

Fighting for Us All

By Harsh Mander

Each age creates its own heroes. Two ageing homemakers who would otherwise have been content to lead useful but unremarkable lives - raising children and caring for their loved ones - were transformed into unlikely steely warriors by the tumult of two brutal killings. These dreadful tragedies stirred both to courageously fight epic battles against what they are convinced was the malevolent exercise of state power.

The first of them, Zakia Jafri, lost her spouse, Ehsan Jafri - lawyer, poet and parliamentarian - to an armed crowd of feverish attackers the day after a train compartment burned in Godhra on 27 February 2002. In the frenzy of revenge that swept large parts of Gujarat targeting Muslims who people believed were responsible for burning the train, the housing colony Gulbarg established by Jafri in a suburb of Ahmedabad was also attacked. Many desperate residents had gathered in the Jafri home, hoping that Jafri's influence would save their lives. But his frantic appeals to the senior political and police leadership proved futile. Many were slaughtered and burned alive, along with Jafri. Zakia and a few other women sheltering in the first floor of the house survived.

Survivors of the Gujarat carnage have fought extraordinary legal battles against the killers, and many have been convicted. But Zakia was not content to pursue only those who physically slaughtered her husband. She insisted that justice must reach those who had conspired to organise this massacre. At the end of a long legal battle of over a decade, on April 15, 2013 she filed a protest petition before a magistrate alleging a high-level conspiracy to manipulate the Godhra tragedy to organise and fuel the carnage which followed. The first name among the 59 accused was of Chief Minister Narendra Modi.

In the court hearings which are currently underway, Zakia's lawyer Mihir Desai argued the political head of the State, the Home Ministry and the administration were in full knowledge of and allowed the 'build-up of aggressive and communal sentiments, violent mobilisation, including carrying of arms, and a general outpouring against the minority community...' Relying on documents collected by the SIT itself, Zakia's petition attempts to establish that there was a conspiracy at the senior-most levels of the state administration not just to generate hatred against Muslims, but also to target Muslim people and their property and religious places and 'aid and abet this process by acts and omissions of persons liable under law to act otherwise.'

Zakia Jafri, now in her mid-seventies, declared in an interview to Frontline that she recognises that Modi is 'an extremely powerful man', therefore charges against him cannot be made lightly. Therefore 'we have persevered at collecting every relevant detail to implicate him. One day it will pay off'. She adds, 'My husband was a good and kind man. I will fight for him and for thousands who suffered like us.'

In Mumra, a Mumbai suburb, matriarch Shameema struggled to raise with love but firmness her seven children after her husband's untimely death by brain cancer. Her second daughter Ishrat Jehan was her greatest support, earning money after college with tuitions. But in the summer vacations, no children came for tuitions, and so she accepted a travelling sales job with a family acquaintance Javed. Nothing could have prepared Shameema for the day when on 15 June 2004, she was informed that Ishrat was killed in a police 'encounter' to prevent her bid to assassinate Narendra Modi.

In these intervening nine years, Shameema has battled the trauma of her daughter's violent killing, the stigma of the charge of her being a terrorist resulting in her family's isolation, and the challenge of raising her remaining six children without Ishrat and her husband. A lesser person would have been felled, but not Shameema. She filed a writ in the Gujarat High Court in 2004 itself, and persevered with a prolonged uncertain legal battle because she was fiercely committed to proving her daughter's innocence.

Unexpected relief came five years later when a junior magistrate Tamang charged with a magisterial enquiry into the alleged police encounter killings, acted with exceptional courage and integrity. Hundreds of persons are eliminated in the country by police and security personnel, claiming that the men in uniform killed in self-defence, and their claims are routinely ratified by compliant magistrates. But Tamang was different. He concluded that Ishrat and the three men were actually killed in cold-blood several hours before the alleged shoot-out, from close range. The police had then taken their bodies to the roadside, fired themselves on their police jeep, and planted an AK47 weapon in the hands of one of the dead men, and explosives in their car.

Shameema was vindicated, able to erase the label of a terrorist from her daughter Ishrat's name. The state predictably challenged Tamang's order, but the High Court directed the CBI to investigate the case. Its findings were even more explosive, suggesting a criminal conspiracy between Gujarat police officials and the IB. Its charge-sheet names seven Gujarat police officers who it charges with abducting, illegally detaining, drugging and finally killing Ishrat and the three men.

The wars Zakia and Shameema are waging are many. They battle against forgetting, against the arrogance of state power, against the politics of hate and fear, against open state bias targeting religious minorities during mass violence, against the labelling of Muslim people, against the opacity and unaccountability of security establishments, and against policies of state elimination of people in the guise of battling terror. They struggle in solidarity with some of the country's finest activists, and with robust faith in the institutions of India's democracy. They remind us that secular democracy is never given to a people; it needs to constantly claimed and reclaimed. By fighting so bravely, with dignity, faith and hope, they fight for all of us.