrat and Javed Sheikh being innocent victims. Some of the activists like Harsh Mander, Shabnam Azmi and Kavita Srivastav, who are all notorious for their anti-Hindu and antinational views, had issued a statement on June 14, 2013 alleging that IB was trying to subvert the CBI inquiry into the Ishrat Jehan encounter killing by selectively leaking information portraying Ishrat Jehan and Javed Sheikh as terrorists. They have also been questioning the delay in arresting Rajinder Kumar and wanted to know whether the IB officers are above the law.

The IB officers are not certainly above the law. If an IB officer is involved in any kind of fraud or criminal case, he can be arrested and tried like any other citizen of this country. But if an IB officer is sought to be arrested for an act committed during the course of his legitimate duty, it is not only undesirable but unacceptable. This is a privilege an IB officer enjoys because of the secret and sensitive nature of his duties. The IB top brass is bound to protect this privilege. It is not only in India, but all over the world such protection is available to the intelligence community. Every Prime Minister in the past has ensured such protection to the IB staff. If the

present Prime Minister is unable to protect the interest of IB, it is because he is not fully free to exert his authority.

Even after the 'Headlines Today' disclosure about the genuineness of the IB report on the terrorist links of Ishrat Jahan and Javed Shikh and the assignment undertaken by them, Ranjit Sinha, the CBI director himself had appeared on some of the news channels asserting that the CBI has strong evidence against senior IB officer Rajendra Kumar's role in the encounter conspiracy and the CBI will proceed against him. This is bizarre. Even if he has some sensitive and incriminating information against Rajinder Kumar, how can he make such challenging statement against another wing of the government and create embarrassment to the government and the nation when he knows that even the prime minister is monitoring the situation? Obviously he would not have acted in this manner without the support of somebody who is much more powerful than the prime minister. The fact is that he allowed himself to be used as a tool by the Sonia coterie which is bent upon destroying the credibility of every prestigious institution in India, as part of a wider conspiracy. As usual, the prime minister who does not have any power or control over his own government remains as a mute spectator to this vicious drama.

### 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 Irshat's veil.

It was further 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 other LeT 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 Javed to Gujarat on a terror mission to target some VIPs, including Narendra Modi. The Union Home Ministry had also certified this fact in the two affidavits it filed in the Supreme Court.

The National Investigation Agency's 106-page chargesheet against Headley however has left out Headley's statement describing Ishrat Jahan 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 Jahan and other three alleged LeT terrorists killed in an encounter with the Gujarat police were innocent people.



Ishrat's mother Shamima had given a statement to the police that when Ishrat Jahan was recruited as a sales girl by Javed in his perfume and toiletry firm, Shamima was informed that Ishrat will have to accompany Javed to different parts of the country whenever he goes on outstation tours in connection with his business. Police investigation had shown that Javed did not have any perfume and toiletry business or a shop in Pune and it was just a cover for recruiting Ishrat for some other purpose. However, it was found that Javed had taken Ishrat with him on his outstation tours to places like Lucknow, Surat, Ibrahimpur and Bangalore and had stayed together in hotels for overnight halt. Thus it was certain that Javed and Ishrat were involved in some undesirable activities and IB report reveals the mystery behind their activities.

Even Gopinath Pillai, father of Javed Sheikh @ Pranesh, while deposing before the sub-divisional magistrate Gaurav Prajapati in Ahmedabad on September 2, 2004 had stated that his son Pranesh was used as a tool by some persons for some reasons. He did not counter the line of investigation by the police and admitted that he cannot claim that his son was innocent and pointed out that if there was no terror link, he should have died a natural death in his hometown which is Pune. (<http://news.outlookindia.com/printitem.aspx?246744>)

Fabricating evidence against the Gujarat police and thereby the state government in the encounter killing of Ishrat Jahan and further weakening the credibility of the IB appear to be the twin-objective of this dastardly act of UPA government.