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DID VANZARA KILL PANDYA TOO?

Mail Today Bureau/ Ahmedabad

THE GUJARAT Police are in a spot over the growing allegations of fake encounters. What remains to be seen is whether the state police is also tainted by the blood of legislator — Haren Pandya.

At least the slain MLA's octogenarian father, Vitthal Pandya, claims so.

Though a designated POTA court sentenced nine people to life in the Haren Pandya murder case on June 25, 2007, Vitthal still attributes his son's death to a political conspiracy.

He claims Pandya's murder was orchestrated by Gujarat Police encounter specialist D. G. Vanzara at the behest of chief minister Narendra Modi.

Pandya's body was found at Law Garden in Ahmedabad on March 26, 2003. Six years later, Vitthal says Vanzara and his aides killed Haren at some other place and left the body at Law Garden.

“Modi had to become the Hindu Hriday Samrat.

So Vanzara carried out the first Hindu encounter to please his master,” Pandya senior says.

The MLA, too, may have seen his death coming as he had rubbed Modi the wrong way.

Political rivalries apart, he had deposed before the Concerned Citizens Tribunal revealing Modi's explicit instructions to top police officers to sit tight during the 2002 Gujarat riots.

He had expressed fear for his life about six months before he was murdered.

Pandya senior says L. K. Advani had blamed Pakistan's Inter Services Intelligence and underworld don Dawood Ibrahim days before the Central Bureau of Investigation took over the murder probe.

“Advani set the line of investigations for the CBI,” Vitthal says, adding that while Vanzara had killed Pandya, Advani derailed the investigations.

Vitthal later approached the Supreme Court to have Modi interrogated in the murder case. But the apex court declined to instruct the CBI in this regard.

“ No Muslim killed Haren Pandya,” Vitthal says. “ There was no bloodshed in his constituency Ellisbridge, when the entire state was burning. His killing was a political murder.”

<http://www.indianexpress.com/news/gujarat-rejects-magistrate-report-on-ishrat-killing-it-is-bad-in-law/514836/>

Gujarat rejects magistrate report on Ishrat killing: It is bad in law

Express News Service

Ahmedabad: Rejecting a magisterial report which concluded that the state police faked the 2004 encounter in which Mumbra girl Ishrat Jahan and three others were killed, the Gujarat government today said it would challenge the report in a higher court.

After the four were gunned down, Gujarat police had claimed that they were on a Lashkar-e-Toiba mission to kill Chief Minister Narendra Modi.

Releasing metropolitan magistrate S P Tamang's report to the media on Monday, advocate Mukul Sinha, who had been appearing for Ishrat's mother Shamima in the Gujarat High Court, said the magistrate found that the encounter was faked by police officers eager for promotions and the appreciation of Chief Minister Modi.

While the BJP today said that Modi could not be held responsible for everything that happens in the state, Union Law Minister Veerappa Moily raised the pitch, saying Modi would have been in "some other place" if the Ishrat Jahan encounter had taken place in any other country.

Moily told reporters that Modi could be headed for big trouble as "there are many such cases which are coming up now... if more investigations are conducted, more skeletons may tumble". He said revelations in the Ishrat Jahan encounter was a "very serious matter for the country and... any other foreign country, Narendra Modi would have been in some other place".

In Ahmedabad, Gujarat government spokesman Jaynarayan Vyas said: "Magistrate Tamang's report is bad in law and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the High Court to probe the matter could do so."

"The report prepared by the magistrate is beyond the jurisdiction of Section 176 CrPC (inquiry by magistrate into cause of death) and will not stand legal scrutiny," Vyas told a press conference. Quoting the Central government's affidavit in court, he said it stated that Ishrat and the other three were LeT operatives who were planning terror strikes in Gujarat. In June 2004, Ishrat from Mumbra in Thane district and three of her friends, Javed alias Pranesh Pillai, Amjad Ali alias Akbar Ali Rana and Jishant Johar alias Abdul Gani, were gunned down by the Ahmedabad DCB on the outskirts of the city. Tamang's report said there was no gunbattle between the four and the police. The report claimed that the four were kidnapped from Mumbai and killed in cold blood.

<http://www.mid-day.com/epaper/index.htm>

Last man standing

One-in-a-billion lawyer who gave Ishrat's family another go at life

By: [Vaidehi Limaye](#)

It was just one man among billions who finally brought justice and peace to the family of Ishrat Jahan Shaikh, killed in a fake encounter on June 14, 2004. His name — Mukul Sinha. It was 4.30 pm in 2007 when Musarat Jahan, Shamima Jahan and a friend entered advocate Mukul Sinha's Ahmedabad office. The women were Ishrat Jahan Shaikh's sister and mother, desperate to get justice for their slain daughter.

Experience talks

"I knew they were coming to see me and I had been briefed about the case. But I was still unprepared for the impact of what they told me. Musarat gave me all the details of the case and I almost immediately knew Ishrat had been murdered. My experience told me it was a fake encounter," said Sinha, who has spent 32 years in court. That experience came from three specific cases — the Sadiq Jamal case, and the Sohrabuddin Shaikh and Kausarbi cases. All three had been allegedly killed in encounters by the Gujarat police. (See Fake encounter trail).

Similarities

"The more I read up on Ishrat's case, which had been pending for over three years with the Mumbai High Court, I realised there were startling similarities with the other three encounter deaths in Gujarat. In fact, there were four clear factors that pointed to a fake encounter. (See Sign of four).

Sinha took up the case pro bono because it was a human rights violation case. "I work for the Jan Sangharsh Manch and that is how the Shaikh family approached me," said the lawyer, who dismissed the largesse immediately. In fact, Sinha is a known name in Gujarat, working with riot victims through the Manch, which brings the poor and lawyers together. "The Maharashtra police is hand-in-glove with the Gujarat police. These fake encounters are conducted with the same ease as flesh trade across the state borders. Police claim lives of innocent people who are tagged as terrorists and are shot point blank without any evidence," said Sinha.

The lawyer was all praise for Musarat. "Her poor mother could not stop crying for even a moment in the 30 minutes they spent with me. But Musarat held the family together. She was clear-eyed and absolutely calm narrating her sister's death."

Fake encounter trail

The fake encounter cases Mukul Sinha has been representing include...

Sadiq Jamal case: On January 13, 2003, Sadiq Jamal (26) was killed in an alleged encounter in the Naroda area of Ahmedabad. The Gujarat police claimed he was a member of Lashkar-e-Taiba (LeT) and was going to kill Gujarat Chief Minister Narendra Modi and Vishwa Hindu Parishad leader Pravin Togadia.

Sohrabuddin Sheikh case: Sohrabuddin was shot dead by the Gujarat police on the outskirts of Ahmedabad on November 26, 2005. The Gujarat and Rajasthan police killed Sheikh in a joint operation. They alleged that he was an LeT outfit member and was on a mission to kill senior BJP leaders, including Modi.

Kausarbi case: On November 27, 2005, the Gujarat police killed Sohrabuddin's wife Kausarbi, claiming that she was part of the LeT gang, out to kill Modi.

Sign of four

Sinha's four factors that pointed to a fake encounter

- 1) The encounter team was headed by former Gujarat ATS chief DG Vanzara, who had carried out all the encounter killings.
- 2) All the victims had a Maharashtra connection.
- 3) All the victims had minor criminal records, except Ishrat.
- 4) The police claimed that they had come to target and kill Gujarat Chief Minister Narendra Modi.

<http://www.mid-day.com/epaper/index.htm>

'We didn't know what encounter meant till Ishrat's death'

By: [Vaidehi Limaye and Kranti Vibhute](#)

"I didn't even know what an encounter meant, till Ishrat's death. Finally, after five years, our trauma has ended. But these years have been hell and we have suffered a lot," said Musarat Jahan, her younger sister, the most voluble of all the five siblings.

Ishrat used to give tuitions and earned Rs 3,000 per month. She was the only earning member in the family after their father died in 2004. After her death, the family found it almost impossible to survive, but they managed. "We now have a family income of Rs 5,000. We have always been poor, but honest and have made a living by taking tuitions. My elder sister (now married) and mother tailor clothes."

Ishrat's younger brother, Anwar, was in Std X, when she was killed. His education was affected with money drying up and the stigma of having a 'terrorist' for a sister.

The family could not travel outside Mumbra and their friends and neighbours abandoned them. Anwar said, "I couldn't complete Std XII. I was mentally tortured. When I went looking for a job, I was rejected because of Ishrat's 'terrorist' tag."

Musarat said despite the proof given by the police, the family, never once, believed that Ishrat was involved in terrorism. "It's the month of Ramzan and Allah is truly with us," says Musarat.

Fake encounter

Ahmedabad Crime Branch officials picked up Ishrat Jahan and Javed Shaikh from Mumbai on June 12, 2004. For two days, they are kept in secret. On June 14, Ishrat, Javed along with Amjadali Rana and Jisan Johar are killed near Ahmedabad in a police encounter, which comes to light on next day.

'Ishrat could not even afford to pay our fees'

Students and teachers of Khalsa College at Matunga are ecstatic over the Ishrat Jahan verdict. R Patheja, principal, said, "I never thought Ishrat was in the LeT, as such a person would automatically earn lots of money. Ishrat was barely able to pay her college

fees!" She added, "The clean chit in the case is a relief not only for her family, but also for us. The prestige of our college remains intact. Our best wishes are with Ishrat's family."

<http://www.dailypioneer.com/201318/A-contested-inquiry.html>

A contested inquiry

The Pioneer Edit Desk

Jumping the gun on Ishrat killing

A metropolitan magistrate in Gujarat has come to the conclusion, in roughly three weeks and without going through the process of collecting evidence, that the police faked the 'encounter' with four 'terrorists', among them a young college student, Ishrat Jahan, to secure promotion and appreciation. The incident occurred on June 15, 2004, in the outskirts of Ahmedabad. The police claim that they had real time, actionable intelligence input that Ishrat Jahan and the three men who were travelling in a car, had entered Gujarat from Mumbai to carry out terrorist attacks, including the assassination of Chief Minister Narendra Modi. The three men were Javed Gulam Mohammad Sheikh alias Pranesh Kumar Pillai, a Hindu who had embraced Islam to marry a Muslim woman, held two passports and was wanted for crimes committed in Mumbai, and two Pakistanis, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani. They were believed to be Lashkar-e-Tayyeba operatives; nobody came forward to claim the bodies of Ali and Gani. Within days, the LeT had admitted that all four were its members and had been martyred. The Metropolitan Magistrate, Mr SP Tamang, has claimed in his 240-page hand-written report that all this is fiction; that the police killed the Ishrat Jahan and the four men in cold blood; and, that the killings were later shown as an 'encounter'.

Three points need to be made about Mr Tamang's report. First, it has been produced with amazing speed; second, the policemen who have been named were not questioned; and, third, the due process of conducting a magisterial inquiry was not followed. That apart, on August 13, the same day Mr Tamang was asked to probe the deaths, the High Court set up a Special Investigation Team, comprising senior police officers, to conduct a similar inquiry. The SIT is still at its job, but Mr Tamang has completed his report and given it to the media. The Gujarat Government has contested Mr Tamang's claim and, apart from declaring its intention to contest the report, has let it be known that the intelligence input came from the Union Ministry of Home Affairs, which has also submitted an affidavit in the High Court reiterating that the four were linked to the LeT and they were on a terror mission, including assassinations. The Congress-led UPA was in power at the Centre when the encounter happened; hence, the Gujarat Government could not have 'manipulated' the Home Ministry's affidavit.

The political reaction to Mr Tamang's claim has been predictable with the Congress seeking to gain political mileage out of it by slyly dragging Mr Modi's name into the affair. This is reprehensible, not least because the last word has not been heard on the killings. With the High Court setting up an SIT, the probe conducted by Mr Tamang

should have been called off; instead he has sought to pre-empt, if not influence, the SIT's inquiry. This is patently unacceptable. An issue as serious as 'fake' encounters or extra-judicial killings by the police, which deserve to be condemned in unequivocal terms and have no place in a civilised society governed by law, should not be trivialised in so cavalier a manner as has been done by Mr Tamang. If indeed Ishrat Jahan and the three men were innocent victims, then the guilty policemen must be brought to justice and given exemplary punishment. But a flawed report is not the way to go about this task, nor does partisan politics help reveal the truth.

<http://www.dailypioneer.com/201395/Gujarat-picks-holes-in-Tamang-report-on-%E2%80%98fake-encounter%E2%80%99.html>

Gujarat picks holes in Tamang report on 'fake encounter'

Rathin Das | Ahmedabad

BJP defends Modi

The Gujarat Government on Tuesday rejected the findings of the Metropolitan Magistrate's probe report that called the June 15, 2004 encounter killing of four people, including Mumbai college girl Ishrat Jahan, as fake. The statutory inquiry report by Metropolitan Magistrate SP Tamang on Monday said the police officers had 'staged' the encounter to gain appreciation of Chief Minister Narendra Modi and get promotions.

Rubbishing the report, State Government spokesman and Health Minister Jay Narayan Vyas said the probe report was "bad in law" and would be challenged in an appropriate court. Vyas said the report by the Metropolitan Magistrate did not have any sanction of appropriate law as the High Court too has ordered a committee to probe the same incident.

The inquiry by the Metropolitan Magistrate should have been stopped when it became known that the Gujarat High Court too has appointed a committee of three IPS officers to probe the same incident.

The Health Minister questioned the findings of the report as the Metropolitan Magistrate had not bothered to question the accused police officers who are alleged to have 'staged' the encounter.

As a strange coincidence, both the Metropolitan Magistrate and the High Court appointed panels with three IPS officers each as their members. The panels were asked by respective courts to conduct the probe on the same day - August 13 this year, and given time till November 30 for submitting the reports.

Vyas questioned the hurry with which the Metropolitan Magistrate submitted his report even while the High Court-appointed panel too was at the same job.

Vyas said the probe panel did not give time and opportunity to the accused police officers

any chance to defend themselves and also referred to the intelligence inputs from the Centre about the terrorists' link of the four persons killed in the 'encounter'.

Challenging the logic of giving a clean chit to the four victims in the report, Vyas quoted from the affidavit filed by the Ministry of Home Affairs in the Gujarat High Court wherein the Lashkar-e-Tayyeba links of the foursome were clearly stated.

About the 'innocence' of the college girl Ishrat Jahan, Vyas said the Lahore-based Ghazwa Times, mouthpiece of Lashkar-e-Tayyeba, had said on July 15, 2004 that its woman activist was unveiled by Indian police and her body was kept with other mujahideens on the ground.

The Home Ministry had filed the affidavit in the High Court to oppose the demand for a CBI inquiry into the whole episode made by Ishrat's mother Shamima Kausar.

The affidavit filed by the Home Ministry made clear references to the terrorist connections of the four who were gunned in the encounter in the eastern suburb of the city around 4.30 am on June 15, 2004.

The Centre had received specific inputs that LeT had been planning to carry out terrorist activities in various parts of the country, including Gujarat, and it was planning to assassinate top national and State leaders, Vyas quoted from the Home Ministry affidavit.

"Javed was in regular touch with LeT operatives to carry out terrorist activities in Gujarat," Vyas quoted from the affidavit to refute the Metropolitan Magistrate's report's view that the killed youth were innocent.

Vyas also said that Javed — born Pranesh Pillai but converted to Islam after marriage to one Sajida — had four criminal cases against him in Thane and had two passports in different names.

The Home Ministry affidavit also pointed out several contradictions with regard to the activities, occupation and movement of Javed and Ishrat in the last few days till their death in the encounter on June 15, 2004.

Acting on a writ petition filed by Ishrat's mother Shamima Kausar, the Gujarat High Court has ordered a high-powered committee headed by Additional DGP Pramod Kumar to probe the controversial encounter. Other members of the committee are IPS officers Mohan Jha and JK Bhatt.

In Delhi while the BJP defended Modi, the Congress and CPI(M) have slammed the Gujarat Government over the fake encounter allegations.

Senior BJP leader Venkaiah Naidu has said the Gujarat Chief Minister cannot be held responsible for everything that happens in the State. "Do you think anything that happens in any State the Chief Minister is responsible? If anything happens in the national

Capital, is the Prime Minister responsible?” Naidu said in reply to a question on whether Modi should be held accountable for the Ishrat Jahan encounter.

Naidu accused the media of suffering from “Modi-mania”. “How is the Chief Minister concerned with this (Ishrat Jahan case)? Let law take its own course,” he said.

But holding Modi squarely responsible for the Ishrat’s killing, Law Minister M Veerappa Moily said Modi would have been in “some other place” if the Ishrat Jahan fake encounter had taken place in a foreign country.

He told reporters that Modi could be headed for bigger trouble as “there are many such cases which are coming up now. If more investigations are conducted, more skeletons may tumble.”

Noting that the law will take its own course, he said the revelations in the encounter were a “very serious matter for the country and in any other foreign country, Narendra Modi would have been in some other place.”

Terming the incident as “most unfortunate”, Moily said, “Many things are done brutally and in inhuman way.”

The CPI(M) has demanded resignation of Modi and said he should take moral responsibility for the killing of a college girl and three others in the fake encounter case.

“The targeted killings of persons belonging to the minority community by the State police reveal the state-of-affairs under the Narendra Modi Government,” the CPI(M) Politburo said in a statement.

“The enquiry has revealed the hand of senior police officials, including then Ahmedabad Police Commissioner and DIG Vanzara who is now facing trial for another fake encounter killing — of Soharabuddin Sheikh and his wife,” the statement said.

<http://epaper.mailtoday.in/epaperhome.aspx?issue=992009>

Cong, CPM seek action against Modi

By Mail Today Bureau in New Delhi

THE CONGRESS, which came under a cloud over the Batla House (in Jamia Nagar, Delhi) encounter, took the high moral ground over the fake killings in Gujarat on Tuesday. The party said the Supreme Court or the Gujarat High Court should take suo moto cognisance of all encounter killings between 2001 and 2009 in the state.

While the Congress termed Modi a “man-eater”, the CPM demanded resignation of Gujarat chief minister Narendra Modi and arrest of the police officers involved.

The Congress, too, had come under severe criticism for the way two alleged terrorists were shot dead by the police in the residential locality in Jamia Nagar on September 19, 2008. Several opposition parties had demanded a judicial probe, but the party had stonewalled it.

Questions were raised over the authenticity of the encounter but a subsequent probe by the National Human Rights Commission (NHRC) gave a clean chit to the government.

The Gujarat inquiry has revealed that the fake encounter was executed by several top police officers, including the then city police commissioner K. R. Kaushik, JCP (crime branch) P. P. Pande, suspended DIG D. G. Vanzara, the then ACP G L Singhal and ACP N. K. Amin for selfish motives.

In response, the Congress lashed out at the Modi government.

" It is a man- eater government... from 2001 to 2009, the government has been working out of the ambit of the law," party spokesperson Manish Tewari told reporters.

" Modi would have been in some other place if the fake encounter had taken place in a foreign country," said law minister Veerappa Moily, implying that action would have been taken in such cases.

Asked about the statement of a Gujarat government spokesman who said the encounter was carried out after an Intelligence Bureau input, Tewari shot back, asking if the Centre had asked the states to kill people without keeping the law in mind.

He said India followed the rule of law.

Demanding Modi's resignation, the CPM politburo demanded that all police personnel involved in the murders be arrested and prosecuted.

" Exemplary punishment has to be meted out in this case as the crime has been committed by those entrusted with upholding the law. Given the spate of illegal encounter killings which took place under the encouragement of the state government, chief minister Narendra Modi should take moral responsibility and quit office," the statement added.

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My sister was a patriot
& so are the rest of us'

By Mail Today Bureau in Mumbai

ISHRAT Jahan's family in Mumbai hailed metropolitan magistrate S. P. Tamang's report on her " staged encounter killing" along with three others in June 2004.

Friends of Jahan's family even alleged that Gujarat chief minister Narendra Modi could also have been involved in the fake encounter.

Ishrat's mother Shamima Kausar and her children — Mushrat (22), Anwar (21) and Nusrat (17) — addressed a press conference in Thane a day after the report became public.

Mumbra resident and social activist Rauf Lala, who has been helping out the family since Ishrat's death, was also in attendance. " Though a Gujarat magistrate has said the encounter was carried out by the policemen to seek promotions and appease Modi, his involvement in the crime cannot be ruled out," he said.

Lala did most of the talking while Ishrat's family members confined themselves to a statement.

Reading out the statement, Mushrat said her sister was innocent and not a terrorist, as was claimed by the Gujarat Police all along.

" My sister was a patriot and so are other members of our family.

We now want the people who killed Ishrat to be given the strictest punishment for their crime," she said.

Ishrat's sister said that though the verdict would not bring her back, it still went a long way in vindicating the family's stand that the encounter was fake.

Mother Shamima said the family faced major upheavals after the death of its then sole breadwinner.

" She was the only earning member of the family. She was also a bright science student.

Her death and the subsequent accusations led to my other children's lives getting ruined. Their education had to be discontinued," she said.

Shamima added that the family managed to earn its daily bread by doing zari work and that her son had only recently managed to get a job.

Lala said the case should not be given a communal colour. " Our lawyers were all Hindu. This is a victory of secularism."

http://www.telegraphindia.com/1090909/jsp/frontpage/story_11470250.jsp

Ishrat's last call to sister: Strange men trailing me

SAMYABRATA RAY GOSWAMI AND BASANT RAWAT

Mumbai/Ahmedabad, Sept. 9: Ishrat Jahan Raza was scared when she last spoke to her sister from Nashik on June 11, 2004.

"She said she was being followed by some strange men. She was there to meet Javed Sheikh — he was known to our family and used to take her out of town at times on work. She used to help him with accounts in return for a salary. Our family needed that to survive after our father's death," said Ishrat's sister, Musharat Jahan, 20, sitting in the family's one-bedroom home near Mumbai.

An inquiry by the Ahmedabad metropolitan magistrate has concluded that Ishrat was kidnapped by Gujarat police from near her Mumbra home (60km northeast of Mumbai) on June 12, 2004, along with Javed, and killed in "cold blood" two days later.

Magistrate S.P. Tamang has held 21 police officers, including retired director-general K.R. Kaushik, who was Ahmedabad commissioner then, responsible for the killings.

The police version was that Ishrat was killed along with Javed and two others in an encounter on June 15, 2004, and that they were all Lashkar-e-Toiba killers out to shoot chief minister Narendra Modi.

The Gujarat government today said it would challenge the report, which it described as being "bad in law".

Jaynarayan Vyas, the spokesperson for the government, cited an affidavit filed in the high court by the Union home ministry last month, detailing the "criminal" background of all the four killed, including Ishrat, branding them Lashkar members.

He pointed out that a three-member probe committee set up by Gujarat High Court was to submit its report by November 30. “Couldn’t the magistrate wait till November 30? Why was he in such a hurry to submit the report?” Vyas said.

For Ishrat’s family, the report has, however, come as a godsend. “The summons the court sent for us to be present on August 21 reached us yesterday at 3.30 in the afternoon. Two hours later, we got news that Ishrat’s name had been cleared. It felt like Id had arrived early,” said Musharat.

The family stays in Rashid Compound, a famed den of police informers. The Razas shifted from their earlier apartment in the compound to the current one-bedroom flat after Ishrat’s death. “We could not pay the rent and the landlady was not comfortable about having us,” said mother Shameema Kausar.

“Ishrat was a bright student and taught in a private tuition school nearby and also did odd jobs,” Shameema said.

But, as a mother of a pretty teenager, Shameema did not like Ishrat travelling out of town with Javed on work. “That’s the reason she did not tell Amma anything when she left for Nashik on June 11, 2004,” Anwar, Ishrat’s younger brother, said.

He is now 19, the same age as Ishrat was when she was killed.

<http://epaper.mailtoday.in/epaperhome.aspx?issue=992009>

India's 'fake encounter' laboratory?

The Ishrat case is another addition to the sordid saga of killings in Gujarat

By D. P. Bhattacharya in Ahmedabad

ADEFIANT Gujarat government may have rejected the report by metropolitan magistrate S.P. Tamang indicting the state police of killing four youths in a fake encounter in 2004. But the shadow of fake encounters over the state just seems to be gaining strength with each passing day. Decorated police officers carried out at least 21 controversial encounters in the state between 2003 and 2005. Several of these — including the killing of Ishrat Jahan and three others which has now kicked up a political storm — have been credited to former deputy inspector general D.G. Vanzara.

The victims of most of these ‘encounters’ were Muslims. And, according to the police, they were all on missions to kill Gujarat chief minister Narendra Modi. The encounters usually took place in the early hours of the day and each of them has raised many questions.

In April 2007, Vanzara and two of his colleagues were arrested in connection with one of these encounters, which were declared fake by a Gujarat Criminal Investigation Department team. They were accused of murdering Sohrabuddin Sheikh and his wife Kausar Bano in November 2005. Soon after the arrests, relatives of several people “encountered” by Vanzara came forward with pleas that the deaths be reinvestigated.

One such instance is of Jenab Bibi. Her son Samirkhan Pathan was picked up by the Ahmedabad Crime Branch on September 27 for allegedly hatching a plot to kill Modi. He was later killed in an ‘encounter’ near Usmanpura Garden on October 22, 2002 and branded a Lashkar-e- Tayyeba militant.

The police had claimed he was shot dead while trying to escape after snatching a service revolver from an officer. However, post-mortem reports showed he was shot through his left temple from point-blank range.

Next was the turn of Sadik Jamal Mehtar, a two-wheeler mechanic from Bhavnagar. The Ahmedabad Crime Branch eliminated him on January 13, 2003 near the city's Galaxy Cinema. He, too, was allegedly part of a Lashkar conspiracy to kill Modi.

Mumbai-based scribe Ketan Tirodkar had later said that he had introduced Sadik to former Mumbai encounter specialist Daya Nayak to help him get out of some petty gambling cases in Bhavnagar. In an affidavit filed before a lawyer of Human Rights Law Network, Tirodkar alleged that Nayak had detained Sadik and created a criminal profile for him.

He said Nayak had then set him up as a militant to be killed in an encounter on the request of a "big politician" from Gujarat. Sadik's brother Shabir Jamal filed a writ petition before the Gujarat High Court on May 10, 2007, seeking to reopen the encounter case.

The four youths around whom the current controversy revolves were killed near Kotarpur, Naroda area, Ahmedabad on June 15, 2004 around 4.30 am. Ishrat Jahan, Javed Ghulam Sheikh (Pranesh Kumar Pillai), Jishan Johar Abdul Gani and Amjad Ali had also allegedly conspired to kill Modi.

On Monday, metropolitan magistrate Tamang's reports raised doubts on the veracity of the encounter theory. He claimed that the four were picked up illegally by the Gujarat Police from Mumbai and killed on June 14. The police reportedly staged the encounter at Ahmedabad a day later.

Ishrat's sister Mushrat had alleged in an interview in a documentary Encountered on Saffron Agenda that her body bore bullet marks in her private parts. This, she claimed, was probably done to hide the fact that she had been raped by her killers.

On Tuesday, Javed Sheikh's father Gopinath Pillai filed a petition in the Gujarat High Court seeking a CBI inquiry into his son's death. Justice H. N. Devani, hearing the petition, adjourned the matter for Wednesday.

Vanzara and his colleagues landed in trouble with the killing of Sohrabuddin in Ahmedabad on November 26, 2005 in a joint operation of Gujarat and Rajasthan Police.

Soon after Sohrabuddin's death, his wife Kausar Bano vanished mysteriously. His aide Tulsiram Prajapati was killed in an encounter in December 2006.

In March 2007, the Gujarat government eventually admitted in the Supreme Court that Sohrabuddin was killed in a fake encounter.

While this case blew the lid off the encounters in the state, it also spelt doom for Vanzara and his aides — Indian Police Service officers Rajkumar Pandiyan and M. N. Dinesh. The case later saw the arrest of 13 senior officers, including N. K. Amin who has been indicted by Tamang.

Now, with two cases of the encounter specialists having been officially declared fake, one wonders how many skeletons will eventually tumble out of the Gujarat Police's cupboard.

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Gujarat govt to appeal against Tamang report

By D. P. Bhattacharya in Ahmedabad

THE BJP rushed to the defence of its poster boy Narendra Modi on Tuesday even as the Gujarat government lambasted the Tamang report. It concluded that Mumbai girl Ishrat Jahan and three others were killed in a fake encounter in June 2004.

Gujarat government spokesperson and cabinet minister Jaynarayan Vyas said the encounter was genuine and the government would challenge the report of the metropolitan magistrate in the court of law.

"Magistrate Tamang's report is bad in law, and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the high court to probe the matter could do so," he said. "The report prepared by the magistrate is beyond the jurisdiction of Section 176 of the CrPC (inquiry by magistrate into cause of death) and will not stand legal scrutiny," Vyas added.

He also circulated an affidavit filed by a Union home ministry undersecretary for internal security to the Gujarat High Court to bolster his claim that the deceased had links with terror outfits and the intelligence inputs were available with the Union government as well. He said the Union home ministry's affidavit in the Supreme Court had mentioned that even a Lashkar- e- Tayyeba mouthpiece had disclosed that Ishrat was associated with the terror outfit.

Vyas said the government would challenge the report in a higher court. " When a Gujarat High Court appointed committee, headed by an officer of the rank of additional director- general of police, was probing the matter, a parallel inquiry by a magistrate was not in order. We will challenge it in a higher forum," he said.

In New Delhi, the BJP defended the Gujarat chief minister, saying Modi could not be held responsible for everything that happened in the state.

" Why should Modi take a call? Do you think (for) anything that happens in any state, the chief minister is responsible? If anything happens in the national Capital, is the Prime Minister responsible?" senior BJP leader M. Venkaiah Naidu said.

With inputs from agencies

<http://epaper.mailtoday.in/epaperhome.aspx?issue=992009>

DID VANZARA KILL PANDYA TOO?

Mail Today Bureau/ Ahmedabad

THE GUJARAT Police are in a spot over the growing allegations of fake encounters. What remains to be seen is whether the state police is also tainted by the blood of legislator — Haren Pandya.

At least the slain MLA's octogenarian father, Vitthal Pandya, claims so.

Though a designated POTA court sentenced nine people to life in the Haren Pandya murder case on June 25, 2007, Vitthal still attributes his son's death to a political conspiracy.

He claims Pandya's murder was orchestrated by Gujarat Police encounter specialist D. G. Vanzara at the behest of chief minister Narendra Modi.

Pandya's body was found at Law Garden in Ahmedabad on March 26, 2003. Six years later, Vitthal says Vanzara and his aides killed Haren at some other place and left the body at Law Garden.

" Modi had to become the Hindu Hriday Samrat.

So Vanzara carried out the first Hindu encounter to please his master," Pandya senior says.

The MLA, too, may have seen his death coming as he had rubbed Modi the wrong way.

Political rivalries apart, he had deposed before the Concerned Citizens Tribunal revealing Modi's explicit instructions to top police officers to sit tight during the 2002 Gujarat riots.

He had expressed fear for his life about six months before he was murdered.

Pandya senior says L. K. Advani had blamed Pakistan's Inter Services Intelligence and underworld don Dawood Ibrahim days before the Central Bureau of Investigation took over the murder probe.

" Advani set the line of investigations for the CBI," Vitthal says, adding that while Vanzara had killed Pandya, Advani derailed the investigations.

Vitthal later approached the Supreme Court to have Modi interrogated in the murder case. But the apex court declined to instruct the CBI in this regard.

" No Muslim killed Haren Pandya," Vitthal says. " There was no bloodshed in his constituency Ellisbridge, when the entire state was burning. His killing was a political murder."

<http://epaper.mailtoday.in/epaperhome.aspx?issue=992009>

Killers in uniform deserve the worst

LOOKED at one way, the magisterial enquiry that has revealed that Ishrat Jahan and three men were killed by the Gujarat police in a fake encounter in 2004 could have pertained to any state in this country. For, the brutality of police and other security agencies is a fact of life across India, whether it is the state of Uttarakhand or Manipur in the north east.

Yet there is a particular context in which the cold blooded murder of the four persons by the Gujarat police needs to be seen — just as when it was found that Sohrabuddin Sheikh and his wife Kausar Bi had been murdered by the high- profile DIG of Police D G Vanzara and his men.

This context is provided by a state that has been perceived to be anti- Muslim since the horrific Gujarat riots of 2002.

For instance it is no coincidence that a couple of officials who have been indicted by the magisterial inquiry are also charged in the Sohrabuddin fake encounter case — incidentally there are five other controversial ' encounter' cases of the 2003- 05 period in which the overwhelming number of men killed were Muslims. As bad is the fact that the report implicates the top rung of the Ahmedabad police at the time. This was no ' encounter' or custodial death carried out by a hardened station officer and his cops with poor awareness about the rule of law and human rights. This was the handiwork of officials with a firm footing in the echelons of power. It is perhaps not a surprise that after killing them, the police dubbed Ishrat Jahan and her friends as LeT terrorists on a mission to assassinate Gujarat Chief Minister Narendra Modi.

The motive of the police officials may have been to advance their careers but what they deserve is incarceration for the rest of their lives.

<http://www.thestatesman.net/page.news.php?clid=1&theme=&usrsess=1&id=267840>

Ishrat case hots up

AHMEDABAD, 8 SEPT: A defiant Gujarat government today rejected a judicial probe report that college girl Ishrat Jehan and three others were killed in a fake police encounter insisting they were LeT operatives and dragged the Centre into the row claiming even it knew of their alleged terror links.

Slamming Metropolitan Magistrate Justice Mr SP Tamang for "overstepping" his jurisdiction by submitting his report, the state government said it will challenge it in a higher court.

Ishrat's mother, Mrs Shamima Jehan, today demanded punishment for all those involved in the killing of her daughter. ;SNS

<http://www.thestatesman.net/page.news.php?clid=2&theme=&usrsess=1&id=267851>

Ishrat a terrorist, maintains Gujarat

SNS & Agencies

AHMEDABAD, 8 SEPT: A defiant Gujarat government today rejected a judicial inquiry report that 19-year-old Mumbai college girl Ishrat Jahan and three others were killed in a fake encounter in 2004, saying they were LeT operatives planning terror strikes in the state.

Slamming Metropolitan Magistrate Justice SP Tamang for "overstepping" his jurisdiction by submitting his report, the state government said it will challenge it in a higher court.

Ishrat's mother, Mrs Shamima Jahan, today demanded stringent punishment for all those involved in the killing of her daughter alleging that Ishrat was eliminated as part of a "cold blooded conspiracy" by police.

Justice Tamang in his report has concluded that four persons ~ Ishrat, Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani ~ killed in an encounter on the outskirts of the city on 15 June, 2004, were not linked with Pakistan-based terror outfit Lashker-e-Taaiyaba as claimed by police.

“Magistrate Tamang's report is bad in law, and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the high court to probe the matter could do so,” Gujarat government spokesman Mr Jaynarayan Vyas said. “The report prepared by the magistrate is beyond the jurisdiction of section 176 CrPC and will not stand legal scrutiny,” Mr Vyas told reporters, adding: “The report prepared by the magistrate is beyond the jurisdiction of section 176 CrPC (inquiry by magistrate in to cause of death) and will not stand legal scrutiny.”

Quoting government affidavit, he said it clearly stated that Ishrat and the other three were LeT operatives and were planning terror strikes in Gujarat. The report accused senior police officers of “staging” the encounter and using their service revolvers to shoot the victims at “close range”. Even the autopsy report said the death of the four were due to bullet injuries, it added.

The report alleged that police officers including the then city police commissioner Mr KR Kaushik, then JCP (crime branch) Mr PP Pande, suspended DIG Mr DG Vanzara, then ACP Mr GL Singhal, and ACP Mr NK Amin had planned this encounter to get promotion, to secure their positions and to get accolades from the chief minister. Meanwhile, political bickering has begun with the Congress attacking Mr Narendra Modi and the CPI-M demanding his resignation. The BJP, however, rejected the demand, defending the chief minister and accusing the media of suffering from "Modi-mania". “Why should Modi take a call?... Do you think anything that happens in any state, the chief minister is responsible? If anything happens in the national capital, is the Prime Minister responsible?” senior BJP leader M Venkaiah Naidu said.

<http://www.hindu.com/2009/09/09/stories/2009090954350801.htm>

Ishrat Jahan issue

The reported fake encounter in which Ishrat Jahan and three more persons were killed by the Gujarat police is a clear case of brutal murder by the so-called protectors of law. It is a blot on the police force which has been constantly accused of indulging in fake encounters to serve its ends.

One wonders why so many top officials teamed up to do something so horrendous. Was there a political angle to the killings? The perpetrators of the heinous crime should be brought to justice immediately.

Rahul Chandra Sheel,

Ahmedabad

The veracity of the police account of Ishrat Jahan's killing raised many doubts even in June 2004. It has taken more than five years for the truth to emerge.

It is heart-rending to know that a group of police officials committed such a heinous crime for personal gains. Not only was an innocent girl picked up and ruthlessly killed her image too was tarnished.

K. Malikul Azeez,

Chennai

The fault lies with the system. Policemen seeking political favours has become the order of the day. It is time civil society brought pressure on the Gujarat government to take strict action against the culprits.

Vaibhav C. Ghalme,

New Delhi

The metropolitan magistrate's ruling that the killing of Ishrat Jahan and three others was a fake encounter has dealt a serious blow to democracy and secularism.

N.C. Sreedharan,

Kannur

One can imagine the state of fear in which the minorities live in Gujarat. It would not be right to blame the police alone for the cold-blooded murder of Ishrat and three others. They are said to have indulged in the act allegedly to please the Chief Minister. If that is true, I am sure many officers would act similarly. After all, everyone would like to be promoted.

Abdul Subhan,

Bidar

The killing of Ishrat and three others in a stage-managed encounter and accusing them of being terrorists are pointers to the state of affairs in Gujarat.

The perpetrators of the shameful deed should be severely punished. The heinous act has not only caused the death of innocent persons but also put their families to severe hardship.

Mohammed Sadullah Khan,

Riyadh

More shocking than the fake encounter is the report that it was perpetrated by police for personal gains. One can imagine the law and order situation of a State in which the police, by killing innocent people belonging to a community, expect to be promoted.

It has become common for the police to execute a suspect, and claim that he died in a shootout that followed his bid to kill them. This happens so often that all of us are familiar with the term 'encounter.' Punishing the men in uniform is not enough; the politicians who have created such an environment also need to be punished.

Irshad Ahmed,

Bangalore

<http://www.hindu.com/2009/09/09/stories/2009090954350802.htm>

Intolerance indeed

This refers to the editorial “The state of intolerance” (Sept. 8). That the Gujarat government is contemplating the idea of issuing a second ban notification on Jaswant Singh’s book on Mohammad Ali Jinnah after the High Court struck down the earlier notification is unfortunate.

The freedom of speech guaranteed by the Constitution allows everyone to express his or her views in any form. No one wanting to read Mr. Singh’s book can be denied the right to do so.

S. Lakshmi Narayanan,

Cuddalore

The Gujarat government’s ban on Jaswant Singh’s book on Jinnah certainly smacked of intolerance. The act appeared to be an attempt at one-upmanship on the part of Chief Minister Narendra Modi.

K.D. Viswanaathan,

Coimbatore

The Modi government has claimed that it banned the book because it contained some objectionable remarks about Sardar Vallabhbhai Patel. This has disturbing implications for the citizens’ right to freedom of expression. But this has, unfortunately, been the trend in the country in recent times. Any deviation from the norm in representation or analysis of facts is treated as blasphemy. Authors, playwrights, actors, artists, poets and musicians are regularly targeted by self-appointed guardians of culture. One victim of such targeting is M.F. Husain. You may or may not agree with Jaswant Singh, but in a democracy all citizens have the right to express their opinions without fear.

A.K. Shahinsha,

Dharapuram

<http://www.hindu.com/2009/09/09/stories/2009090960381000.htm>

Modi should quit: CPI(M)

Special Correspondent

NEW DELHI: The Communist Party of India (Marxist) on Tuesday demanded that Gujarat Chief Minister Narendra Modi take moral responsibility for the “cold-blooded murder” of Ishrat Jehan and three others in June 2004 and quit office.

In a statement, the Polit Bureau said the shocking killing of the 19-year-old girl and three others by the Gujarat police was ‘exposed’ by the findings of a city magistrate in Ahmedabad with the enquiry revealing the hand of senior police officials.

“The targeted killings of persons belonging to the minority community by the State police reveals the state of affairs under the Narendra Modi government,” the statement said, demanding immediate action to arrest and prosecute all the police personnel involved in these murders.

It also said exemplary punishment must be meted out in this case as the crime was “committed” by those entrusted with upholding the law. Given the spate of “illegal encounter killings,” the Chief Minister should resign.

The Communist Party of India (Marxist-Leninist) Liberation said in a statement that the “fake encounters” appeared to be elaborately planned, indicating a communal conspiracy to secure ideological support for the Modi government by raising a “bogey of Muslims as terrorists.”

It demanded a thorough and time-bound probe into the role of the entire government machinery.

<http://www.hindu.com/2009/09/09/stories/2009090954701000.htm>

“Conduct of Ishrat, others not above board”

Special Correspondent

NEW DELHI: Though standing by the affidavit filed by the Home Ministry in the Gujarat High Court last month, stating that Ishrat Jehan and the others killed in the June 2004 Ahmedabad encounter were “LeT terrorists,” senior officials said the Centre was not in the picture on how the State acted on its intelligence inputs.

“Had the four, including Ishrat Jehan, been arrested by the police, intelligence officials would have questioned them exhaustively. But the Home Ministry is not in the picture on how and under what circumstances the shoot-out took place and the four were killed. Intelligence inputs and surveillance on them had indicated that the conduct of the four was totally not above board,” senior officials told *The Hindu*.

Attempting to steer clear of the controversy that erupted after the shoot-out and legal action that followed against the police officers, officials said the magisterial probe and its findings also came under the purview of the State government.

The affidavit had admitted that the Centre was aware of the inputs that the Lashkar-e-Taiba was plotting the assassination of some top national and State leaders. “The Union of India and its agencies were and are, regularly sharing such inputs with the concerned State governments,” it said.

It submitted that the police action of June 15, 2004 had been independently inquired into by the Gujarat ADGP (CID and Intelligence), who is neither working under the Crime Branch nor is a subordinate officer to the Crime Branch, Ahmedabad city police. The Ministry submitted that no proposal for a CBI probe into the case “is under the consideration of the Central government nor does it consider the present case fit for investigation by the CBI.”

The affidavit gave details of movements of the four – Zeeshan Johar @ Janbaaz @ Abdul Ghani, resident of Gujranwala, Pakistan; Amjad Ali Akbarali Rana @ Salim @ Chandu @ Babbar @ Rajkumar, resident of Sargoda, Pakistan; Javed Ghulam Sheik @ Pranesh Kumar Pillai and Ishrat Jehan.

<http://www.hindu.com/2009/09/09/stories/2009090960371000.htm>

Congress: probe all encounter deaths in Gujarat

Special Correspondent

NEW DELHI: The Bharatiya Janata Party has decided to tread cautiously in defending the Gujarat government against Monday's disclosure by Ahmedabad metropolitan magistrate S.P. Tamang that the June 2004 "encounter" in which teenager Ishrat Jehan and three others were gunned down was fake.

While Congress spokesperson Manish Tiwari described the Narendra Modi regime as a "maneater government" and demanded that all encounter deaths in the State between 2001 and 2009 be looked at afresh, BJP leader M. Venkaiah Naidu objected to Mr. Modi's name being dragged in, pointing out that whatever happened in Delhi could not be blamed on Prime Minister Manmohan Singh.

BJP spokesperson Ravi Shankar Prasad was silent on the magisterial inquiry report, but he pointed out that it was not proper for a lower court to come out with its report when the Gujarat High Court was seized of the matter and had ordered a special investigation team to look into complaints on the basis of petitions filed by the relatives of those killed.

Mr. Prasad described the "encounter" deaths as "correct, legal, and required encounters." But he did not explain when journalists asked him what he meant by "required encounters;" instead he read out from the Union Home Ministry's affidavit, filed in the High Court on August 6, 2009, giving details of intelligence

on some of those who were killed and the suspicion that they could be involved with the Pakistan-based terror group, Lashkar-e-Taiba.

Rebutting this argument, the Congress said sharing of intelligence or suspicion could not be stretched to mean that the Centre asked the Gujarat government to kill the suspects without caring about the law.

Mr. Prasad was repeatedly asked whether information of suspicion against anyone justified “fake encounters,” but he parried those questions.

He made the following points: One, the matter is under investigation by the High Court; two, the Centre had intelligence information that some Lashkar modules could be planning attacks against Central and State leaders; three, the Lashkar had activated its Indian modules; and four, Ishrat Jehan and Javed Sheikh, another victim, were part of Lashkar modules.

<http://www.hindu.com/2009/09/09/stories/2009090954711000.htm>

Centre's affidavit confirmed LeT links of Ishrat

Special Correspondent

GANDHINAGAR: Contrary to metropolitan magistrate S.P. Tamang's report that Ishrat and another accomplice, Javed Sheikh, who was also killed in the 2004 encounter in Ahmedabad, had no links with the Lashkar-e-Taiba, the Centre its affidavit filed before the High Court last month in connection with a petition filed by Ishrat's mother, Shamima Kausar, seeking a CBI probe into the incident, had stated that they were closely associated with the Lashkar and had been sent to Gujarat to carry out subversive activities.

Opposing a fresh CBI inquiry, the Union Under Secretary in his 14-page affidavit filed on August 6, said the central intelligence agencies were aware of the

activities of the LeT operatives in the country and had been from time to time sharing inputs with the concerned State governments.

The affidavit said Javed Sheikh, a convert, had a criminal background and had four cases registered against him by the Pune police between 1992 and 1998. He had obtained a passport in July 1994, under his Muslim name, describing himself as the son of Moohammad, and had travelled on it to Dubai and other places several times. Though the passport was valid till 2004, he obtained another in September 2003, under his original Hindu name, Pranesh Pillai, son of Gopinath Pillai, giving his Kerala address where he never stayed.

It said the affidavits filed by Mr. Gopinath Pillai in the Supreme Court and Shamima Kausar in the Gujarat High Court gave contradictory information about their background and activities. While Mr. Pillai claimed that his son, Javed, was working with a Pune-based travel agency and frequently took tourists on assignments, Shamima said Ishrat was appointed as a sales girl in Javed's business of perfumes and toiletries.

Pointing out that the two others killed in the encounter, Amzad Ali Rana, and Zeeshan Jauhar, were bonafide Pakistani citizens and known LeT operatives, the affidavit said Javed was known to be in close touch with some LeT operatives, particularly with one Muzammil. Amzad Ali alias Babbar, who was injured in an encounter with the Jammu and Kashmir police in May 2004, and was treated in Delhi, had entered India with Zeeshan Jauhar with specific instructions to organise a terrorist network in Gujarat. Javed was in close touch with him, it said.

The affidavit said most of the intelligence inputs about the movements of the four were provided to the Gujarat police by the central intelligence agencies.

<http://www.hindu.com/2009/09/09/stories/2009090957070100.htm>

Gujarat questions probe report on Ishrat Jehan

Manas Dasgupta

Minister: encounter followed tip-off by Central agencies

GANDHINAGAR: The Gujarat government has questioned the inquiry report of Ahmedabad metropolitan magistrate S.P. Tamang, holding “fake” the encounter, which led to the killing of Ishrat Jehan and three others on the outskirts of Ahmedabad in June 2004.

Claiming that the encounter of the four alleged Pakistan-based Lashkar-e-Taiba operatives was carried out on the basis of information given by Central intelligence agencies, Health Minister Jaynarayan Vyas said the State government would challenge Mr. Tamang’s report in court.

Quoting from an affidavit filed in the Gujarat High Court by Under Secretary (Internal Security) in the Union Ministry of Home Affairs R.V.S. Mani, Mr. Vyas also questioned the metropolitan magistrate’s authority to hold the inquiry under Section 176 of the Cr.PC which he claimed was specifically meant for custodial deaths. Ishrat and the three others were killed in the encounter on the road and not in police custody. Therefore, the metropolitan magistrate had no jurisdiction to hold the inquiry, he said.

Pointing out that the High Court was already seized of the matter and had constituted a three-member special investigation team of top police officers for a fresh inquiry into the Ishrat encounter, Mr. Vyas said since the matter was sub judice, the metropolitan magistrate should not have made his inquiry report public.

Not given hearing

He said the principle of natural justice demanded that the accused be given a fair opportunity to present their side but Mr. Tamang had heard neither the accused police officials nor the State government.

It was intriguing that the entire investigation was completed and the report submitted in just 25 days after Mr. Tamang was asked by the Chief Metropolitan Magistrate to look into the matter on August 12.

The State government was also not supplied with a certified copy of the report, before it was “leaked” to the media and made public. The report, however, was not binding on it, Mr. Vyas said.

<http://www.hindu.com/2009/09/09/stories/2009090960461000.htm>

“Now my children can move ahead”

Staff Reporter

We have spent five years crying, says Ishrat’s mother

Mumbai: Ishrat Jehan, who was killed in a “fake encounter” of 2004 in Gujarat, had four sisters and two brothers. “The careers of my children are finished. They all wanted to study. They have no one to support their education. Today, my children can move ahead,” said Shamima, mother of Ishrat Jehan, in a tearful address to the media. Ms. Shamima remembered all that the family lost in its fight for justice.

Highlighting the support from non-Muslims, Abdul Rauf Lala, a social activist closely associated with the case, said there could not be a bigger victory for secularism. “This case should not be seen from a religious perspective but from a human perspective. It was a mother’s fight for justice.”

At a time when none wanted to be associated with them, some leaders, namely Jitendra Avhad of the Nationalist Congress Party, and advocates Vrinda Grover, Mukul Sinha and Shilpa Shah took up their cause. The family hailed them and the media as well for keeping up the pressure.

For five years, the family endured disgrace, despair and legal demands. “We have spent five years crying. Only I know the agony we have been through,” said Ms. Shamima.

“These five years were the worst period of our lives. It was difficult for us to prove. We were disheartened,” said Ishrat’s younger sister Musarrat.

The probe report of the magisterial inquiry had brought much relief. Too overwhelmed for words, Ms. Musarrat read from a piece of paper: “We had full faith we would win this fight. This was a conspiracy. We have been saying from day one that our sister was innocent. She loved this country as much as you do. No power can give her back to us. But we are happy that we got justice. Those who doubted us, saw us with suspicion, have lowered their heads.”

Not ruling out the connivance of Maharashtra police force in the “fake encounter,” Mr. Lala said they had received some reports on the involvement of an “encounter specialist.” Ishrat went out of the house on June 11, 2004, and that was the last anyone saw of her. On June 16, the family learnt of her death.

“When we went to collect her body, [the then Gujarat police DCP] D.G. Vanzara and [ACP Narendra] Amin behaved deplorably and forced Ishrat’s mother to confess falsely. We were detained for eight hours,” said Mr. Lala. Tellingly, the court summons for August 21 arrived by post this Monday, he said.

Mr. Lala said the post-mortem report indicated the day of Ishrat’s death as June 14, while the police had stated the encounter date as June 16.

Now all that the family wishes for is severe punishment for those who carried out the heinous act. “They should be hanged so that no one’s sister dies in such a brutal manner,” said Ms. Musarrat. Asked if they wanted action against Gujarat Chief Minister Narendra Modi, she said they were not specifically asking for Mr. Modi to be indicted, but for those behind the killing.

Ishrat was just 19 when she was “kidnapped,” shot “in cold blood” and termed a Lashkar-e-Taiba operative. She was a second year B.Sc. student aspiring to become a teacher. She was also teaching at a well-known coaching centre. A day before she was “kidnapped” she had applied for an educational scholarship.

“She was very intelligent and a good teacher. All of us had our dreams back then, but we don’t anymore. Now hope has been lit, but time cannot come back. The time to study and build a career has gone,” rued Ms. Musarrat, who works as a receptionist.

Sheikh Anwar, Ishrat’s younger brother who is a computer engineer, said, “When we heard the news of her death, we did not believe it. My sister was very naïve. She was very nice. I was too small, but I knew my sister could never have done this. She was scared of even a cockroach,” he recalled.

The government has rejected the report of the sub-divisional magistrate.

<http://www.hindu.com/2009/09/09/stories/2009090960471000.htm>

Ahmedabad Crime Branch police caught on the wrong foot

Manas Dasgupta

By ordering a probe into ‘police encounter,’ say legal experts

Central amendment of Cr.PC turned the tables

on police

Metropolitan Magistrates have suo motu powers to probe ‘unnatural deaths’

AHMEDABAD: The Ahmedabad Crime Branch Police has apparently been caught on the wrong foot in requesting the then Chief Metropolitan Magistrate

(CMM) to hold an inquiry into the June 15, 2004 “police encounter” in which Ishrat Jehan and three others were killed near the Kotarpur waterworks on the outskirts of the city.

According to legal experts, the inquiry under Section 176 of the Criminal Procedure Code as it existed then was held by a sub-divisional magistrate (SDM) — the SDMs are appointed by the government and often considered pliable. But a Central amendment of the Cr. PC later gave the authority to hold such inquiries to the Metropolitan Magistrates, a wing of the judiciary over which the governments has no control.

The Crime Branch’s request of 2004 for an inquiry into the “encounter” by its own police force was apparently intended to counter the doubt raised then by some human rights activists about the bona fides of the police action. It apparently expected the SDM to give a favourable report to silence the human rights activists, but the Central amendment turned the tables on the police, say the legal experts

Legal sources said that for about four years no action was taken on the Crime Branch request because no Metropolitan Magistrate was willing to stick his neck out in the sensitive issue. It was only on August 12 this year that the CMM forwarded a letter to Ahmedabad Metropolitan Magistrate S.P. Tamang to inquire into the encounter and submit his report at the earliest. He completed the task in just 25 days and submitted the report to the CMM on Monday.

None of the magistrates, however, made the report public. It was released to the media by the advocate for one of the petitioners in the case before the Gujarat High Court, Mukul Sinha. He said that when he came to know that Mr. Tamang had submitted his report, he applied to the Metropolitan Court for a certified copy and was provided with one on Monday evening.

Mr. Sinha is the advocate of Gopinath Pillai, father of Javed Sheikh alias Pranesh Pillai, in the case before the High Court.

Even as the government raised questions about the authority of the Metropolitan Magistrate to hold an inquiry under Section 176 other than in a case of custodial deaths, the legal experts pointed out that under Section 176, the Metropolitan Magistrates had been given suo motu powers to inquire into any “unnatural death.” In case of custodial deaths and suspected dowry deaths, such inquiry was mandatory but in other “unnatural deaths” as in a police encounter, it was left to the discretion of the judicial authority to hold an inquiry.

“Mr. Tamang has not acted beyond his jurisdiction and the inquiry into the Ishrat Jehan encounter under Section 176 was justified and within the law, particularly in this case the inquiry was at the behest of the Crime Branch police itself,” the experts said.

http://epaper.hindustantimes.com/ArticleText.aspx?article=09_09_2009_010_007&keyword=&mode=1

Nowhere to hide

Lalita Panicker

The long arm of the law seems to be increasingly catching up with lawenforcers as the judicial probe into the sensational 2004 ‘encounter killing’ of Ishrat Jahan and three others in Gujarat reveals.

The four, according to the state police who eliminated them, were members of the militant outfit Lashkar-e-Tayyeba who were on a mission to assassinate Gujarat Chief Minister Narendra Modi. Forensic evidence has given lie to the theory that they were killed in a frenzied chase. Instead, they were shot dead in cold blood.

This will be another blow to the ‘encounter’ culture, once made famous by the Mumbai police in their drive against the underworld. In fact, at that time, the so-called police encounter specialists were feted despite having acted outside the

purview of the law. Encounter killings got further legitimacy, even a f degree of public approval, after i they were seen to have been effective in countering insurgencies in places like Punjab.

Apart from this case, the 2007 Sohrabuddin Sheikh case and the more recent killing of an MBA student in Uttarakhand f have put the police on the mat as never before. There are several reasons why the police and t their mentors are not able to get away with extra-judicial murders as easily as before. For one, there is a vigilant media that now has its reach in almost every nook and cranny.

Now many may dismiss the t media's intrusive role at times, but this does ensure that awareness about issues like fake police encounters reach as many people in as little time as possible.

Civil society, too, is not as passive today as before. We have seen how persistent public pressure led to re-opening of controversial cases like the murders of Jessica Lall and Priyadarshini Mattoo.

Many of these encounter killings were done with an eye on bigger rewards in terms of promotions and accolades. The fact that such a policy is yielding diminishing returns suggests a welcome cleansing of our law-enforcement system.

With good governance having become a winning formula in recent times, it is increasingly becoming counterproductive for powerful politicians to shield guilty officers.

But, for Modi who has been trying, successfully, to re-cast himself as development-driven, this could not have come at a worse time. The damage can only be contained if the guilty are given exemplary punishment and that too without further delay.

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<http://www.deccanherald.com/content/24124/family-heaves-sigh-relief.html>

Family heaves a sigh of relief

Mumbai, Sep 9, DH News Service: *For the family of slain Ishrat Jahan, it was a day of deliverance, as the 'terrorist' blot on her was finally removed five years after the Mumbra college girl was killed in an encounter by the Gujarat police.*

All these years, the family was ostracised by the community; their children were denied admission to schools or colleges and marriage proposals were turned down, as nobody wanted to be associated with a “terrorist family.” All that changed a day after a magisterial inquiry ordered by the Gujarat government concluded that the encounter was “fake” and Ishrat and her three friends, killed by the police in a car, were not associated with any militant outfit.

Ishrat’s family held a news conference in neighbouring Thane on Tuesday, close to the Mumbra suburb, and demanded the harshest punishment for the cops involved in the murder.

Ishrat’s mother Shamima Kausar and her family had been fighting a sustained legal battle seeking the Ahmedabad court to reopen the probe, besides demanding inquiry by the CBI. She alleged that Ishrat was eliminated as part of a “cold-blooded conspiracy” by the police.

“I cannot explain the trauma we had to undergo. My other children wanted to pursue their studies but could not,” she said.

Ishrat’s sister Mushrat said: “We are happy now that the court itself has proved it was a fake encounter.”

Members of Ishrat’s family said they might explore legal options to seek action against the perpetrators, but did not elaborate.

<http://www.deccanherald.com/content/24005/ishrats-family-wants-action-against.html>

Ishrat's family wants action against guilty Guj cops

Mumbai, Sep 8 (IANS): *"She was as patriotic and loved the country as much as you," said an impassioned Nusrat, the younger sister of Mumbai collegian Ishrat Jahan who was shot dead and branded a traitor by Gujarat police and whose killing has been proved to be a 'fake encounter'.*

A day after an Ahmedabad court ruled that the killing of Ishrat Jahan, the 19-year-old college student gunned down with three of her friends in June 2004, was a "fake encounter", her family came out Tuesday to demand the sternest punishment possible for the guilty policemen.

Her younger sister Nusrat said the family knew right from the beginning that her killing in June 2004 was a "conspiracy". "She was as patriotic and loved the country as much as you and we do. We are happy that finally the blot on our family has been erased and she has been proved innocent," the 22-year-old said.

Nusrat added that all those people who had viewed the family with suspicion had been given an appropriate answer by the Ahmedabad court verdict. Her mother Shamima Jahan added tearfully that Ishrat's killing had branded their entire lives and affected the job and educational prospects of her six other children.

With the terrorist slur finally being removed, "our lives can come back on track", she said.

Ishrat, a resident of Mumbra suburb in Thane district, was a second year B.Sc student at Mumbai's Guru Nanak Khalsa College. Having lost her father two years before her death in 2002, she embroidered clothes and gave tuitions to help support her family of eight -- including her mother and six brothers and sisters.

On June 15, 2004, Ishrat and three of her friends, Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani were gunned down by Ahmedabad Police's Crime Branch (Detection) on the outskirts of the city.

Police claimed that the four were members of a Lashkar-e-Taiba module and were on a mission to kill Chief Minister Narendra Modi. On Monday, that lie was nailed when an Ahmedabad court ruled that the killings were a case of "fake encounter".

Her family expressed their gratitude to the media and their team of lawyers led by Vrinda Grover and Shilpa Shah for supporting them in their darkest hours.

<http://www.deccanherald.com/content/24122/gujarat-govt-rejects-ishrat-judicial.html>

Gujarat govt rejects Ishrat judicial inquiry report

Encounter case: BJP defends Narendra Modi

Ahmedabad, Agencies & DHNS: *A defiant Gujarat government on Tuesday rejected a judicial inquiry report that 19-year-old Mumbai college girl Ishrat Jehan and three others were killed in a fake encounter in 2004, saying they were Lashkar-e-Toiba (LeT) operatives planning terror strikes in the state.*

Slamming metropolitan magistrate S P Tamang for "overstepping" his jurisdiction by submitting his report, the state government said it will challenge it in a higher court.

Tamang in his report has concluded that four people — Ishrat, Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani — killed in an encounter on the outskirts of the city on June 15, 2004, were not linked with Pakistan-based terror outfit LeT as claimed by the police.

"The report prepared by the magistrate is beyond the jurisdiction of Section 176 of the CrPC (inquiry by magistrate into the cause of death) and will not stand legal scrutiny" Gujarat government spokesman Jaynarayan Vyas said.

Quoting a government affidavit, he said it clearly stated that Ishrat and the other three were LeT operatives and planning terror strikes in Gujarat.

Tamang's report said the encounter in which Ishrat and others were gunned down was

fake and executed in “cold blood” by police officers.

The report accused senior police officers of “staging” the encounter and using their service revolvers to shoot the victims from a “close range.”

Even the autopsy report said the death of the four was due to bullet injuries, it added.

The report alleged that police officers, including the then city police commissioner K R Kaushik, then JCP (crime branch) P P Pande, suspended DIG D G Vanzara, then ACP G L Singhal, and ACP N K Amin had planned this encounter to get promotion, to secure their positions and to get accolades from the chief minister.

Meanwhile, the BJP defended Gujarat Chief Minister Narendra Modi, saying he “cannot be held responsible for everything that happens in the state”.

Party spokesman Ravishankar Prasad said a magistrate’s probe report that the state police shot them in cold blood was not final.

<http://www.asianage.com/presentation/leftnavigation/opinion/editorial/encounters-a-blot-on-our-democracy.aspx>

Encounters a blot on our democracy

Sept.09 : Shakespeare’s famous line that there is "something rotten in the state of Denmark" applies with a bruising force to the goings-on in present-day India. If pervasive corruption, political skulduggery, hunger deaths, and disdainful disregard of poverty didn’t make up a shaming enough roster, we also mastermind human rights abuses of the most vicious kind from time to time. An example of this is the disclosure that elements of the Gujarat police travelled to Mumbai in June 2004, abducted a small group of young Muslims, including a 19-year old college girl, Ishrat Jahan, killed them in cold blood at point-blank range on the highway near Ahmedabad, set up the bodies with weapons strewn about, and announced to the world that they were a Lashkar-e-Tayyaba module from Pakistan plotting to assassinate state chief minister Narendra Modi. All this was done, it transpires, in search of glory — rewards, promotions and a craven attempt to get into the good books of the chief minister, whose anti-Muslim taunts are a byword of communal practice. A metropolitan magistrate in Ahmedabad has now blown the lid off the scandal after a probe ordered by the Gujarat high court. The shock is that the dramatis personae are the crème de la crème of the state police: the director-general, the crime branch chief, and DIG D.G. Vanzara, the "encounter specialist" of the state police force, senior IPS men all, not greedy or misguided staff of lower rank. Mr Vanzara and one of his colleagues being hauled up in this case are already under arrest for masterminding another fake encounter earlier — the case of Sohrabuddin Sheikh and his wife, who were also killed in cold blood and falsely shown as terrorists.

Evidently, Gujarat under Mr Modi provides enough of a permissive communal atmosphere to lure police officers of the highest rank on a regular basis into such numbing criminality. But selective citing of Gujarat may not be analytically productive if our aim is to put an end to human rights abuses of this kind and to firmly put down official collusion by meting out exemplary punishment to those found guilty. These so-called encounter deaths are reported on a regular basis from nearly every state. We have just had Manipur. Not so long ago Delhi and Maharashtra have been in the news. The government personnel involved have been policemen and there has been no communal angle in many cases. Unfortunately, it is not always the police. Army and paramilitary personnel have also been found to kill innocent civilians on false pretexts in places like Kashmir and the Northeast. The infamous Chhatisingpora case in Kashmir is a good example. All those involved deserve condemnation. But that is not good enough. In order to ensure that uniformed personnel are not tempted by criminality of this nature, the government must withdraw any incentives that may be officially offered for being proactive in dealing with terrorists. There is a strong case for a review of this policy. Whenever shaming incidents of the type of Chhatisinghpora or the Ishrat Jahan murder take place, the political and social situation becomes fragile and sensitive. Our democracy is made to look small. The incidents are a slur on us all. It may be a good starting point for the parliamentary committee on home affairs to make a thorough study of these situations and make appropriate recommendations. At all costs, the image of our uniformed personnel must not be allowed to be besmirched by deviant elements.

http://epaper.hindustantimes.com/ArticleText.aspx?article=09_09_2009_007_007&keyword=&mode=1

ISHRAT JAHAN FAKE ENCOUNTER - Punish those responsible: Ishrat's family

() She (Ishrat) loved this country as much as you and I do. No force can make my sister come back but we are happy that we have got justice.

M U S A R R A T J A H A N , Ishrat's younger sister

Susamma Kurian susamma.kurian@hindustantimes.com

THANE: A day after Ahmedabad Metropolitan Magistrate S.P.

Tamang termed the 2004 encounter of Mumbra resident Ishrat Jahan as fake, her family demanded strict punishment for those responsible for her death.

On June 15, 2004, Ishrat and three others -- Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani -- were gunned down by the Gujarat police.

The police had claimed that the four were linked to Lashkare-Tayyeba and were planning to kill Gujarat Chief Minister Narendra Modi.

"My sister was very good and innocent. Though I was very young when she was killed, I knew she could not have been a terrorist...she was even scared of cockroaches," said Ishrat's younger brother Sheikh Anwar.

The 21-year-old works as a tutor at a computer institute in Mumbra.

The family thanked Nationalist Congress Party legislator Jitendra Awhad for giving them moral and financial support. The family also expressed its gratitude to nongovernmental organisation My Mumbra, which helped it find legal aid to fight the case, and advocates Vrinda Grover, Shilpa Shah and Mukul Sinha.

"We have been saying since day one that Ishrat was killed in a fake encounter. She loved this country as much as you and I do. No force can make my sister come back but we are happy that we have got justice," said Ishrat's younger sister Musarrat Jahan (22), a receptionist at a Mumbra office.

"We don't know why Ishrat was killed. But we want those guilty to be punished severely so that nobody else's sister is killed," added Musarrat.

"Our lawyers have come to know from sources that Ishrat was picked up from Mumbra itself with help from an encounter specialist in Maharashtra," said My Mumbra president Rauf Lala.

The family is yet to decide on what compensation they would ask the government to pay.

"Nothing can compensate all that we have lost in these five years because of my daughter being called a terrorist. My children's career and education was affected due to the blot on our family. There is still no support for my children's life," said Shamima Kausar (45), Ishrat's mother.

<http://www.asianage.com/presentation/leftnavigation/news/india/%E2%80%98abroad,-modi-would-be-elsewhere%E2%80%99.aspx>

'Abroad, Modi would be elsewhere'

AGE CORRESPONDENT

NEW DELHI

Sept. 8: A day after a judicial probe termed the killing of 19-year-old Ishrat Jahan and three others in 2004 in Gujarat as cold-blooded murder, Union law and justice minister M. Veerappa Moily said Gujarat chief minister Narendra Modi could be headed for "bigger trouble". But the BJP defended Mr Modi saying he cannot be held responsible for everything that happens in the state. The party maintained that even the Centre, through an affidavit by Union home ministry in August had said that the four had links with LeT and were tasked to organise terror attacks in India, including in Gujarat and Maharashtra, besides targeting national and state leaders.

Claiming that Gujarat chief minister "would have been in some other place, if the Ishrat Jahan fake encounter had taken place in a foreign country," Union minister said.

"The chief minister could be headed for bigger trouble as there are many such cases which are coming up now. If more investigations are conducted, more skeletons may tumble."

Terming the incident as "most unfortunate", the minister, stated that the law will take its own course.

But the BJP defended its leader and Gujarat chief minister and accused the media of suffering from "Modi-mania".

"Why should Modi take a call?. Do you think anything that happens in any state, the chief minister is responsible? If anything happens in the national capital, is the Prime Minister responsible?" asked senior BJP leader M. Venkaiah Naidu when asked whether Mr Modi should be held accountable for the Ishrat Jahan encounter. He added, "Let law take its own course".

<http://www.asianage.com/presentation/leftnavigation/news/india/muslim-leadership-flays-gujarat-govt.aspx>

Muslim leadership flays Gujarat govt

PARUL CHANDRA

NEW DELHI

Sept. 8: "In Gujarat, there were no terrorists. But the harassment and torture of innocent people must have created some. We didn't know terrorism before Narendra Modi's rule. But the policies he has been pursuing is leading to terrorism," said Zakia Jowher, one of the founder-members of the Bhartiya Muslim Mahila Andolan (BMMA) on Tuesday. Flaying Mr Modi's government, she said that Mumbai resident Ishrat Jehan's killing in a fake encounter in 2004 was a reflection of the policies being followed by him where innocent people are being targeted.

Ms Jowher noted that right after the killing of Ishrat Jehan and three other men allegedly because they were terrorists, there had been reports that the "encounter" was stage-managed. All four had been killed elsewhere and their bodies then brought to Ahmedabad and arranged on the road to make it appear like an encounter, she said.

Ms Jowher said this was part of a pattern to detain, arrest and torture members belonging to the Muslim community in the state and charge them with things like conspiring to wage jihad or to kill Mr Modi.

Mr S.Q.R. Ilyas, who is assistant convenor of the Coordination Committee of Indian Muslim Organisations, on Tuesday demanded that there should be a judicial inquiry into all such police encounters as also terror attacks. In the light of the judicial inquiry report which has concluded that Ishrat and three others were killed in a fake encounter, Mr Ilyas alleged that all such police encounters are false, including the Batla House.

Yet another Muslim leader, Mujtaba Farooq of the Jamaat-e-islami Hind, noted that the Ishrat Jehan killing indicated the attitude of the administration in general and that of the police in particular towards the Muslim community.

<http://www.asianage.com/presentation/leftnavigation/news/india/gujarat-govt-rejects-encounter-report.aspx>

Gujarat govt rejects encounter report

DEEPAL TRIVEDI

AHMEDABAD

Sept. 8: In a twist to the Ishrat Jahan case, the Gujarat government here on Tuesday rejected the SP Tamang report. The report concluded that Ishrat Jahan and three others were killed in a fake encounter in 2004, and the government said it would challenge it in a higher court. The Opposition Congress has lambasted the Modi government's decision to challenge the Tamang report.

"Magistrate Tamang's report is bad in law, and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the high court to probe the matter could do so," Gujarat government spokesman Jaynarayan Vyas said.

"The report prepared by the magistrate is beyond the jurisdiction of the Section 176 CrPC (inquiry by magistrate in to cause of death) and does not stand legal scrutiny," Mr Vyas stressed.

Quoting the Union government's affidavit in the Supreme Court, he said the Central government's affidavit is a proof, since it clearly suggested Ishrat and the other three were LeT operatives and were planning terror strikes in Gujarat.

Magistrate Tamang's report, submitted on Monday, created a furore with its finding the encounter in which 19-year-old college student Ishrat Jahan from Mumbai and three others were gunned down in 2004 was fake and executed in "cold blood" by police officers for selfish motives.

The police had claimed that these dreaded terrorists were allegedly plotting to kill chief minister Narendra Modi. However, magistrate Tamang said the police did this to get prize and promotions from the state government. The report of the investigation, conducted by the magistrate, had accused senior police officers of "staging" the encounter.

Mr Vyas said not only the state government, but also the ministry of home affairs at the Centre, had sworn an affidavit in the Supreme Court stating that the four were operatives of Pakistan-based LeT.

He said as per the MHA affidavit, a mouthpiece of the LET had disclosed that Ishrat was linked to it.

<http://www.asianage.com/presentation/leftnavigation/news/top-story/punish-the-police,-says-ishrat-mom.aspx>

Punish the police, says Ishrat mom

Age Correspondent

Mumbai

Sept. 8: A day after the killing of Khalsa College student Ishrat Jahan was deemed a fake encounter by a judicial inquiry in Gujarat, her family demanded action against the policemen responsible. They also thanked NCP leader Jitendra Avhad, who, they claimed, had provided infinite support during their five-year battle for justice.

Speaking at a press conference in Thane on Tuesday, Ishrat's mother Shamima Kausar said, "My daughter's death was a great blow as she used to support the family by taking tuition after college hours. After she was killed we had to discontinue the education of my other daughter Mushrat and son Nusrat. We have been doing zari work since then." Ms Kausar said the family had managed to fight the legal battle only because of the help provided by Mr Avhad. "We had invited him to the press conference but he did not want to attend," she said.

http://epaper.hindustantimes.com/ArticleText.aspx?article=09_09_2009_001_006&keyword=&mode=1

Ishrat encounter not fake: Gujarat

Nagendar Sharma and Susamma Kurian htm metro@hindustantimes.com

NEW DELHI/THANE: A rattled Gujarat government on Tuesday rejected the magisterial inquiry report into the 2004 killings of Mumbra resident Ishrat Jahan and three others.

"The probe report is bad in law and we outrightly reject it.

We will challenge it in a higher court. The magistrate has overstepped his jurisdiction,"

Gujarat government spokesperson Jaynarayan Vyas said.

At a press conference in Thane, Ishrat's family on Tuesday demanded the strictest of punishments for those behind Ishrat's death. "We don't know why Ishrat was killed. But we want those guilty to be punished severely so that nobody else's sister is killed," said Ishrat's younger sister Musarrat Jahan.

On June 15, 2004, Ishrat and three others were gunned down by the Gujarat police who claimed they were linked to Lashkar-e-Tayyeba and were planning to kill Gujarat Chief Minister Narendra Modi.

In its defence, the Gujarat government has cited an affidavit filed by the Union Home Ministry, which states that the encounter was genuine.

The Gujarat government faces uncomfortable questions.

The immediate trouble for it is the fake encounters in which Sohrabuddin Sheikh, his wife Kausar Bi and friend Tulsiram Prajapati were killed. Gujarat has already admitted to the Supreme Court that all three were killed in fake encounters.

The Gujarat police face allegations of having killed 20 people in 11 fake encounters between 2002 and 2006.

A day after Ahmedabad Metropolitan Magistrate S.P.

Tamang termed the 2004 encounter of Mumbra resident Ishrat Jahan as fake, her family demanded strict punishment for those responsible for her death.

On June 15, 2004, Ishrat and three others -- Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani -- were gunned down by the Gujarat police.

The police had claimed that the four were linked to Lashkare-Tayyeba and were planning to kill Gujarat Chief Minister Narendra Modi.

"My sister was very good and innocent. Though I was very young when she was killed, I knew she could not have been a terrorist...she was even scared of cockroaches," said Ishrat's younger brother Sheikh Anwar.

The 21-year-old works as a tutor at a computer institute in Mumbra.

The family thanked Nationalist Congress Party legislator Jitendra Awhad for giving them moral and financial support. The family also expressed its gratitude

to nongovernmental organisation My Mumbra, which helped it find legal aid to fight the case, and advocates Vrinda Grover, Shilpa Shah and Mukul Sinha.

"We have been saying since day one that Ishrat was killed in a fake encounter. She loved this country as much as you and I do. No force can make my sister come back but we are happy that we have got justice," said Ishrat's younger sister Musarrat Jahan (22), a receptionist at a Mumbra office.

"We don't know why Ishrat was killed. But we want those guilty to be punished severely so that nobody else's sister is killed," added Musarrat.

"Our lawyers have come to know from sources that Ishrat was picked up from Mumbra itself with help from an encounter specialist in Maharashtra," said My Mumbra president Rauf Lala.

The family is yet to decide on what compensation they would ask the government to pay.

"Nothing can compensate all that we have lost in these five years because of my daughter being called a terrorist. My children's career and education was affected due to the blot on our family. There is still no support for my children's life," said Shamima Kausar (45), Ishrat's mother.

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=MIRRORNEW&BaseHref=MMIR/2009/09/09&PageLabel=9&EntityId=Ar00900&ViewMode=HTML&GZ=T>

ISHRAT JAHAN 'ENCOUNTER'

Medical reports, analysis of bullets fired nailed lie of Gujarat police

VIJAY ZALA AND ZAHID QURESHI

AHMEDABAD: Post-mortem reports and cops' 'incredulous' statements on the use of ammunition during the 2004 encounter in which Ishrat Jahan was gunned down along with three others led Metropolitan Magistrate S P Tamang to conclude that the killings were staged.

In his 243-page report submitted to an Ahmedabad court, Tamang has contested the Gujarat police's claim that Ishrat, Pranesh Pillai alias Javed Shaikh, Amjad Ali Rana and Jishan Johar were terrorists on a mission to kill CM Narendra Modi. He has concluded that the four were not killed in an encounter near Kotarpur on June 15, 2004, but a day earlier.

Partly-digested food found in the stomach of Ishrat and the others indicated that they had been killed a few hours after they had dinner on June 14, 2004. Two unlicensed weapons — a 9 mm pistol and AK-56 rifle — were used to shoot Rana, Pillai and Johar. Pillai, Tamang has stated, was killed between 8.30 pm and 9.30 pm while the others were shot dead between 11 pm and midnight.

Rana was made to sit in the right rear seat of the blue Indica car and shot from the left side of the vehicle with the unlicensed pistol. To make it appear there was a gunfight, cops fired 50 shots from the AK-56 rifle at their vehicles before placing the gun in Rana's hand. The metropolitan magistrate pointed out no trace of gunpowder was found on Rana's hands, which means he didn't use the weapon. Pillai was shot twice with the same AK-56 rifle. This, Tamang said, clearly suggests the killings were staged, because if Rana was a terrorist, he would not have killed Pillai who was allegedly his partner.

Tamang pointed to glaring anomalies in cops' claims of collectively firing at least 70 shots in self-defence.

Constables Mohan Nanji and Mohan Kalasva, who claimed that were involved in the encounter, had stated they fired 10 and 32 shots, respectively, from their AK-47 rifles. Commando Anaju Chaudhary, Inspector J J Parmar and ACP N K Amin claimed to have fired 10, four and five shots, respectively, from their service revolvers. Sub-Inspectors Tarun Barot and I K Chauhan had claimed to fired six and five times, respectively.

Tamang's report says not a single cartridge of the aforesaid weapons was found at the encounter site.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_012.shtml?Mode=1

UPA affidavit too spoke of LeT links

EXPRESS NEWS SERVICE

NEW DELHI,

NEW DELHI: In an affidavit filed in court on August 6, 2004, the UPA government said it had learnt that Ishrat Jahan's associate Javed alias Pranesh Pillai was "in regular touch with LeT operatives, particularly Muzammil, to carry out action in Gujarat." HE UPA government's August 6, 2004 affidavit filed in connecion with the Ishrat Jahan encounter makes it amply clear that he teenager's accomplice Javed aka Pranesh Pillai was in touch ith Lashkar-e-Toiba's operational commander Muzammil and hattheCentrewasawareoftheproscribedgroup'splanstoassasinate "some top-level national

and state leaders". Filed by R V S Mani of the Union Home Ministry's Internal Security Wing, the affidavit says: "Union of India in 2004 received specific inputs to suggest that LeT had been planning to carry out terrorists activities in various parts of country including the state of Gujarat." The affidavit was filed before the Gujarat HC in response to petitions asking for a CBI inquiry filed by Ishrat Jahan's mother Shamima Kausar and Javed's father Gopinath Pillai before the Supreme Court. The SC had referred Pillai to the Gujarat HC.

The affidavit points to the contradictions in the two petitions about the whereabouts of both Jahan and Javed before the encounter.

Two Pakistani LeT operatives, Zeeshan Johar of Gujranwala and Amjad Ali of Sargodha, were also killed in the encounter. "The Government has learnt that the LeT has inducted its cadre including Pakistani terrorists for specific action. It came to the notice of the agencies of the Union Government that Javed was in regular touch with LeT operatives, particularly Muzammil, to carry out action in Gujarat," it says.

While LeT mouthpiece "Ghazwa Times" described Ishrat as women activist of the terrorist group the day after she was killed in the encounter, the parent body Jamaat-ud-Dawa issued an apology for the news item on May 2, 2007. "It is clear from the above that Ishrat was actively associated with LeT and an apology by the group is only tactical to discredit Indian security agencies and police and is aimed at misleading the court," the affidavit says.

It says: "The claimed hiring of Ishrat Jahan by Javed was not for the purpose claimed by the petitioner (Kausar), but appears to be a part of LeT conspiracy to provide cover to Javed of being husband and wife during his movements to various parts of country including Ahmedabad, Lucknow and Ibrahimpur (Faizabad UP) for accomplishment of his terrorist missions."

In her petition, Ishrat's mother had stated that Javed was hired her daughter as a salesgirl for his perfume business. In contrast, Pillai's affidavit says his son was ferrying tourists in his Indica taxi and makes no mention of any perfume business. OBSERVATIONS Pune police investigations indicate that

Pakistani Amjad Ali, aka Babbar, was present with Javed at the time of purchase of the blue Indica (MH 02 JA 4786). Gujarat Police investigations indicate that Ishrat and Javed stayed together in a Lucknow hotel and at a private residence in Ibrahimpur. Both the petitioners have failed to explain the duo's relationship with the Pakistani nationals.

Pune police recovered from Javed's Mumbra residence documents related to the preparation of high explosive devices through commonly available chemicals, electronic circuits for detonation, advanced code sheets for communications and code names assigned to various targets including important political personalities.

Javed had two passports, one issued in Mumbai and other in his Hindu name from Cochin, and travelled to Dubai and was briefed by Muzammil during his trip to Oman in March-April, 2004.

A group of 18 LeT terrorists intercepted by J&K Police in June 2004 told their interrogators that Amjad Ali (killed in the encounter) had entered India under express instructions from Muzammil for organising terrorists networks in Gujarat and Maharashtra.

He was in regular touch with Javed.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_008.shtml?Mode=1

`Terrorist tag made life tough for us'

N GANESH

MUMBAI

: Five years after the Ahmedabad police killed Ishrat (19), a second-year student of Matunga's Khalsa College, and three others in an encounter, there is finally something to cheer in the household. Flanked by residents who helped them in pursuing the case, mother Shamima Kausar looked somber on Monday evening, speaking little and mostly replying with a nod of her head. She had not only lost one of the family's bright young daughters but had also had to live with the stigma of being labelled the family of a terrorist, said those around her.

Anwar (21) is the senior male member of the family, but ever since Ishrat's demise, it has been the vocal Musarat who speaks for the family. "Words fail to express what we have been through in the past five years. My brother's job prospects became bleak due to the tag of being a terrorist's brother. My mother was constantly worried about how she would find grooms for her daughters. We reside in a rented place, but the label we got made it difficult to find a place," said Musarat.

As for Ishrat, the family remembers her as the daughter who took charge of the reins of the family after the death of father Mohammad Sheikh, an unsuccessful builder. "She will always remain in our hearts. We hope that the people who killed her would be brought to book," said Musarat.

A small group of Mumbra residents have been helping Ishrat's family pursue the case in Gujarat. Rauf Lala, Munna Sahil and Kurshid Warsi of My Mumbra, a local organisation, had sought the help of experienced lawyers Mukul Sinha and Shilpa Shah and have been pursuing the matter for the last many years.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_006.shtml?Mode=1

'I am happy with probe report'

THIRUVANANTHAPURAM/PUNE:

"The truth has come out. I am satisfied with the probe report," said M R Gopinath Pillai, the father of Javed Sheikh, alias Pranesh Kumar, one of the four persons killed by Gujarat Police on June 15, 2004.

"The police had falsely linked my son with LeT and kidnapped him. I came to know about his death through newspaper reports.

His death could be confirmed only five days after the incident," said Pillai who lives in Alappuzha after retiring as supervisor from a private company in Pune.

The police version that Javed, who converted to Islam to marry Pune-based Shajitha, had terror links had then shocked Kerala.

"Those who knew my son never believed the police theory. He was well employed in Dubai," said Pillai.

Recalling the harrowing days, Pillai claimed Javed was kidnapped by Gujarat Police from Ahmed Nagar in Maharashtra. Javed had come to Alappuzha to take back his elder son, who had been then spending his school holidays with grandparents in Alappuzha.

Javed drove his car to Kerala. During the return journey, he stopped his car somewhere near Ahmed Nagar for repairing a busted tyre and was kidnapped.

In Pune, 34-year-old Sajeda Sheikh, wife of Javed, said she wanted to be left alone. Since her husband was killed, she and her three children had to keep moving from one housing colony in Pune to another as the news about Javed being a 'terrorist' eventually caught up with her. Even now, she is careful that neither her residential address nor details about the children's schools comes out.

"I have maintained, from the very first day, that my husband was innocent. This is delayed justice. I have had to face gruelling five years. I had very little support and the social stigma was unbearable. Now I just leave it to Allah for the road ahead," said Sajeda.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_009.shtml?Mode=1

Modi not responsible, says BJP
NEW DELHI

In the face of the Opposition demand for action against Gujarat CM Narendra Modi in the Ishrat case, the BJP on Tuesday claimed that "he could not be held responsible for everything that happened in the state". "Is the Prime Minister held responsible for everything that happens in the national capital? Should the chief minister therefore be held responsible for everything that happens in the state," asked senior party leader M Venkaiah Naidu.

After spokesman Jaynarayan Vyas defended the state government, saying that the encounter was not "fake", and that there was evidence to prove that Ishrat and the others were linked to terrorism, BJP spokesperson Ravi Shankar Prasad said the Centre itself had "said in an affidavit that Ishrat and Javed were LeT members".

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_010.shtml?Mode=1

Cong: Gujarat govt is a 'maneater' govt
NEW DELHI

As a probe termed the killing of Ishrat Jahan in Gujarat as cold-blooded murder, the Congress on Tuesday accused the Modi government of being a "man eater" which had been working out of the ambit of law. "It is a man eater government...from 2001 to 2009 the government has been working out of the ambit of law," said party spokesperson Manish Tiwari. He demanded a probe by Gujarat HC or the SC.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_011.shtml?Mode=1

CPM demands Modi's resignation

New Delhi:

The CPI(M) demanded the wake of findings by a magisterial inquiry into the 2004 Ishrat case. "The targeted killings of persons belonging to the minority community by the state police reveals the state of affairs under the Narendra Modi government...the Chief Minister should take moral responsibility and quit," the party said.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_002.shtml?Mode=1

'Police didn't fire in self-defence, planted AK-56'

EXPRESS NEWS SERVICE

AHMEDABAD,

The Ishrat Jahan probe report blows holes into police claims about encounter, says evidence was planted to make Ishrat and three others look like terrorists Forensic evidence says that there were no traces of gunpowder or ammunition on any of the four killed.

The probe report says that the police planted weapons on the dead bodies and that there were enough loopholes in the police story.

THE Ahmedabad police had staged a fake encounter of 19-year-old Ishrat Jahan and three others, planted arms on their dead bodies and "framed" them as terrorists, says Magistrate S P Tamang, who investigated the 2004 incident, in his inquiry report.

The report rubbishes the police claim that during the encounter one of the four had fired from an AK-56. It quotes from the handwash reports of those killed, from the Forensic Science Laboratory (FSL), saying there were no traces of gunpowder or ammunition on any of them.

The police in its FIR had said that one of the four took position on a road divider and started indiscriminate firing with an AK-56.

But the FSL had not found even a single used cartridge from that spot. The police, says the inquiry report, had planted the AK-56 and a 9 mm pistol to frame those killed as terrorists.

The report also points to other contradictions: while the police FIR said the cops had fired 70 rounds from their service revolver, sten guns and AK-47, the FSL had recovered only 50 used cartridges from the scene of the crime and that too of AK-56 rifles. Not a single used cartridge of sten guns and service revolvers was found from the spot.

Tamang says, "according to my investigation, police had not at all fired in self defence", as the FSL had not found any used cartridges of such guns from the spot. "The Crime Branch and police officials might have fired these cartridges elsewhere but not at the scene of crime," Tamang says in the report. The report says that according to forensic evidence, Javed alias Pranesh Pillai, was killed by an AK-56, and adds, "That means the AK-56 was not with the accused, but with the police." Zeeshan Zohar alias Abdul Gani alias Janbaaz was also found to have died of AK-56 bullets. "According to my investigation, the unlicensed AK-56 was planted by police," Tamang says. OTHER LOOPHOLES From the right-hand pocket of Amjad Ali alias Salim's track suit, Rs 1,250 and a photo of himself was found. On the back of the photo, "Salim" was written in English. According to the report, the photo was taken during his detention by the police, who scribbled the name as well. This is because if he was a Pakistani, as the police said, his name was likely to have been written in Urdu and not English. The photo was also planted to establish his identity as Salim, the report says.

"Similarly, in Zeeshan Zohar's right-hand trouser pocket, police had found an identity card during inquest panchnama. From his pocket the police recovered just an I-card and nothing more, not a single paisa, which is strange. It also indicates that the I-card must have been also planted by police," the report added.

In Javed's case, on the righthand trouser back pocket, police found only a driving licence. If a person is traveling from Mumbai to Ahmedabad, it is difficult to

believe that he would not carry any money or anything else. The licence card may have been left in the pocket to establish his identity, the report says.

According to the Panchnama, Ishrat's college I-card was found around her neck. "It is difficult to believe that any girl traveling from Mumbai to Ahmedabad would hang her college I-card around her neck," the report says.

THE DEATHS The report says that on June 14, 2004 Javed was killed between 8.30 pm and 9 pm, while the others were killed between 11 pm and midnight.

"They were shot at from close range. The Indica car (which the police said the four had used) was either towed or driven to the declared spot of the crime. Amjad's body was dragged out and positioned on the road divider. The left rear tyre of the car was fired at by the police. The police then fired 50 AK-56 rounds -- the used cartridges of which were found from the scene. The police then planted what it later claimed were recovered weapons in the car," says the report.

THE DISCREPANCIES The police in the inquest panchnama did not mention about the recovery of 90 live cartridges of AK-56, but the FSL report mentions having recovered them from the scene of crime. It means that the police must have planted them on the spot of crime, the report says.

Behind the rear seat of the Indica, a blue coloured bag and 81 live cartridges of AK-56 were found according to the panchnama, but this is not mentioned in the FIR. This means that the police had planted them to prove they were terrorists, the report says.

Similarly, from the car boot, 17 kg of sulphur and urea powder was recovered from a jute bag, according the spot panchnama. But this was also not mentioned in the FIR.

In the car boot, in a black suitcase, Rs 2,06,610 was found; again this was mentioned in the FIR.

The police had planted the money it got from other sources to prove that they had received this amount from Laskhar-e-Toiba to spread terror, the report says.

This money was recovered from a bag that had a number lock, but the lock was open. It is difficult to believe that anyone would keep a bag unlocked if there was so much money in it, the report says. The FIR does not mention that the police had recovered from the suitcase a Thuraya brand satellite phone, its extra battery, charger, refill using card and a hand free speaker. But these were detailed in the panchnama.

POST-MORTEM REPORT "In the post mortem report, rigor mortis (stiffening of the muscles after death) was detected in the body as well as half-digested food. ...Rigor mortis sets in 2-3 hours after death during the month of December, beginning leg upwards and taking a time frame of 12 hours," says the report.

According to the report, rigor mortis had set in and developed properly on the entire body of all the four dead. Therefore, death might have occurred 12 to 24 hours earlier as was reported in the post-mortem report that took place on June 15 at 3.40 pm. "If we account for that time, it means they might have died somewhere between 3-4 pm, June 14 and 3 am of June 15."

SELF-DEFENCE THEORY The distance between the police's Gypsy and the Indica car according, to the map of the scene of crime, is 33 feet. This is while the distance to the policemen who had taken position was around 66 feet away from the car. The police in its complaint had said that the `terrorists' had fired upon them from the roadsides, but the nature of the injuries show they were not fired at from a long distance.

"According to principles of medical jurisprudence they were shot at close range.... the nature and size of exit and entry wound vary. and they were all shot while they were sitting, from a close range," the report says.

The report says that the FIR has not mentioned about any tip-off about a woman terrorist. But the police detained Ishrat along with Javed and others. She was also killed because she would have revealed the police plans and would have foiled the police conspiracy, the report adds.

"All the policemen involved had hatched a conspiracy and illegally detained Ishrat Jahan Raza because she was a Muslim from Mumbai, saying she was LeT fidayeen terrorist. She was detained illegally with others on June 12 sometime between 12.30 afternoon and 9 pm.

They were taken to some place different from the spot of crime on 14 June 2004, and Ishrat was killed between 11 pm and midnight in cold blood, very cruelly, shot at very short range, the report says.

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ET

Ishrat terrorist, says Gujarat; nab guilty, demands family

Gujarat BJP To Move Higher Court

Our Bureaus & Agencies AHMEDABAD | MUMBAI

THE Narendra Modi-led Gujarat government, which found itself in the dock after the judicial inquiry report by metropolitan magistrate SP Tamang attributed the killing of 19-year-old Ishrat Jahan and three others to a fake encounter carried out by the state police, rejected the report on Tuesday.

A defiant state government maintained that Mumbai collegian Ms Jahan and others allegedly killed in a fake encounter in 2004, were LeT operatives planning terror strikes in the state.

While the Gujarat remained adamant in its stance, Ms Jahan's family demanded the sternest punishment possible for the guilty policemen. From Mumbra Police, who first picked up Ms Jahan from her home, to Ahmedabad police, who 'killed her in cold blood', everyone did it for publicity, Ms Jahan's mother Shamima Jahan said. Addressing the

media on Tuesday, she said: "I cannot explain the trauma we had to undergo because of the stigma of being associated with a terrorist. My other children wanted to pursue their studies but could not."

"We stand vindicated. We had known from the very beginning that Ishrat is innocent and that the police killed her as part of a well-hatched conspiracy," said Ms Jahan's sister Mushrat Jahan. "This could be the conspiracy of a politician. Whoever is involved should be punished, even if it's Narendra Modi."

"We want all those responsible to get the most stringent of punishment," Ms Shamima Jahan said. The family is exploring 'legal options' to seek action against the perpetrators.

The Gujarat government's statement came amid demand by the Congress seeking CBI probe into all encounters between year 2001 and 2009. The state's defence came amid strong statements by the Congress who termed the Gujarat government as a man-eater government.

"It is a man eater government...from 2001 to 2009 the government has been working out of the ambit of law," party spokesperson Manish Tiwari told reporters in New Delhi. "They did it in the case of Sorahbuddin and now they have again done this," Mr Tiwari added.

On Monday, the judicial report said the encounter in which Ms Jahan and others were gunned down was fake and executed in "cold blood" by police officers. Further, it accused senior police officers of "staging" the encounter and using their service revolvers to shoot the victims at "close range".

State spokesman Jaynarayan Vyas slammed the report terming it as "overstepping its jurisdiction" and said the state would challenge it in a higher court. "Magistrate Tamang's report is bad in law, and he has overstepped his jurisdiction by submitting his report even before a committee appointed by the HC to probe the matter could do so. The report prepared by the magistrate is beyond the jurisdiction of section 176 CrPC and will not stand legal scrutiny," Mr Vyas said.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_009_003.shtml?Mode=1

FACING FIR(E)

Cops held responsible for Ishrat Jahan's fake encounter: Police Inspector (PI) J G PARMAR, who filed FIR in the encounter case, detailing which cops did what. He retired recently without promotion.

PI K M WAGHELA promoted as Deputy Superintendent of Police (DSP). Currently posted as Assistant Commissioner of Police in Ahmedabad city.

PI V D VANAR was later promoted as DSP .

PI D H GOSWAMI still continues as Police Inspector. Recently posted in Ahmedabad city.

PI B A CHAVDA continues as Police Inspector only. Currently posted in Anti-Corruption Bureau.

Police Sub-Inspector (PSI) K S DESAI promoted as Police Inspector.

PI H P AGRAWAT promoted as DSP and currently posted as DSP Jambusar in Bharuch district. PI TARUN BAROT, popularly described as "Daya Nayak of Gujarat", promoted as DSP and posted in Special Operations Group (SOG) in Ahmedabad city.

PSI R I PATEL promoted as Police Inspector and currently posted in the state police

control.

PSI IBRAHIM CHAUHAN promoted as Police Inspector.

Constable MUKESH NATWARLAL VYAS promoted as Assistant Sub-Inspector.

Constable NIZAMUDDIN BURHANMIYAN promoted as Head Constable.

Head Constable MOHANBHAI KALASVA.

Commando ANJU CHAUDHARY.

Commando MOHANBHAI NANJIBHAI.

Police driver BHALABHAI. Deputy Commissioner of Police G D VANZARA but promoted as Deputy Inspector General later. Now imprisoned in Sabarmati Central Jail in Sohrabuddin Sheikh's fake encounter and cold-blooded murder of his wife Kausar Bi.

Assistant Commissioner of Police N K AMIN currently in jail in Sohrabuddin Sheikh's fake encounter and disposal of Kausar Bi's body. Former Ahmedabad police commissioner K R KAUSHIK, later promoted to the rank of Director General of Police by superceding R B Sreekumar, who earned the wrath of the state government for deposing before the Nanavati panel.

The then joint commissioner of police and chief of Ahmedabad crime branch P P PANDEY, now intelligence chief of the state.

Assistant Commissioner of Police G L SINGHAL, subsequently promoted as Superintendent of Police.

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Quit Stalling

Gujarat government must act in Ishrat fake encounter case

Five years after the Gujarat police claimed that they had busted a terror plot to assassinate chief minister Narendra Modi and killed four terrorists in an encounter, an Ahmedabad magisterial court has poked holes in their story. The court ruled on Monday that the operation was a fake encounter staged by senior police officers to win promotions and the chief minister's appreciation. Among those accused are 21 policemen including the then Ahmedabad police commissioner K R Kaushik, crime branch chief P P Pandey and DIG D G Vanzara. If charges are proved the guilty deserve exemplary punishment.

That this case is not an exception and previous cases also involved senior police officers indicate that the rot has set in deep. Vanzara, for example, is already serving a jail term in another fake encounter case. The political class must share the blame for allowing sections of the police to run amok violating all norms of policing. Modi, for example, had justified the killing of Sohrabuddin Shaikh in a fake encounter by Vanzara and his team as the former was accused of being a terrorist. Shaikh was only a history-sheeter, while his wife, Kauserbi, was killed because she was witness to her husband's murder.

Similarly, going by the probe findings in the Ishrat Jahan case, it's worse than a case of

mistaken identity, but rather an instance when protectors of the law cold-bloodedly arranged the killings. A culture of immunity for human rights violations would have led senior police officers to believe that rewards were to be had, if a case could be made that the chief minister was being protected by arranging the killing of innocents. The politicisation of Gujarat police is a serious issue that demands urgent attention. The Special Investigation Team probing the 2002 riot cases reported the involvement of police officers in derailing investigations. Before the SIT made the charge, civil society groups had accused sections of the state police force of protecting the interests of rioters. Officers who bucked the trend had to face the wrath of the establishment.

The challenge in Gujarat is both political and administrative. Institutional checks and balances must be introduced to weed out fake encounters. The sanctity of due process in enforcing law and order must be made clear to the police force. Modi has been accused of using national security as a bogey to promote communal agendas for short-term political gain. That impression is reinforced by the Gujarat government's rejection of the findings of the judicial inquiry report. If Modi wishes to refute this impression he must not adopt stalling tactics, but rather move with dispatch on the results of the probe and make sure that the guilty are brought to book.

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In cold blood

The report of the Ahmedabad metropolitan magistrate's enquiry into a 2004 case where four "terrorists" were killed by the Gujarat police is a damning indictment of the way such "encounter" deaths take place. At the time, the Gujarat police had claimed that it had killed four dreaded Lashkar-e-Tayba terrorists, thereby foiling a plot to kill Gujarat chief minister Narendra Modi. One of these victims was Ishrat Jahan, a 19-year-old college student from the Mumbra area of Mumbai. Her family had protested vehemently against this labelling; they now feel vindicated.

The magistrate has found that Ishrat and her alleged "boyfriend" Pranesh Pillai alias Javed Sheikh were picked up from Mumbai by the Ahmedabad crime branch on June 12. On June 15, the police had claimed that the two, along with two other "Pakistanis" had been shot in an encounter. But the probe found that they had been killed a day earlier and magistrate SP Tamang has accused the police of staging an encounter to curry favour with the chief minister to get promotions. This is a strong indictment.

There is a political backdrop to this incident particularly after the 2002 riots in Gujarat. That the four so-called terrorists were Muslims is one thing but significantly they were also made out to be Lashkar operatives and Pakistanis. Given the ground realities in Gujarat and the mood that has built up in the state, such killings and the claims around them are usually accepted by the public. Indeed, summary disposal of terrorists is often perceived as more preferable than a legal case. The magistrate has come down heavily on the police, particularly IPS officer DG Vanzara, who is currently in jail over the Sohrabuddin Shaikh fake encounter case.

Both these cases highlight the depths to which the police can sink when it is demoralised and debased by political interference. Police inefficiency and inefficacy were of the many factors on display during the 2002 riots and unfortunately, this is not unusual in India.

There are countless cases — Maharashtra has several — of cops using "encounters" to get rid of the inconvenient. To kill people for a promotion may be more unusual, but it is symptomatic of a systemic cancer afflicting the police. In this case, the Gujarat government has refuted the report on legal grounds, but this will not make the questions go away.

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‘Centre called Ishrat terrorist’

Guj Govt Rejects Magistrate’s Report, Will Challenge It In Higher Forum

TIMES NEWS NETWORK

Ahmedabad: An affidavit filed by the Union home ministry last month opposing a plea to institute a CBI inquiry into the Ishrat Jahan encounter case has now put the UPA government on the mat and given the Modi government a defence against a magisterial report that the shootout was staged.

Shaken by a magistrate’s probe that held police officers guilty of killing Ishrat and three others in cold blood in a fake encounter to curry favour with Modi, the state government on Tuesday took refuge in this 14-page defence. Filed by an MHA undersecretary on August 6 before the Gujarat high court, the affidavit said Ishrat, Pranesh Pillai alias Javed Sheikh, Amjad Ali Rana and Zeeshan Johar were terrorists linked with the Lashkar-e-Taiba. The affidavit was filed on a plea by Ishrat’s mother for a CBI probe.

Copies of the document, which details an IB investigation, were distributed to the media on Tuesday even as Gujarat government spokesperson and state minister Jay Narayan Vyas quoted from it extensively to say the government would appeal against the magistrate’s damning inquiry report on the encounter that took place on June 15, 2004 under supervision of now-jailed IPS officer D G Vanzara. The report indicts several top cops.

“Magistrate S P Tamang’s report is bad in law and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the HC to probe the matter could do so. We will challenge it in a higher forum,” Vyas said.

“The report prepared by the magistrate is beyond the jurisdiction of section 176 CrPC (inquiry by magistrate into cause of death) and will not stand legal scrutiny,” he told a news conference. “The facts about the four (Ishrat and others) have been stated in an affidavit submitted by the government of india in the SC during the hearing of a petition by Ishrat’s mother Shamima which said they were LeT operatives,” Vyas said.

“Also, the inquiry has been done under section 176 of the CrPC, which is meant for custodial death. Here there is no custody and therefore the inquiry does not fall within the jurisdiction of that section,” Vyas said questioning the wisdom of conducting the inquiry

under that law.

The report predictably resulted in sharp political reactions with Congress spokesperson Manish Tiwari saying, “This is a man-eating government. There should be an inquiry into all police encounters from 2001 upto now. The Sohrabuddin encounter was fake, so was that of Ishrat.” In response, the BJP waved the Centre’s report to ask the Congress what it had to say to the MHA submission.

The Centre’s affidavit clearly says, “No proposal for a CBI investigation into the case is under consideration for the central government nor does it consider the present case fit for investigations by the CBI.” It also details Ishrat’s role in playing intermediary between an LeT-linked Gujarat lawyer and Javed as also a record of her telephone conversations with him.

Filed by R V S Mani, undersecretary, internal security-VI in the MHA, the affidavit states, “It came to the notice of the security agencies of the Union government that Javed was in regular touch with LeT operatives particularly Muzammil to carry out terrorist actions in Gujarat.”

A major part of the affidavit dwells on the story of how Pranesh Pillai converted to Javed Sheikh, kept two passports and was a “rowdy character with several criminal cases against him.” The affidavit, instead of providing solid evidence against the “terrorists”, gets into a detailed inquiry of the relationship between Javed and Ishrat. Sources told TOI that the MHA has taken serious note of this embarrassing legal blooper and may take action.

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Tamang’s report based on police probe records

Ahmedabad: The probe report on the fake encounter of Ishrat Jahan by metropolitan magistrate S P Tamang is entirely based on police investigation papers which were already in the custody of the government. The principles on which this inquiry under section 176 of the CrPC is

based on a treatise titled ‘Modi’s Medical Jurisprudence and Toxicology’ written by Dr Jaisingh P Modi.

The chief metropolitan magistrate handed over three files with 1,100 pages containing FSL reports, postmortem reports, statements recorded by the police and report by a sub-divisional magistrate conducted in 2004.

Tamang’s conclusion that Ishrat and the three others were killed in cold blood derives heavily from the postmortem and FSL reports. TNN

Report indicts top cop Kaushik

The magistrate’s report makes out a serious case against retired director general of police K R Kaushik for the Ishrat fake encounter. The magistrate, S P Tamang, deconstructs the FIR lodged by the crime branch then, demanding evidence for each of the police actions. TNN

Unanswered Questions

The blue Indica's tyre was punctured with a gunshot from short range; Police said they fired on the tyre when the vehicle was in full speed

The magistrate questions how with a puncture in the left tyre, the car dragged towards the dividers which were on its right, when it should have dragged in the opposite direction.

Hence firing on tyre to stop car is a concocted story

None of them had money on them. Someone travelling from Mumbai to Ahmedabad should ideally carry cash. Did the crime branch rob them?

Three magazines with 90 bullets and 81 rusted bullets were found from the Indica. Report said they were planted later in the day for the FSL visit. The FIR does not even mention them. Why?

A suitcase with number lock containing Rs 2.06 lakh was found from car, but the FSL team and FIR have no mention of this, but this reference is in the panchnama done later. Similarly, 30 coconuts were put in the car's boot later probably to show they were IEDs to be used during the rath yatra

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Who were the other two?

TIMES NEWS NETWORK

Ahmedabad: Very little is known about the two other men—Jisan Johar and Amjad Ali Rana—shot dead by the Ahmedabad crime branch with Ishrat Jahan and Javed Sheikh. Nobody came to claim their bodies and they were given a quiet burial by the state. Now metropolitan magistrate S P Tamang's inquiry report asserts these men, alleged to be Lashkar operatives from Pakistan, were Indians, but it gives no evidence on this.

Amjad Ali Akbar Ali Rana, 25, also went by the names of Babbar, Salim alias Rajkumar while 17-year-old Jisan was called Abdul Ghani, alias Salim, says the Centre's affidavit before the Gujarat HC. Their ages were determined by medical investigations. Tamang observed that the police provided no evidence to prove their identity, and "perhaps the crime branch officials had named them." A photograph was recovered from Rana's pocket with 'Salim' written in English behind it. Tamang says a Pakistani will write his name in Urdu.

Johar's identity card with a Pakistan address was recovered from his dead body, which Tamang finds unusual.

"No Pakistani terrorist would carry his identity proof once he enters Indian territory, particularly when he is on a mission to kill a CM of a state," he notes. Here he accuses the crime branch of forging the I-card. The magistrate remarks that the police conducted no probe to verify the veracity of these identity proofs. "The police wanted them to be identified by the names they had given them," the report said. TNN

IDENTITY CRISIS

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Ishrat's family demands Rs1 cr compensation

Devendra T Goregaonkar

"We have died every day after Ishrat's death," said a teary-eyed Shamima Kausar, mother of Ishrat Jahan who was allegedly killed in a fake encounter in 2004. "Our family was always looked at with suspicion after the Gujarat police claimed that our daughter had links with the Lashkar-e-Taiba (LeT)," she said. Addressing a press conference in Thane on Tuesday, Ishrat's family claimed she had not gone to Ahmedabad. They said she was picked up from Mumbra by the Gujarat police and an encounter specialist from the Maharashtra police helped them.

While hinting at Gujarat chief minister Narendra Modi's involvement in the encounter, the family demanded a compensation of Rs1 crore from the Gujarat government.

On June 15, 2004, the Gujarat police had gunned down four persons — Mumbra resident Ishrat, Javed Gulam Shaikh alias Pranesh Pillai, Amjadali alias Rajkumar Akbarali Rana and Jisan Johar Abdul Ganny. The police claimed they were LeT members who wanted to kill Modi.

"We have heard that several innocent people are killed in similar fake encounters in Gujarat," said Musarrat, Ishrat's younger sister. "We were confident that Ishrat was innocent and had complete faith in the judiciary." _Shaikh Anwar, Ishrat's younger brother, said they were thankful to Jitendra Awhad, MLC from the NCP, for supporting them.

"We went to several leaders but only Awhad helped us," said Abdul Rauf Lala, a Mumbra resident and social worker. "Her family and friends came to know about her death on June 16, 2004, through news channels," he said. "We request people not to look at the incident as any communal or regional issue. This was a fight for justice."

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Ishrat report not valid: Guj govt

Roxy Gagdekar. Ahmedabad

The Gujarat government has rejected judicial magistrate SP Tamang's report which concluded that Mumbra girl Ishrat Jahan and three others were killed in a fake encounter by the police on the outskirts of Ahmedabad in June 2004.

"It (the report) is bad in law and we will challenge it in an appropriate court," said

Gujarat government spokesman Jaynarayan Vyas.

Vyas told reporters on Tuesday that Tamang submitted the report in a hurry even though he had time till November.

He said Tamang "overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the high court to probe the matter could do so".

According to the report, Ishrat, a second-year BSc student, Javed Ghulam Sheikh alias Pranesh Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani were killed in cold blood on July 14, 2004, a day before the police claimed to have shot them. The report also says that Ishrat and three others were not linked to the Lashkar-e-Taiba (LeT).

But quoting an affidavit filed by the Union ministry of home affairs (MHA) in the Supreme Court, Vyas said all four of them were LeT operatives and were planning terror strikes in Gujarat.

He said the terror outfit, through its mouthpiece Gazwa Times, had even pledged to avenge Ishrat's death.

Vyas claimed the Gujarat government was not allowed to present its side of the story, and the report was released to the media even before it reached the government.

He said the report will "not stand legal scrutiny" because Ishrat died in an encounter, not police custody, and her death can't be probed under Section 176 of the CrPC (custodial death).

Citing the MHA affidavit, Vyas said Javed had a criminal record. "Javed had two passports registered in Thane and Cochin, one with a Hindu name and the other with a Muslim name," Vyas said. Besides, he had been prosecuted for several criminal cases in the Thane, he said.

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Our faith in secularism is vindicated: Ishrat's family

Nitin Yeshwantrao / TNN

Thane: The death of their teenaged daughter in an encounter by the Gujarat police in 2004 has failed to shake the faith of Ishrat Jahan's family "in secularism and humanitarian approach".

The family, which said it was vindicated by a magisterial court's probe that said Ishrat and three others were killed by cops, thanked the advocates and politicians who had supported them. "Those who stood by us solidly during our five-year ordeal included Jitendra Awhad (Thane city NCP chief) and advocates Vrinda Grover, Shilpa Shah and Mukul Sinha," Ishrat's mother, Shamim Kausar, told a crowded press conference on Tuesday. "Awhad has been our pillar of strength and the lawyers have fought the legal battle free of cost," she said.

Local social worker Rauf said, “There was no Mohammad or Khan who came to help Ishrat’s family. Our belief in secularism stands and so does our faith in the judicial system.”

But there have been incidents that still rankle the family. A senior NCP leader, for instance, had rushed to Ishrat’s Mumbra residence soon after the news of her death and handed over a cheque of Rs 1 lakh; but he demanded it back after police linked her with a Lashkar terrorist.

Kausar, who couldn’t hold back her tears, recalled the “humiliation and suffering faced by the family” since her daughter’s death and terror-link allegations. “We were virtually ostracised. People would not visit us and my children’s education and career suffered a serious setback,” said the mother of six.

But the Gujarat magistrate court’s order on Monday helped restore the family’s dignity and clear “the blot”, she said.

“We had vouched for our sister’s innocence since day one but no one believed us,” said Mushrat, Ishrat’s younger sister.

Mushrat initially read out from a handwritten note and appeared incoherent but gathered confidence as the media briefing went on. “Justice will be done to Ishrat only if the police officers involved in the fake encounter are sent to the gallows,” she said.

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Activists flog Gujarat govt

TIMES NEWS NETWORK

Mumbai: Several city-based activists have condemned the Gujarat government’s rejection of a judicial inquiry report which stated that Mumbai student Ishrat Jehan and three others were killed in a fake encounter.

Ahmedabad metropolitan magistrate S P Tamang, who probed the encounters, has stated in his report that the incident was stage-managed by a group of police officers with a view to curry favour with chief minister Narendra Modi.

Feroze Mithiborwala of Awami Bharat said democratic norms have been violated with impunity all these years in Gujarat. “We are not surprised that the magistrate’s report has been rejected by Modi, whose government has presided over a pogrom in which hundreds of innocent people were killed.”

Dr Avisha of Deshbhakti Andolan said Tamang’s report proved that there was no rule of law in Gujarat under the BJP. “But the Congress is also equally guilty because it had given an affidavit in the Supreme Court alleging that Ishrat and three other arrested persons were LeT operatives. None of the parties in India believed in the rule of law and human rights. Fake encounters can take place only in a fake democracy,” Dr Avisha added. The Andolan has urged the Prime Minister to intervene in the matter and ensure that justice is done.

Farid Batawala of the Bombay Aman Committee demanded the immediate dismissal

of the Modi government. "When police officers commit heinous crimes, then it was high time that such a government is dismissed. The common man cannot be safe as long as murderous cops are in office." P A Sebastian of the Committee for Democratic Rights commended the Gujarat judiciary for taking bold steps in defence of democratic rights. "We are not surprised that Tamang's report has been rejected by Modi. The guilty never accept their guilt."

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_522_002.shtml?Mode=1

Our prayers have been answered, says Ishrat's family
EXPRESS NEWS SERVICE

A t DAY after a Gujarat magistrate submitted a report stating that Mumbra girl Ishrat Jahan was killed in a fake encounter by the Gujarat police in 2004, her family said their prayers had been answered.

Shamima Kausar, Ishrat's mother, said during a press conference on Tuesday that all those who were involved in the killing of her daughter should be punished.

"We stand vindicated. She was never a terrorist and was killed in cold blood," said Musarat Kausar (22), Ishrat's younger sister.

The family also thanked all those who supported them in the legal battle. A small group of Mumbra residents have been helping Ishrat's family pursue the case in Gujarat. Rauf Lala, Munna Sahil and Kurshid Warsi of My Mumbra, a local organisation, had sought the help of experienced lawyers Mukul Sinha and Shipa Shah to fight Ishrat's case and have been pursuing the matter for the last many years.

The family also thanked MLC and Thane city Nationalist Congress Party chief Jitendra Awhad, who they say had been supporting them since the beginning. "Awhad was and continues to be our main support. He was instrumental in getting us seasoned lawyers at the Gujarat High Court and at the Supreme Court," said Rauf Lala, member of My Mumbra.

"We now want the culprits who killed Ishrat to be punished," Musarat said.

Shamima added, "I cannot explain the trauma we had to undergo. In five years, my children's academic lives have collapsed as they could not pursue their studies. We had to face many hardships because of the stigma of being associated with a terrorist. We also faced problems hunting for a roof over our heads."

On Monday evening, Musarat had told Newline, "Words fail to express our agony in the past years. My brother's job prospects became bleak. My mother was constantly living under the worry to find eligible grooms for her daughters," said Musarat.

The 240-page report by metropolitan magistrate S P Tamang has claimed that the four victims-- Javed alias Pranesh Pillai, Amjad Ali Akbar Ali Rana alias Salim alias Chandu alias Rajkumar, Abdul Gani alias Jishant Johar alias Janbaaz s/o Kalu and Ishrat Jahan -were gunned down in cold blood, allegedly by police officers eager to get promotions and the appreciation of Chief Minister Narendra Modi.

<http://epaper.dnaindia.com/dnaahmedabad/epapermain.aspx?queryed=5&username=&useremailid=&parenteditioncode=5&eddate=9%2f9%2f2009>

Gujarat EDN

Did govt fail to realise gravity of statutory probe findings?

It is in dock now for
failing to anticipate
probe consequences

Nikunj Soni & Roshan Kumar

The state government, it appears, was completely ignorant about the statutory judicial inquiry into the Ishrat Jahan probe and, as a result, got trapped in the legal tangle for 'misdeeds' of the police. After the amendment in the section 176 of the Criminal Procedure Code (CrPC), the chief metropolitan magistrate had entrusted the inquiry to SP Tamang, a magistrate of Gheekanta metropolitan court. Prior to that, the inquiry was almost concluded by the sub-divisional magistrate (SDM) of Ahmedabad district.

According to highly placed sources at the collector's office, the government has now been put in a dock as it failed to understand seriousness of the case and consequences of the judicial inquiry when it was approached by the collector's office.

"When the amendment came in force in 2006, the collector's office had sought opinion of the state government, which simply instructed the former to act as per the new law," said the sources. Following this, the SDM had handed over the inquiry to the Chief Metropolitan Magistrate (CMM) of Ahmedabad city.

"The government did not come in the picture thereafter," said sources at the metropolitan court. The CMM office also communicated the collector's office twice as there was confusion over interpretation of the new law. "The collector's office had sent papers of the Ishrat encounter probe in May this year, however CMM had raised query over the probe," said sources.

"The CMM had put in a query, saying the probe can't be done by its magistrate as the incident had taken place in 2004, two year prior to the new law coming into force," the sources said, adding, "However, the collector's officer stood its ground that probe is conducted by a judicial magistrate only and the CMM office then entrusted the probe to SP Tamang on August 12 this year."

The government can not be a party in the probe as per the stipulated law.

However, it is up to the government to act upon the report or not.

"When something untoward happens to a person in police custody, the local magistrate of the stipulated jurisdiction has to do a suo motu inquiry into of the incident. According to law, the police have to inform the magistrate about the incident," the sources claimed.

Tamang had summoned Shamima Kaushar and Anwar Shamim, mother and brother of Ishrat, and both turned up. Gopinathan Pillai and Sajida Shaikh, father and wife of Javed respectively, were summoned too, but they did not turn up.

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Gujarat EDN

Tamang,
a hero for
lawyers

Roshan Kumar

Metropolitan magistrate SP Tamang who conducted the probe into the killings of Ishrat Jahan and three others has become a hero among the lawyers.

Tamang was promoted and appointed as metropolitan magistrate at Gheekanta on June 11, 2007. Tamang, who hails from Darjeeling, has lived in Ahmedabad since his birth as his parents had settled in the city. His father was employed by Western Railway.

Tamang joined Bar and worked under advocate HL Joshi at metro court. He,

however, worked at Gheekanta for only two months and joined the high court. In 1997, he cleared the examination for judicial services and was appointed JMEC at Bhavnagar.

He lives in Chandkheda with his wife and a nine-year-old son. Lawyers at metro court term Tamang as an honest and straightforward man.

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Gujarat EDN

'File FIR against the cops'

DNA Correspondent & Agencies

"Gujarat government is a man eater government...from 2001 to 2009 the government has been working out of the ambit of law" - said Congress spokesperson, Manish Tiwari, while expressing his reactions to the report of the judicial inquiry into the Ishrat Jahan encounter case. "They did it in the case of Sorahbuddin and now they have again done this (Ishrat encounter). Did the central government ask to kill people without keeping law in mind? India follows the rule of law...without due processes you cannot take away the life and liberty of a person," the leader questioned.

Meanwhile, Gujarat Congress today went to the media full steam to press demands for filing of an FIR against the police officers indicted in the report of the judicial inquiry into the Ishrat Jahan encounter case. Talking to media people, Shaktisinh Gohil, the leader of the opposition, said that the judicial inquiry has brought out the truth about the fake encounter naming the police officials involved in executing it. "In 246 page report, the magistrate, who conducted the inquiry, has evaluated the evidence and material and came to a conclusion that it was a fake encounter," he said.

Gohil also raised doubts on why the BJP government is disowning the report of its own judicial officer? "The magistrate has stated that it is a case of custodial death as the deceased were already in police custody," he further said, adding that the state government, which is not "an affected party and has no locus standi in the matter" should merely follow the report's recommendations and file the FIR against the police officials whose names have been cited in the report. The judicial inquiry in the encounter case has been conducted under the provision in CrPC and carried out by an official of the state government, Gohil said.

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Gujarat EDN

Javed's father seeks CBI probe into deaths

DNA Correspondent

Amid the blame game surrounding the genuineness of the Ishrat Jahan encounter case, the state government has sought time to furnish its side of the story against a petition filed by Gopinathan Pillai, father of Javed Shaikh alias Pranesh Pillai in the Gujarat high court.

With the assistant public prosecutor's statement that Kamal Trivedi, advocate general will argue the case further, Justice HN Devani of the Gujarat high court adjourned the petition till Wednesday. In his petition before the Gujarat high court, the father of Javed, Gopinathan Pillai, has raised doubts over the genuineness of the encounter and has sought investigation into the case by the Central Bureau of Investigation (CBI).

Counsel for Javed, Mukul Sinha, has argued that the investigation should be handed over to the CBI as Javed was killed by the police in staged encounter. However, Justice Devani, at that point commented that the high court has already constituted a committee comprising three high-ranking police officers to inquire the case, therefore it is not necessitate a fresh probe.

The public prosecutor also pointed out that the state government-appointed committee formed in accordance with high court order has already started functioning. Therefore, he said, that there isn't any need to entrust another investigation agency for a fresh probe on the case.

Meanwhile, Sinha, while citing the report submitted by the metropolitan magistrate SP Tamang, sought permission to submit the report, which concluded that Ishrat and three others were killed in a fake encounter, before the high court. It is pertinent to note that Justice Kalpesh Jhaveri of Gujarat high court had ordered forming a committee of high ranking police officials to probe the encounter and give its report within three months.

<http://epaper.dnaindia.com/dnaahmedabad/epapermain.aspx?queryed=5&username=&useremailid=&parenteditioncode=5&eddate=9/9/2009>

Gujarat EDN

Ishrat was a terrorist: Guj govt

Tamang's probe not needed as Ishrat and others were not in police custody when they died: Jaynarayan Vyas

Roxy Gagdekar. Ahmedabad

The Gujarat government spokesperson, Jaynarayan Vyas, on Tuesday dismissed the Tamang report on the death of Ishrat Jahan and three others in a police encounter in Gujarat as a "bad in law" report. He added that the state government would go to court against the report which alleges that Ishrat and the others were killed by the Gujarat police in a fake police encounter on June 15, 2004.

"It is a 'bad in law' report and we will challenge it in court," Vyas said during a press conference in Ahmedabad. He went on to condemn metropolitan magistrate SP Tamang's report, saying that it had been prepared and submitted in a hurry. Vyas said that Tamang was to give his final report by November 30, 2009, but he had submitted it much earlier.

Vyas continued to insist that Ishrat Jahan was a terrorist working for the Pakistan-based extremist organisation, Lashkar-e-Toiba (LeT). He claimed that the LeT mouthpiece, 'Gazwa Times', had reported that Ishrat's veil had been removed and that she was travelling with her husband in a car in Ahmedabad. Vyas alleged that the mouthpiece had also stated that her martyrdom would not go waste as "we (LeT) will strike for her".

He further said that the government, which was a party in the order, was not asked for its account of events, and that the Tamang's report was released to the media before it could reach the government.

Talking about the report, Vyas said that the Gujarat high court on August 13, 2009, had ordered an investigation into the Ishrat Jahan encounter case. From that day onwards, there was no need for magistrate Tamang to carry on with his probe, as a higher court was now monitoring the investigations, Vyas said. He also said that, under the law, a magisterial enquiry is required whenever a person dies in police custody. In the case of Ishrat, she was not in police custody and had died in an encounter with the police. "Hence, there was no need of a judicial inquiry," Vyas argued.

He insisted that Ishrat and her friends were not killed in cold blood by the Gujarat police. "It was not a fake encounter," he said. In this context, he added that the Union home ministry had stated in an affidavit submitted before the Supreme Court in August 2009, that there was a strong possibility that LeT cadres operating in India could strike in Gujarat and Maharashtra.

Vyas further said the affidavit had also mentioned that Javed Sheikh had a criminal record. "Javed had two passports, one registered in Thane and the other in Cochin," he said. "Also, one of the two passports was made out under a Hindu name and the other under a Muslim name. Javed was also prosecuted in connection with several criminal cases in Thane."

<http://epaper.dnaindia.com/dnaahmedabad/epapermain.aspx?queryed=5&username=&useremailid=&parenteditioncode=5&eddate=9/9/2009>

Gujarat EDN

'We had no doubt Ishrat was innocent'

Devendra T Goregaonkar. Mumbai

The family members of Ishrat Jahan, who was allegedly killed in a police encounter in Ahmedabad on June 15, 2004, said again on Tuesday that Ishrat had not gone to Ahmedabad on her own. "She was picked up from Mumbra by some personnel of the Gujarat police," a family member said. "They were helped

in this by an encounter specialist from Maharashtra police." The family has demanded from the Gujarat government Rs1 crore in compensation. Ishrat's family members, who live in Mumbra, addressed a press conference in Thane on Tuesday. In their statements, members of the family and their supporters indirectly pointed an accusing finger at the Gujarat government, holding it as ultimately responsible for her death. Ishrat's younger sister, Musarrat, said they had heard that many innocent people had been killed in fake encounters in Gujarat for the benefit of those who are in power in the state.

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Gujarat EDN

Guj: Centre dubbed Ishrat a terrorist

After a magisterial probe dubbed the Ishrat Jahan police encounter in Ahmedabad fake, the Gujarat government took refuge in an affidavit filed by the Union home ministry last month claiming that Ishrat and three others killed along with her were terrorists linked to the LeT. The state government now plans to appeal against the magistrate's damning report into the alleged incident on June 15, 2004.

Meanwhile, even as activists rained fire on the Modi government, the family of the 19-year-old Mumbra girl said it stood vindicated after five long years of being hounded by authorities and ostracised by society. The family also reiterated its belief in "secularism and humanity", saying the support it had got from lawyers and politicians crossed barriers of faith and religion. TNN

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=MIRRORNEW&BaseHref=AMIR/2009/09/09&PageLabel=4&EntityId=Ar00400&ViewMode=HTML&GZ=T>

Gujarat EDN

Gujarat police's one more lie

WHY JUDGE CONCLUDED ISHRAT WAS 'MURDERED'

Medical reports and cops' 'incredulous' statements on use of ammunition during the 2004 shootout led Metropolitan Magistrate S P Tamang to state the killings were staged

VIJAY ZALA AND ZAHID QURESHI

Metropolitan Magistrate S P Tamang, who submitted a report on the Ishrat Jahan encounter case on Monday, examined 1,159 documents, including official records, before reaching the conclusion that the Mumbai girl and three others were killed in a staged shootout.

Tamang has supported the charge of staged killings against 21 police officers by mentioning contents of the medical reports of bodies of Ishrat; Pranesh Pillai, alias Javed Shaikh; Amjad Ali Rana and Jishan Johar.

The magistrate, in his 243-page report, has also pointed out anomalies in cops' statements on the use of ammunition during the claimed gunbattle.

Tamang, in his report, has contested the Gujarat police's claim Ishrat and three others were terrorists on a mission to kill Chief Minister Narendra Modi.

He has said that the four were not killed in an encounter near Kotarpur waterworks on June 15, 2004. The magistrate has claimed that the four were, in fact, shot dead a day earlier. He has stated that around 700 mg of partly digested food was found in Ishrat and other three's stomachs. This, according to his report, points to the fact that they were killed a few hours after they had dinner on June 14, 2004. Tamang has said in his report that two unlicensed weapons — a 9 mm pistol and an AK-56 rifle — were used to shoot Rana, Pillai and Johar.

'ALL 4 WERE KILLED BETWEEN 8.30 PM AND 12 ON JUNE 14'

PILLAI, TAMANG has stated, was killed between 8.30 pm and 9.30 pm, while the remaining three were shot dead between 11 pm and 12. According to the 243-page report, Rana was made to sit in the right rear seat of the blue Indica car and shot from left side of the vehicle with the unlicensed 9 mm pistol. To make it appear that there was a gunfight, cops fired 50 shots from the AK-56 rifle at their vehicles before placing the gun in Rana's right hand.

The metropolitan magistrate has corroborated this theory by mentioning the fact that no trace of gunpowder was found on Rana's hands — i.e. he didn't use the weapon. Tamang has stated in his report that Pillai was shot twice with the same unlicensed AK-56 rifle. This, Tamang has said, clearly suggests the killings were staged as had Rana been a terrorist, he would not have killed his own partner Pillai.

TAMANG SHOOTS DOWN

COPS' SELF-DEFENCE THEORY

TAMANG, IN his report, has also pointed out glaring anomalies in cops' claims of collectively firing at least 70 shots in self-defence during the gunfight.

Constables Mohan Nanji and Mohan Kalasva, who were among the cops who carried out the encounter, had stated that they fired 10 and 32 shots, respectively, from their AK-47 rifles. Commando Anaju Chaudhary, inspector J J Parmar and ACP N K Amin had claimed to have fired 10, four and five shots, respectively, from their serviced revolvers.

Sub-inspector Tarun Barot and I K Chauhan had also claimed to have shot six and five

times. However, according to Tamang's report, not a single cartridge of the aforesaid guns was found at the spot of encounter.

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Gujarat EDN

'We want strict action against guilty cops'

Ishrat's family say court ruling has exposed Gujarat police's lies and erased the 'terrorist' slur on their innocent daughter

MUMBAI: "She was as patriotic and loved the country as much as you," said an impassioned Nusrat, the younger sister of Mumbai collegian Ishrat Jahan who was shot dead and branded a traitor by Gujarat police.

A day after an Ahmedabad court ruled that the killing of Ishrat Jahan, the 19-year-old college student gunned down with three of her friends in June 2004, was a fake encounter, her family came out on Tuesday to demand the sternest punishment possible for the guilty policemen.

'IT WAS CONSPIRACY TO KILL MY INNOCENT SISTER'

NUSRAT SAID the family knew right from the beginning that her killing in June 2004 was a "conspiracy".

"She was as patriotic and loved the country as much as you and we do. We are happy that finally the blot on our family has been erased and she has been proved innocent," the 22-year-old said.

Nusrat added that all those people who had viewed the family with suspicion had been given an appropriate answer by the Ahmedabad court verdict.

TERRORIST SLUR IS A BLOT ON OUR FAMILY

HER MOTHER Shamima Jahan added tearfully that Ishrat's killing had branded their entire lives and affected the job and educational prospects of her six other children.

With the terrorist slur finally being removed, "our lives can come back on track", she said.

Ishrat, a resident of Mumbra suburb in Thane district, was a secondyear BSc student at Mumbai's Guru Nanak Khalsa College. Having lost her father two years before her death in 2002, she embroidered clothes and gave tuitions to help support her family of eight — including her mother and six brothers and sisters.

On June 15, 2004, Ishrat and three of her friends — Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani — were gunned down by Ahmedabad police's crime branch (detection) on the outskirts of the city.

Police claimed that the four were members of a Lashkar-e-Taiba module and were on a

mission to kill Chief Minister Narendra Modi. Ishrat's family expressed their gratitude to the media and their team of lawyers led by Vrinda Grover and Shilpa Shah for supporting them in their darkest hours. IANS

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=MIRRORNEW&BaseHref=AMIR/2009/09/09&PageLabel=6&EntityId=Ar00600&ViewMode=HTML&GZ=T>

Gujarat EDN

'I AM VICTIM OF OUT-OF-TURN PROMOTIONS'

Ex-DG Sreekumar says KR Kaushik was made police chief in 2005 superseding him for keeping quiet before Nanavati commission

OJAS MEHTA

Hailing metropolitan magistrate S P Tamang's report on the Ishrat Jahan encounter, former director general of police RB Sreekumar said its observation that police officials had eliminated her and three others in a fake encounter in 2004 for promotions had substance.

Sreekumar claimed that he was one of the victims of the out-of-term promotions given to "tainted" cops. He said KR Kaushik, who became the DG in February 2005 superseding him, was probably rewarded for his silence before the Nanavati Commission, instituted to investigate riot and post-riot cases.

The court judgment in the Ishrat Jahan case has proved that blindly following orders of political masters cannot grant you immunity from the court. "Hopefully, police officers will now adhere to the police manual rather than appeasing political masters." Sreekumar claimed that Kaushik's elevation to the DG's post ignoring his seniority had been declared unethical by the court.

Similar was the case with one of the top intelligence officials during the 2002 communal riots, who had not made a single statement before the Nanavati Commission, Sreekumar claimed. "That official has now been made the member of a commission inquiring into a big tragedy that took place recently," Sreekumar said.

He also wondered why no one hatched a plan to kill the chief minister after DG Vanzara was imprisoned in April 2007.

Sreekumar said: "The skeletons are slowly tumbling out of the cupboard but instead of punishing only those who implemented the decisions, the masterminds of heinous crimes should also be nailed."

According to a retired police officer, several out-of-turn promotions were given to cops as rewards for obeying the orders of political masters. A former top official, who became a DG superseding another additional DG, is now a chairman of a state-level tribunal. It's a rewarded for being silent during the riots, he added.

It is a man-eater government...from 2001 to 2009 the state government has been working out of the ambit of law

– **Congress spokesperson Manish Tiwari on Modi govt**

Why should Modi take a call?...Do you think anything that happens in any state, the chief minister is responsible? If anything happens in the national capital, is the Prime Minister responsible —**Senior BJP leader M Venkaiah Naidu**

The magistrate has stated that it is a case of custodial death as the deceased were already in the custody of police

– **Leader of Opposition Shaktisinh Gohil asking state government to file the FIR against the police officials named in the report**

KR Kaushik (below right) was made the DG in February 2005 superseding Sreekumar. He challenged the government decision and won the case in Central Administrative Tribunal

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=MIRRORNEW&BaseHref=AMIR/2009/09/09&PageLabel=6&EntityId=Ar00601&ViewMode=HTML&GZ=T>

Gujarat EDN

Gujarat govt to challenge Ishrat's death probe report

Jay Narayan Vyas says inquiry report is 'bad in law'; questions how metropolitan magistrate started an inquiry on the day HC ordered a police investigation

AHMEDABAD MIRROR BUREAU

The Gujarat government on Tuesday said it would challenge the report of a metropolitan magistrate that the 2004 gunbattle that killed Mumbai collegian Ishrat Jahan and three of her friends was faked by police officials.

A day after the report by Ahmedabad metropolitan magistrate SP Tamang branded it a killing in cold blood, state government spokesperson Jay Narayan Vyas said the inquiry report was “bad in law and so the state government will challenge it”.

Vyas said the sections of the criminal procedure code used in the inquiry were not tenable with the case. He questioned how the magistrate could proceed with an inquiry in the case when there was already a high-level police investigation ordered by the Gujarat High Court on the very day —August 13, 2009. The police investigation has been given time till November 30 this year.

ISHRAT KILLING

Ishrat from Mumbra in Thane district and three of her friends, Javed Ghulam Sheikh alias Pranesh Kumar Pillai, Amjad Ali alias Rajkumar Akbar Ali Rana and Jisan Johar Abdul Gani, were gunned down by city crime branch (detection) on the outskirts of the city on June 15, 2004.

Police claimed that the four were members of a Lashkare-Taiba module and were on a mission to kill Chief Minister Narendra Modi.

However, the metropolitan magistrate's inquiry report says there was no gunbattle between the four youngsters and the police.

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Gujarat EDN

Retd DGP under scanner

TIMES NEWS NETWORK

Ahmedabad: The magistrate's inquiry report makes a serious case against retired director general of police KR Kaushik who was police commissioner when the Ishrat encounter happened.

After concluding that the encounter on June 15, 2004, was staged, metropolitan magistrate SP Tamang deconstructed the FIR lodged by crime branch then, demanding evidence for each of police actions.

He pointed out that Kaushik was the first to receive information of infiltration by Zeeshan Johar and Amjad Ali Rana into India and then into Gujarat, apparently to kill Chief Minister Narendra Modi. According to the FIR lodged by crime branch inspector JG Parmar, Kaushik got this information from intelligence sources 15 days before the incident and he had discussed this with senior cops.

The magistrate has noted that such critical information was not documented and no evidence of this was placed on record during investigation. The crime branch's investigating officer Parixita Gurjar had not even recorded Kaushik's statement in this regard, the report said.

Moreover, the magistrate has accused Kaushik and other cops, especially then assistant commissioner of police GL Singhal, of conspiring to project Rana, Johar and Javed Shaikh as fidayeen terrorists. "In order to show them as Pakistani terrorists, the police commissioner was shown as having received information prior to the incident through intelligence sources," the magistrate concludes.

The report says that the then joint commissioner (crime) PP Pandey was also falsely shown as receiving information a few hours before the alleged encounter because these people were already dead by the time Pandey is said to have received the information of their setting out from Mumbai to kill the CM.

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=TOINEW&BaseHref=TOIA/2009/09/09&PageLabel=2&EntityId=Ar00205&ViewMode=HTML&GZ=T>

Gujarat EDN

True identity of Johar, Rana still unknown

Ahmedabad: Very little is known and discussed about the two men Zeeshan Johar and Amjad Ali Rana shot dead by Ahmedabad crime branch with Ishrat Jahan and Javed Shaikh. Nobody came to claim their bodies and they were given a quiet burial by the state police. Now metropolitan magistrate SP Tamang's inquiry report asserts these men, alleged to be LeT operatives from Pakistan, were Indians, but it gives no evidence on this.

Amjad Ali Akbar Ali Rana, 25, also went by names of Babbar, Salim alias Rajkumar while 17-year-old Zeeshan Johar was called Abdul Ghani, alias Salim, says the Centre's affidavit before Gujarat High Court. Their ages were determined by medical investigations. Tamang observes that the police provided no evidence to prove their identity, and "perhaps the crime branch officials had named them".

A photograph was recovered from Rana's pocket with 'SALIM' written behind it, which the magistrate debunks saying a Pakistani national would have written his name in Urdu and not English.

Johar's identity card with a Pakistan address was recovered from his dead body, which Tamang finds unusual. "No Pakistani terrorist would carry his identity proof once he enters Indian territory, particularly when he is on a mission to kill a chief minister of a state," he notes. Here, he accuses the crime branch of forging the I-card. The magistrate remarks that the police conducted no probe to verify the originality of these identity proofs. "Police wanted them to be identified by the names they had given them," the report reads. TNN

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=TOINEW&BaseHref=TOIA/2009/09/09&PageLabel=2&EntityId=Ar00206&ViewMode=HTML&GZ=T>

Gujarat EDN

HOLES IN COPS' THEORY

The blue Indica's tyre was punctured with a gunshot from short range; police said they fired on the tyre when the vehicle was in full speed. The magistrate questions how with a puncture in the left tyre, the car dragged towards the dividers which were on its right, when it should have dragged in the opposite direction. Hence, firing on tyre to stop car is

a concocted story.

None of them had money on them. Someone travelling from Mumbai to Ahmedabad should ideally carry some cash. Did the crime branch rob them? asks the magistrate. Three magazines with 90 bullets and 81 rusted bullets were found from Indica. Report said that they were planted later in the day, for FSL visitation and FIR does not even mention them.

A suitcase with number lock containing Rs 2.06 lakh was found from car, but FSL team and FIR have no mention of this, but this is in the panchnama done later. The suitcase was open. "Nobody would keep such a suitcase unlocked. This was planted to show that the terrorist were funded by their organisation to spread terror. This was money procured by police from some other sources," the report says.

Similarly, 30 coconuts were put in Indica car's boot later probably to show they were improvised explosive devices to be used in rath yatra.

http://epaper.indianexpress.com/IE/IEH/2009/09/09/ArticleHtmls/09_09_2009_001_005.shtml?Mode=1

Gujarat rejects magistrate report on Ishrat killing: It is bad in law

EXPRESS NEWS SERVICE

AHMEDABAD, NEWDELHI,

In any other country, Modi would have been in some other place: Moily

REJECTING a magisterial report which concluded that the state police faked the 2004 encounter in which Mumbai girl Ishrat Jahan and three others were killed, the Gujarat government today said it would challenge the report in a higher court. After the four were gunned down, Gujarat police had claimed that they were on a Lashkar-e-Toiba mission to kill Chief Minister Narendra Modi.

Releasing metropolitan magistrate S P Tamang's report to the media on Monday, advocate Mukul Sinha, who had been appearing for Ishrat's mother Shamima in the Gujarat High Court, said the magistrate found that the encounter was faked by police officers eager for promotions and the appreciation of Chief Minister Modi.

While the BJP today said that Modi could not be held responsible for everything that happens in the state, Union Law Minister Veerappa Moily raised the pitch, saying Modi would have been in

"some other place" if the Ishrat Jahan encounter had taken place in any other country.

Moily told reporters that Modi could be headed for big trouble as "there are many such cases which are coming up now... if more investigations are conducted, more skeletons may tumble". He said revelations in the Ishrat Jahan encounter

was a "very serious matter for the country and...

any other foreign country, Narendra Modi would have been in some other place".

In Ahmedabad, Gujarat government spokesman Jaynarayan Vyasa said: "Magistrate Tamang's report is bad in law and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the High Court to probe the matter could do so."

"The report prepared by the magistrate is beyond the jurisdiction of Section 176 CrPC (inquiry by magistrate into cause of death) and will not stand legal scrutiny,"

Vyas told a press conference. Quoting the Central government's affidavit in court, he said it stated that Ishrat and the other three were LeT operatives who were planning terror strikes in Gujarat.

In June 2004, Ishrat from Mumbra in Thane district and three of her friends, Javed alias Pranesh Pillai, Amjad Ali alias Akbar Ali Rana and Jishant Johar alias Abdul Gani, were gunned down by the Ahmedabad DCB on the outskirts of the city. Tamang's report said there was no gun battle between the four and the police. The report claimed that the four were kidnapped from Mumbai and killed in cold blood.

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Gujarat EDN

Ishrat probe based on govt files

Magistrate Analyzed Forensic Reports To Conclude That All Four Were Killed From Close Range

TIMES NEWS NETWORK

Ahmedabad: The probe report on fake encounter of Ishrat Jahan by metropolitan

magistrate SP Tamang is entirely based on police investigation papers which were already in the custody of the government. The principles on which this inquiry, under Section 176 of CrPC, is based is a treatise called 'Modi's Medical Jurisprudence and Toxicology' written by Dr Jaisingh P Modi.

The chief metropolitan magistrate handed over Tamang three files with 1,100 pages containing Forensic Science Laboratory (FSL) and post-mortem reports, statements recorded by police and report by a sub-divisional magistrate conducted in 2004.

Tamang's conclusion that Ishrat, Pranesh Pillai alias Javed Shaikh, Amjad Ali Rana alias Salim and a juvenile Zeeshan Johar were killed in cold blood derives heavily from the post-mortem and FSL reports.

The magistrate has in great detail analysed forensic reports to conclude that all four were killed from a close range and not from a distance of 70 feet as is the crime branch version. The ballistic report of five bullet wounds on Rana, 11 gun shots on Johar, 16 on Pillai's body and injury marks on Ishrat's body have been interpreted with citations from various authorities on medical jurisprudence.

The report explains how Ishrat and the other three had not fired a single round from 9 mm pistols and AK 56 recovered from their bodies. The hand-wash taken by forensic experts shows no signs of lead and nitrate, which should have been the case had they fired.

The post-mortem report reveals presence of rigor mortis in the bodies, as well as half-digested food in stomachs to show that they were killed within hours of dinner taken on June 14 evening. The magistrate concluded that Pillai was killed before 9 pm, while Rana, Johar and Ishrat were shot dead between 11 and 12 the same night. These claims were duly substantiated by the magistrate by quoting various paragraphs from numerous editions of 'Modi's Medical Jurisprudence'.

These led Tamang to question the FIR and information provided by the city crime branch that the encounter took place in the early morning of June 15.

Holding that the FIR was false and police claims regarding intelligence inputs from sources as well as Intelligence Bureau were bogus, Tamang concludes that the four were already in police custody much before they were killed. The only witness examined is Pillai's father Gopinath Pillai who deposed before him on September 3.

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Gujarat EDN

LEGAL NOOSE TIGHTENING

MHA affidavit on Ishrat puts UPA in a spot

Ishrat, Others Were Terrorists: Centre Told HC On Aug 6, 2009

TIMES NEWS NETWORK

Ahmedabad: An innocuous affidavit filed by the Union Ministry of Home Affairs (MHA) last month to defend against a plea to institute a CBI inquiry into the Ishrat Jahan encounter case, has now put the UPA government on the mat.

A shaken Modi government on Tuesday quickly took refuge in this 14-page defence filed by an under secretary of the MHA on August 6, 2009 before the Gujarat High Court, which confirmed Ishrat, Pranesh Pillai alias Javed Shaikh, Amjad Ali Rana and Zeeshan Johar as terrorists linked with Lashkar-e-Taiba (LeT). Copies of this affidavit were distributed to the media on Tuesday even as Gujarat government spokesperson and Cabinet minister Jay Narayan Vyas quoted heavily from the affidavit to say the government would appeal against the magistrate's damning inquiry report on the encounter that took place on June 15, 2004 under the supervision of now-jailed IPS officer DG Vanzara. While magistrate SP Tamang's inquiry report submitted to the chief judicial magistrate on Monday named several top IPS officers, including retired director general of police and then Ahmedabad police commissioner KR Kaushik, Vanzara and 19 others, as involved in the conspiracy to fake the encounter of innocent persons, the MHA affidavit supports the Gujarat police story that this was a genuine encounter in which terrorists were killed.

Filed by RVS Mani, under secretary, internal security-VI in MHA, the affidavit states: "It came to the notice of the security agencies of the Union government that Javed was in regular touch with LeT operatives particularly Muzammil to carry out terrorist actions in Gujarat". A major part of the affidavit dwells into the story of how Pranesh Pillai, converted to Javed Shaikh, kept two passports and was a "rowdy character with several criminal cases against him". The affidavit, instead of providing solid evidence against the 'terrorists', gets into a detailed inquiry into the relationship between Javed and Ishrat and how their parents — Gopinatha Pillai and Shamima Kausar — had not clearly stated "what were their activities" in their respective petitions before the Supreme Court and Gujarat HC.

The affidavit mentions about the two Pakistanis — Amjad Ali Rana and Zeeshan Johar — on how they had infiltrated into India and were in touch with Javed to carry out terror activities in Gujarat. Sources told TOI that the MHA has taken serious note of this embarrassing legal blooper and may take action. It was also learnt that the man behind its content is IPS officer Rajinder Kumar, who was posted in Gujarat as the state IB chief between 2002 and 2005 and is now joint director in the IB at Delhi. Most of the intelligence inputs on Gujarat encounters were provided by his office. Leader of Opposition in Gujarat Assembly Shaktisinh Gohil told mediapersons: "The affidavit is based on intelligence reports of 2004 by IB officials under the NDA regime. Let investigations begin and the role of these officers be examined".

There are many such cases which are coming up now. If more investigations are conducted, more skeletons may tumble out. Revelations in Ishrat Jahan encounter was a very serious matter for the country and....in any other foreign country, Narendra Modi would have been in some other place

M Veerappa Moily | UNION LAW MINISTER

Magistrate SP Tamang's report is bad in law and he has overstepped his jurisdiction by submitting his report even before a high-level committee appointed by the High Court to probe the matter could do so. We will challenge it in a higher forum

Jay Narayan Vyas STATE GOVT SPOKESMAN

Why should Modi take a call?....Do you think anything that happens in any state, the chief minister is responsible? If anything happens in the national Capital, is the prime minister responsible?

M Venkaiah Naidu | BJP LEADER

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Cops may face Vanzara fate

Ahmedabad: After the scathing inquiry report of the metropolitan magistrate, the next logical move for the state government would be to register an FIR against the police officers charged with plotting the fake encounter which killed 19-year-old Ishrat Jahan, Javed Shaikh, Amjad Ali Rana and Zeeshan Johar on June 15, 2004.

The case obviously becomes one of custodial death and should ideally follow the same inquiry pattern as Sohrabuddin Shaikh encounter of 2005 in which 14 policemen, including IPS officers DG Vanzara, Rajkumar Pandian and Dinesh MN from Rajasthan, are in jail.

In that case, the FIR registered by crime branch in 2004 would be amended to make the official complainant — police inspector JG Parmar — and 20 other officers, including then Ahmedabad city police commissioner KR Kaushik, Vanzara and additional DGP PP Pandey, accused in the new case.

Barring Pota, which was applied on Ishrat and rest, the police officers would have to be booked for murder, kidnapping, illegal confinement, conspiracy under IPC and use of unlicensed weapons (an unlicensed AK-56 was used to kill them) under the Arms Act.

TNN

<http://www.indianexpress.com/news/modi-could-be-heading-for-bigger-trouble-moily/514488/>

Modi could be heading for bigger trouble: Moily

Posted: Tuesday , Sep 08, 2009 at 1525 hrs New Delhi:

Gujarat Chief Minister Narendra Modi would have been in "some other place" if the Ishrat Jahan fake encounter had taken place in a foreign country, Law Minister M Veerappa Moily said on Tuesday.

He told reporters that Modi could be headed for bigger trouble as "there are many such cases which are coming up now. If more investigations are conducted, more skeletons may tumble".

Noting that the law will take its own course, he said the revelations in the Ishrat Jahan encounter was a "very serious matter for the country and....any other foreign country, Narendra Modi would have been in some other place".

Terming the incident as "most unfortunate", Moily said, "many things are done brutally and inhuman things are being done".

His comments came a day after a judicial probe said the encounter in which college girl Ishrat Jahan and three others were gunned down in 2004 was fake and executed in cold blood by police officers for selfish motives after the four were suspected to be on a mission to "kill" Modi.