

The Ishrat Jehan Mystery

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Ever since 2002 Godhra and post Godhra riots in Gujarat the government of that State and the Gujarat Police have been the subject of suspicion, with investigation being done against the police in at least three cases of killing people in false encounters. Of these the two most notorious are the Sohrabudin case and Ishrat Jehan case. Sohrabudin was a well known arms runner with terrorist links, from whose village in Mahidpur Tehsil of Ujjain District of Madhya Pradesh large quantities of illegal arms and ammunition were recovered. The police was able to trace terrorist links in Malwa, including Ujjain, Ratlam and Mandsaur Districts, running through to both Maharashtra and Gujarat. The Madhya Pradesh, Gujarat, Maharashtra, Rajasthan and Andhra Pradesh, police were all on the lookout of Sohrabudin. Because of political intervention Madhya Pradesh Police was not allowed to pursue the case to its logical conclusion. The allegation is that the Gujarat Police deliberately targeted and killed Sohrabudin and the matter now being sub judice further comment is not called for. However, even if Sohrabudin is ultimately judged to be a victim, by no stretch of imagination can he be described as innocent.

In the Ishrat Jehan case, she together with three of her accomplices was shot dead in Gujarat allegedly in an encounter whilst they were proceeding to Ahmedabad to target and kill the Chief Minister of Gujarat. The police stated that it had received information about this group from the Intelligence Bureau, which had pointed to their terrorist links. On this the police acted. The allegation is that the IB report was false, the police deliberately murdered Ishrat Jehan and her companions and that this was a case of false encounter. In other words, an open and shut case in which CBI is trying to rope in the IB officer on whose report action was taken by the Gujarat Police. This officer happens to be the Special Director of IB. Some facts seem to be emerging through newspaper reports and CBI's penchant of discussing every detail of its investigation in public through the media. Ishrat Jehan and her family belong to Maharashtra and not Gujarat. Why would the Gujarat Police want to murder some innocent girl from Maharashtra? If the intention was to murder an innocent Muslim girl is there a shortage of such persons in Gujarat that a woman has to be enticed from Maharashtra? In every murder motive has to be investigated and proved. What could have motivated the Gujarat Police to murder an innocent person? What would be the loss if Ishrat Jehan had been allowed to live and who would gain from her death? Does the Gujarat Police consist entirely of psychopathic killers whose appetite for murder has to be satisfied from time to time by sacrificing some innocent person? Two years after the post Godhra riots when Gujarat was peaceful, what would the Gujarat Government gain by the death of an innocent girl from Maharashtra? These are some very uncomfortable questions which cry for answers.

Let us begin by referring to the IB report which led to what happened to Ishrat Jehan. IB had alerted the Gujarat Police that Ishrat Jehan and her companions had links with terrorist organisations, including LeT. Once a report of this nature reached the Gujarat Police it was bound to act because if it did not and a terrorist strike took place, it would be accused of failure to act. It is also a fact that Ishrat Jehan and her companions were travelling to Ahmedabad when they were intercepted. There is no allegation that the Gujarat Police went to Maharashtra, abducted Ishrat Jehan and her companions, brought them to Gujarat, planted weapons on them and then shot them dead in cold blood.

The newspapers have reported that CBI now says that the IB report was incorrect because Ishrat Jehan had no terrorist links, but two of her companions did have such links with terrorist outfits in Kashmir. It is an undisputed fact that Ishrat Jehan was with three companions, two of whom CBI now states had terrorist links in Kashmir. If, therefore, the four of them were travelling together how would the Gujarat Police be expected to distinguish between Ishrat Jehan and her companions? I am not for a minute prejudging the matter because as I have said I have not investigated it, but surely CBI should have asked the above questions during the course of their investigation. Did CBI officers do this? In any case if an IB officer is to be indicted on the basis of a source report, which CBI claims is incorrect, then to defend himself the officer might have to justify the report and in doing so compromise his source. The first and fundamental rule of all intelligence work, including counter espionage, is never to reveal one's source because that puts his or her life at jeopardy. Is the IB officer to defend himself in this case by compromising the source, or is he to go down to drain because he refuses to do so? CBI has no business, no legal authority to force either choice on the IB officer and it must be stopped from doing so in the greater interest of security of our country and the sanctity of intelligence sources.

The Ishrat Jehan case is not as simple and straight forward as sections of the media and CBI would want us to believe. Obviously it is one of the weapons through which the ruling coalition at the centre is trying to target Narendra Modi, Chief Minister of Gujarat. Therefore, the Ishrat Jehan case has to be looked at with great objectivity and impartiality before arriving at any conclusion about the guilt of Gujarat police officers. One will also have to look very carefully at the relationship between intelligence agencies, executive agencies such as the police and the action which the police is required to take on intelligence reports. If reports are not forwarded because they have not been fully verified the intelligence agencies would be accused of withholding intelligence. If executive agencies do not take immediate action on such reports they are accused of negligence and worse. If they act they can be accused of misuse of authority, including murder. This is an absolute Catch-22 situation and it is precisely where a proactive and strong executive government must intervene. Just as there can be judicial impropriety there can also be executive impropriety where government fails to act in a situation which calls for immediate intervention. The CBI itself must appreciate that as an investigating agency it is performing police functions and by law this has to be done with great objectivity and impartiality. If CBI investigates the case honestly one would admire it, if it does not do this the matter will always be on its conscience.
