

WHAT IT MEANS TO BE A MUSLIM IN INDIA TODAY



Cover Design
Pervez

A Report
People's Tribunal on the Atrocities Committed Against the Minorities
In The Name of Fighting Terrorism, Hyderabad, 2008
& National Meet on the Status of Muslims in Contemporary India, Delhi, 2009

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A Combined Report of

**People's Tribunal on the Atrocities Committed
Against the Minorities In The Name of Fighting Terrorism**
22-24 August 2008 at Hyderabad

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**National Meet on the Status of
Muslims in Contemporary India**
Delhi 3 to 5 Oct 2009



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The tribunals were organised in collaboration with
Human Rights Law Network and Siasat, Hyderabad

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Note from the Editor

'What it means to be a Muslim in India Today' is a compilation of real life stories.

It brings heart rendering stories of young boys, mothers and families in front of the nation.

Stories of a besieged community: stories of discrimination, stories of torture & abuse, stories of prejudices & hatred, stories of apathy, stories of intimidation, stories of state terror & fabrication of evidence, stories of police atrocities, stories of judicial apathy & connivance, stories of cold blooded murders, stories of the second class citizens of the world's largest democracy.

The whole exercise of identifying the victims, recording their testimonies from across India, giving them the courage to depose, having the courage to take on the agencies and the state, defying all pressures being exerted by various agencies to scuttle the tribunals & keeping the faith of a better future alive, would not have been possible without the active support of the Jury members, young volunteers, Anhad colleagues, the Human Rights Law Network and Siasat teams.

We are indebted to Zaheer bhai and Zahidbhai for hosting the Hyderabad tribunal at Siasat. Anyone else would have succumbed under the State pressure to cancel the tribunal.

The present report is a team work of a small but dedicated team: Anjali Thomas, Athar Moin, Harsh Dobhal, Mansi Sharma, Mubbashir Khurram, Niharika Yadav, Sahir Raza, Shabnam Hashmi, Shatam Ray, Seema Duhan

And finally we salute the courage of those who deposed.

Shabnam Hashmi

January 24, 2011

**हम जो तारीक
राहों में मारे गए**



Foreword

Last decade (2000-2010) saw multiple acts of terror in different parts of India. These attacks were scattered in different parts of India and killed many innocent people. The attack on Parliament, blast near Army camp in Jammu, terror episode at Akshardham, Mumbai trains and Sankatmochan temple are the few amongst the many terror acts which took place. Along with loss of many an innocent lives, the social atmosphere was vitiated. These blasts intimidated the society as a whole and created an atmosphere of fear all around. During this period, on the heels of World Trade Center attack the word Islamic terrorism was coined and in India this word was further manipulated to highly dubious and wrong propaganda line that 'All Terrorists are Muslims.'

India had witnessed massive anti Muslim violence from the decade of 1980s, culminating in the post-demolition anti Muslim violence and the Gujarat violence of 2002. The loss of property and lives of Muslim community was abysmal. The lives lost of the community were more than 80% of the total victims, the victims were not rehabilitated by the state, no adequate compensation and no justice was meted out to most of the victims. The Muslim community started feeling dejected to a great extent with the violence and the consequent harassment, leading to the sense of insecurity.

In this background in most cases, after the blasts many a Muslim youth were arrested on the charges of being involved in the act of terror, being in league with the Pakistan terror groups. The investigation authorities recklessly arrested Muslim youth after every act of terror. Young Muslim boys and men were subjected to torture, encountered and remained in police custody for months. Meanwhile from April 2006, the death of two Bajrang Dal men, while they were making bombs, came to light in Nanded, Maharashtra. This was followed by a series of terror attacks in Parbhani, Aurangabad, Jalna, Panvel etc. in these cases the involvement of Hindutva groups was apparent to a great deal. Still the investigating agencies kept working with the same assumption that Muslims were behind all terror attacks.

The twin fact of being victims of communal violence and later the victim of police investigation, a sense of despair started gripping the Muslim community. There was hardly any evidence needed and police investigation was based on the flight of their imagination around the understanding that if there is an act of terror, the Muslims have to be involved. The despair amongst the Muslim community became much worse after the realization that while the terror acts where the Muslim congregations are attacked or bombs are planted in the Muslim majority area, still the Muslims are



suspected for these acts and put behind the bars and tortured to elicit the confession. Many a Muslim youth studying in professional colleges and other disciplines were also not spared. The sense of hopelessness was too strong and it started worsening the psyche of the Muslim community as a whole.

Meanwhile their economic plight was made public by Sachar Committee report, published in 2006. The report, based on concrete data made it clear that during last six decades after the independence the conditions of Muslims as a community has deteriorated. Their economic status, social conditions, political say and representation, all faced a severe jolt and the community started feeling as if they are being pushed to being second class citizens. Many a delegations met the political leaders concerned. The appeal to put the investigation on an honest ground fell on deaf ears and police continued to arrest and torture. The case of Samjhauta Express blast, Ajmer Dargah and Mecca Masjid in Hyderabad were most glaring in this regard. So the community faced twin challenges, on one hand being branded as terrorists and on the other communal elements intensified their propaganda against the Muslim community. This further intensified the process of marginalization of the Muslim community. The twin aspects of security and equity got a severe setback and community was in total despair. Even the most liberal and educated sections of Muslims started feeling that they cannot live in peace and with dignity in this atmosphere.

During the same period the infiltration of the communal mindset in the system and its influence on a large section of media started becoming more obvious. A small section of national media did expose this nexus but a larger section of the media kept carrying the police versions of the events and the communal demonization of Muslim community. Some independent social activists and groups did raise their voice against what was going on, but their impact was not very palpable.

It is in this frightening backdrop that, we at Anhad decided to make an attempt to shake the national conscience, to share the pain and anguish of the Muslim community with the large section of society to project the voice of the voiceless to the authorities and political leadership. In this direction both these tribunals were organised, the first one, 'Peoples Tribunal on the Atrocities Committed against Minorities In the name of Fighting Terrorism' was held on 22-24 August 2008 at Hyderabad. This focused mainly on the victims of police investigation around acts of terrorism. And the second one 'National Meet on the Status of Muslims in Contemporary India' held at Delhi from 3 to 5 Oct 2009 focussed on the overall situation of the community in the national scenario.

The findings of tribunals were quite revealing about the condition of the Muslim minorities. Many a testimonies moistened the eyes of the some of the jury members, the harrowing stories of mothers whose sons are being tortured, the wives whose husband has been made the victim of police atrocities; the third degree torture inside the police custody, the insensitivity of administration was all there, and was registered with pain and objectivity it deserved. The jury was unanimous in giving the interim report and conclusions.

It is difficult to assess the impact of the tribunal as such but in the aftermath of tribunal it seemed

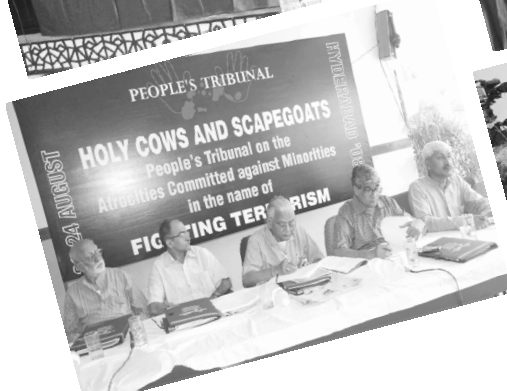


that the reckless arrest of Muslim youth stopped to some extent, while the government is yet to give shape to the comprehensive policies which should give Muslim their rightful due in the society. We are publishing the proceedings of the tribunal in a single volume as though the themes of tribunal may sound different; they are deeply connected and supplementary. These reports are a mirror of the society, a mirror to our democracy. These reports should remind us that no democracy is worth its principles unless the minorities can live with security and dignity in the community. Time alone will tell the direction of the social policies but we do realize that we have to keep up the battle for democratic rights for the minorities, as the state on its own has not been performing its constitutional duty of being fair and just to the minorities.

The tasks for human rights workers are immense as we have a long way to go to be able to democratize the society, to ensure that the values of our freedom movement, the values of Constitution are upheld and practiced at all the levels.

-Ram Punyani







Jury Findings

People's Tribunal on the Atrocities Committed Against the Minorities
In the Name of Fighting Terrorism 22-24 August 2008 at Hyderabad

Jury Members : Justice Sardar Ali Khan, Justice S.N. Bhargava, Mr KG Kannabiran, Dr. Asghar Ali Engineer, Mr Prashant Bhushan, Mr Ram Puniyani, Ms Rooprekha Varma, Mr Lalit Surjan, Mr Kingshuk Nag

National Meet on the Status of Muslims in Contemporary India, Delhi 3 to 5 Oct 2009

Jury Members : Ahmad Saeed Malihabadi, Asghar Ali Engineer, Admiral Ramdas, Colin Gonsalves, Gagan Sethi, Ghanshyam Shah, Hanif Lakdawala, Harsh Mander, Kavita Srivastava, Mahesh Bhatt, Prashant Bhushan, Ram Puniyani, Rooprekha Verma, Sukumar Murlidharan, Tarun Tejpal, Uma Chakravarty, Zafar Agha, Zahid Ali Khan, Zoya Hassan



Findings and Recommendations

The testimonies showed that a large number of innocent young Muslims have been and are being victimized by the police on the charge of being involved in various terrorist acts across the country. This is particularly so in Maharashtra, Gujarat, Madhya Pradesh, Andhra Pradesh and Rajasthan, though not limited to these States.

In most of the cases, the persons picked up are not shown to be arrested by the police until many days after their arrest in gross violation of the law. Their families are also not informed about their arrest. In many cases, they have been tortured in Police custody and made to “confess” and sign blank papers. The police has been often humiliating Muslim detainees on the ground of their religion. The testimonies show widespread communalization of the police across states in the country.

In most of these cases, the Courts are routinely allowing police remand and not granting bail, merely on the police statements that they are required for further investigation. They do not examine whether there is any evidence against the accused. Unfortunately, the media too uncritically publicizes the charge and allegations levelled by the police. This has resulted in the destruction of the lives and reputations of a large number of persons so picked up by the police who have later been found to be innocent.

When the police charge sheets the victims, the trials go on almost interminably during which poor victims are virtually defenceless since they are often not even able to get lawyers. In some cases, Bar Associations have been preventing lawyers from appearing on behalf of persons accused by the police of such terror offences. However, though this is gross contempt of Court, the Courts have not taken action against such Bar Associations and lawyers who are coercing other lawyers in this manner.

Even when the victims are acquitted or discharged on being found innocent, they are not compensated for the destruction of their lives and reputations. Even when the case against the victims is found to be totally cooked up, no action is being taken to hold the concerned police officials accountable. This has led to impunity among the police officials as a result of which they are casually and callously picking up and victimizing innocent persons, particularly Muslims, sometimes even to extract money from them.

It was been reported by the victims that those citizens who are picked up by the police officers for interrogation and are subject to repeated harassment and torture, are implicated in false cases even after release or acquittal and are further subjected to mental and physical torture.

Unfortunately, the Courts are going along with this behaviour of the police and are virtually ignoring allegations of torture in police custody. Hardly anyone is being held accountable for the torture and third degree methods that are being routinely practiced in police and even in judicial custody.

Unfortunately, the Human Rights Commissions which should have taken suo motto cognizance of such victimization and violation of human rights of these people have by and large been treating



even complaints about this with casual indifference. They either do not take up such cases on the ground that they are the subject matter of court proceedings or just ask for a routine police report without getting any independent investigation done on such serious charges of human right violations.

This victimization and demonisation of Muslims in the guise of investigation of terror offences, is having a very serious psychological impact on the minds of not only the families of the victims but also other members of the community. It is leading to a very strong sense of insecurity and alienation which may lead to frightful consequences for the nation.

Recommendations

1. State Human Rights Commission and National Human Rights Commission and State Minority Commission should take up such matters seriously and should come to independent finding itself and awarding adequate compensation in suitable Cases. It should not wait for somebody to approach the commission but should take action Suo-motto. They should utilize their own agency to find out the truth. The malafide prosecution of innocent persons is also a serious violation of Human Rights which must be vigorously pursued by the Human rights Commissions.
2. The Courts must not routinely grant police or judicial custody but must examine at that stage whether there is any credible evidence against the accused. The Courts should keep in mind that no reliance should be placed on the alleged confession of the accused even for consideration of bail/remand.
3. Whenever any person is released by the police for want of evidence against him the Courts should award adequate compensation for the destruction of his life and reputation. In such cases the Courts should examine if the prosecution was malafide, and if it is so found, the police officials involved must be held accountable and the compensation payable to the victim must be recovered from the officers concerned.
4. Cr.PC should be amended to make it obligatory on the Courts to award adequate compensation to the innocent victim who is discharged or acquitted due to lack of evidence or was falsely implicated.
5. There ought to be separate department/wing for investigation that should be given specialized training on modern scientific basis, in line with the recommendations of the National Police Commission, duly endorsed by the Supreme Court. Independent police complaints authorities must be immediately set up at all levels in line with the Supreme Court's judgment in the Police Reforms case.
6. The trial courts should be provided with a medical officer who can immediately examine any accused complaining of torture in Police or judicial custody. The courts must immediately, on any complaint being made, order such examination and take stringent action if the allegation



is found true. The number of Trial courts must be greatly increased to ensure speedy conclusions of Trials. Investigations must also be concluded within the shortest possible time and extensions of time must not be routinely given. An adequate cadre of competent defence lawyers must be created to defend those accused who cannot afford their own lawyers. An independent statutory office of public prosecutors must be created.

7. The Police during interrogation or investigation cannot get blank papers signed by the accused; Police officers found indulging in such practice must be severely punished. Narco analysis is a psychologically and physically third degree method of investigation which is not even scientifically proven. It must not be allowed on persons particularly without consent.
8. Persons including officials of Bar Associations seeking to prevent lawyers from representing accused persons must be hauled up for Contempt of Court for interfering with the administration of Justice.
9. Special sensitization programmes should be organized for the Judiciary and Police regarding Human Rights.
10. The Governments should provide adequate compensation to the relatives of the person who died due to police firing at Mecca Masjid. No discrimination should be made based on religion or caste or place of residence. Employment should also be provided to the dependents of the deceased.
11. The Media, both Print as well Electronic should be very careful not to publicize mere allegations or claims of the police which can irreparably damage reputations of innocent persons without subjecting them to basic scrutiny.
12. In cases where all the bread earners of a family have been arrested by the police, the families of the victims, especially minor children and desolate women are rendered penniless and helpless and are driven to starvation. In such cases, until and unless the accused are convicted by courts, the State must provide regular financial help to the extent that the education of children is not disrupted and the family is not starved.
13. India must immediately sign the International Criminal Court Treaty known as the Rome Statute which has been signed by most countries.



Findings and Recommendations

A national meet was organised on the theme 'What it Means to be a Muslim in India Today' by Anhad in collaboration with Siasat and other organisations in Delhi from 3 to 5 Oct 2009. A large number of individuals as well as representatives of organisations participated and spoke about their experiences and problems late into the evenings. The major findings and recommendations that emerged from the hearings are presented here.

Overall

The predominant finding of the meet was that there is an intense, almost universal sentiment of fear and growing despair among Muslim citizens of the country. Many of those who testified in the meet went so far as to declare that they felt reduced to second class citizenship. They shared their mounting disillusionment with all institutions of governance, and more so with the police and judiciary, as well as with political parties and to some extent the media.

There is on the one hand the constant dread of being profiled as a terrorist, or of a loved one being so profiled, with the attendant fears of illegal and prolonged detention, denial of bail, torture, unfair and biased investigation and trial, and extra-judicial killings. There is on the other hand the lived experience of day to day discrimination, in education, employment, housing and public services, which entrap the community in hopeless conditions of poverty and want. This is fostered in a situation of pervasive communal prejudice in all institutions of the state, especially the police, civil administration and judiciary; and also the political leadership of almost all parties; large segments of the print and visual media; and the middle classes, and the systematic manufacture of hate and divide by communal organisations.

It was repeatedly emphasised that this is not simply a problem of victimhood of or injustice to a particular community. It is a grave challenge to the basic values of the Indian Constitution, including democracy, secularism, fraternity and the rule of law.

Major Findings

1. The pervasive sense of insecurity reported from various corners of the country derived greatly from the prejudice, illegality and impunity with which police forces across the country deal with the challenges of terror. This is a regular pattern that occurs after every terror attack, and sometimes even when there have been no actual terror episodes but the state authorities claim that there was a conspiracy which they detected and prevented. Testimonies from many states in the country outline this chilling pattern, of Muslim, mostly male youth, usually with no criminal records, being illegally picked up by men in plain clothes, and taken blind-folded in unmarked vehicles to illegal locations like farm houses which are not police stations. There they are tortured to coerce them to confess to terror crimes. Many men testified in the meet to brutal and terrifying torture. A few are killed in extra-judicial killings or 'encounters'. The rest are ultimately produced after several days of illegal detention before magistrates, who ignore injuries that suggest torture. They are then officially remanded to extended police



custody, and ultimately charged with a range of crimes of terror and treason. Many are charged with multiple crimes of terror, sometimes 20 or even 50, in many states, making it impossible for the youth charged with these grave crimes to defend themselves. Even if the legal justice system worked efficiently, it would take many years, sometimes decades, for these cases to be heard and concluded against each of the individuals. For all these years, the youth would continue to be held in detention. Almost no one who bears a Muslim identity is exempt from the fear that they, or members of their families, can be subjected to the same allegations of terror links, and to similar processes of detention, torture, encounter killings or prolonged, multiple and biased trails. It was noted that completely different standards are applied in the cases of the Hindutva terror organisations which have come to light.

2. The testimonies underlined the aspirations of the people of the community to participate in economic and social development in the country, as equal partners as people of other communities. Many women and men who testified in the national meet spoke of the importance to them of modern and high quality schooling and higher education, and sought much higher levels of public investment in their education. There was careful and thoughtful analysis of the design and implementation of measures announced by the central government to address the low social and economic indicators documented by the Sachar Committee. It was pointed out that the per capita levels of investment for the community are still low. The scheme for investment in districts with high minority population, at best cover 30 per cent of the total population. The programmes are for area development rather than programmes focussed on the minorities; therefore they prove blunt instruments as much of the expenditure is on general infrastructure and little to directly benefit deprived people of the community. They are not consulted about their priorities. The scholarship programme is welcome, but also suffers from infirmities of procedure and targets which limit its impact. Financial institutions including nationalised banks are still reluctant to extend credit to Muslims.
3. There were many testimonies about open prejudice and bias of public institutions towards Muslims, but it was confirmed that these prejudices are equally evident outside government as well. There were also reports of profiling against Muslims by the criminal justice system even beyond terror crimes, reflected in disproportionately high Muslim populations in jails. Many sensitive and senior positions in both central and state government departments, including in the home, education, social welfare and information departments, continue to be held by officials with sympathies with communal ideologies and organisations, and the UPA government has done little to identify and replace them. In particular, sections of the media were examined for their role in reinforcing communal stereotypes, as well as for uncritically broadcasting the police version in terror-related arrests and encounter killings. Textbooks often show similar bias, and this is particularly dangerous because for millions of poor and especially rural children, the textbook is the only source of the printed word which they can access.



4. People reported from many parts of India of difficulties in getting homes on rent or on sale in non- Muslim localities, or admissions in schools and institutions of higher education. People spoke in many corners of the country of systematic efforts to destroy and boycott the livelihoods of Muslims. Sustained decentralised hate campaigns are organised which portray Muslim men as predators against Hindu girls, and people who slaughter the cow which is sacred to the Hindu community, and vigilante groups supported tacitly by the police target Muslims for these alleged social violations. There were reports, again from many corners of the country, about ejection from cemetery and waqf lands. The latter are valued at billions of rupees, and if managed with efficiency and integrity, could yield large resources for education and livelihoods for the community.

Recommendations

1. There should be a high-powered judicial commission headed by a former Chief Justice of the Supreme Court appointed to examine all cases of terror across the country. Those that seem doubtful or fabrications should be handed over to a Special Investigation Team appointed and supervised by the high-powered judicial commission. It should complete its task in one year, so that prolonged detention of persons against whom there is little convincing evidence is not prolonged further.
2. In cases in which it is obvious that false cases were framed and evidence fabricated, the police officers should be prosecuted (tampering with evidence in cases which can result in capital punishment is itself a capital crime). Victims who were detained and ultimately found innocent should be paid compensation by the state for the suffering and lost years of their lives.
3. There is a perceived slowdown in investigating and prosecuting cases of alleged terror activities by right wing Hindutva organisations. These investigations should be resumed, and placed under the leadership of officers of impeccable secular credentials and integrity.
4. There should be a concerted drive to recruit much larger numbers of Muslims to all levels of the police, civil administration and judiciary. For this, all the recommendations of the Sachar Committee for affirmative action should be notified in 6 months, and implemented in 3 years.
5. The UPA government must immediately redeem its pledge and enact the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill. It must incorporate the major elements suggested by civil society groups. Communal violence is by its very nature, a targeted crime and a mass crime, perpetrated on a community of persons. As such these crimes do not find themselves reflected in the Indian Penal Code, 1860 and other extant penal laws. Because of their nature as 'targeted mass crimes', they need to be recognized as such, drawing upon the concepts of genocide and crimes against humanity.
6. When persons in positions of official power deliberately fail to prevent the eruption of



communal violence, or to stop its continuation, the responsibility for the eruption, or continuance, in the penal law as it stands, does not provide for prosecuting or punishing them. 'Command responsibility' has to be built into the law if the perpetrators of violence are to be drawn into a legal scheme of punishment and deterrence. The law should explicitly recognize and punish communal crimes that result not just from active participation or abetment of state authorities, but also crimes of omission, or what may be described as 'culpable inaction'.

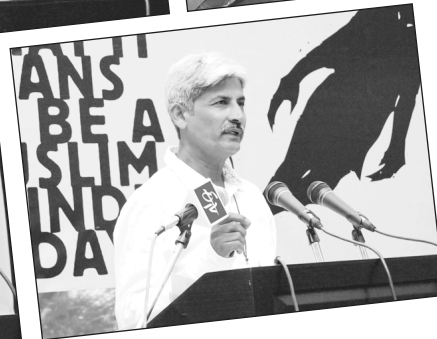
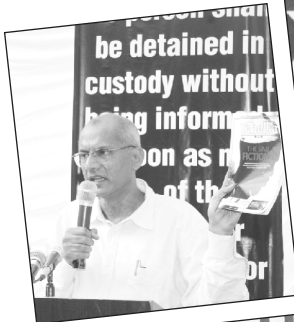
7. Any proposed law on communal violence must use the concepts of restoration, reparation and compensation, depending on the scale and nature of mass communal violence, which includes rescue, relief (including establishing relief camps for as long as affected people feel insecure), compensation, restitution, rehabilitation including assistance of soft loans and land allocations to rebuild livelihoods and shelters to levels not less than before the violence and in conformity with the wishes of the affected persons, and the reconstruction of places of worship destroyed in the violence. It should also contain internationally accepted norms for the internally displaced. These should be inviolable, legally enforceable rights of the victim-survivor, and extended according to national framework/policy of entitlements for victim-survivors of communal violence, rather than leave it to discretion at the state level.
8. Strong action should be taken under Section 153A of the Indian Penal Code against organisations which indulge in hate campaigns and communal propaganda. The requirement of prior sanction of the state government before a complaint is registered under this Act should be waived.
9. A law against communal discrimination on the lines of the SC ST Act should be enacted to recognise specific crimes of discrimination against minorities and punish these severely. Such crimes of communal discrimination would include organising social and economic boycott, communal propaganda, propagating communal stereotypes in textbooks and the media, and denial of housing and employment on communal considerations. The Act would contain provisions for compensation, and punishment of public officials.
10. Officials who carry communal prejudices should be identified, and removed from sensitive positions in which their decisions have bearing on minorities, such as in the departments of home, education, welfare, information, and in financial institutions.
11. The Prime Minister should nominate a committee to undertake a nationwide campaign against the communalisation of society, akin to the literacy campaign and temple entry campaigns of the past. The features of discrimination in everyday life have not been sufficiently acknowledged, let alone studied, by government, even in the otherwise laudable Sachar Committee. This committee should also study and document these social processes of discrimination, some of which came to light in the national meet.
12. The Prime Minister's 15 point program should be given statutory status. The government

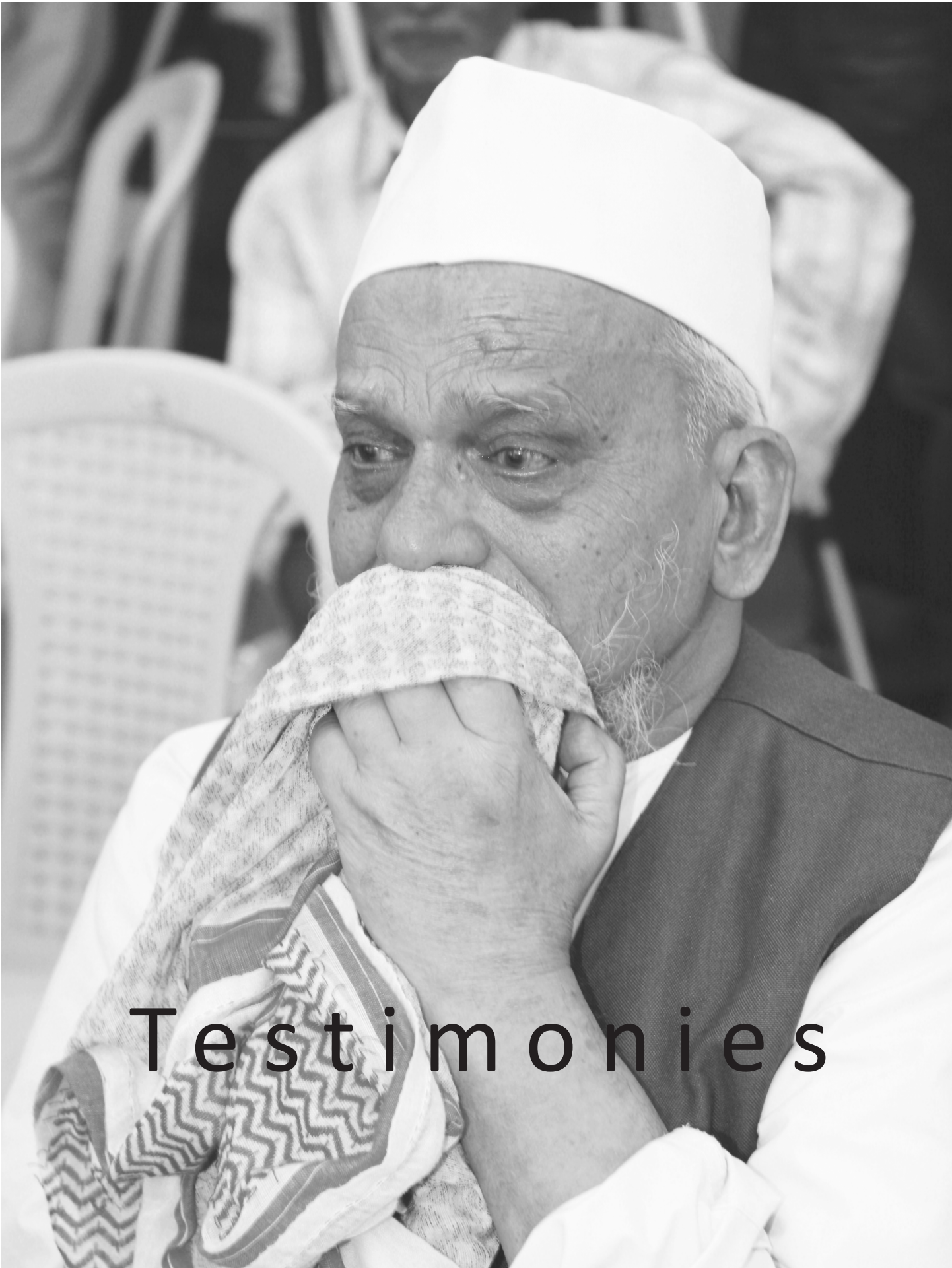


should constitute a high-level Empowered Committee in the Prime Ministers' Office with senior non-officials who have worked on this issue constituting at least half the membership, to monitor implementation of measures to improve the socio-economic conditions of Muslims, including implementation in letter and spirit the recommendations of the Sachar Committee.

13. Allocations should be sufficient to cover the large deprived population, in a Minority Sub Plan - like the Tribal Sub Plan and the Special Component Plan – which is proportionate to the population of the communities. The Plans should be not to simply develop districts with high minority population, but directly benefit them with high quality education at all levels, health care, and support for livelihoods and employment.
14. The Committee should be empowered also to ensure the Waqf properties are managed in ways that their incomes are converged with public investment to ensure further topping up of resources for the development and benefit of the deprived members of the community, with special focus on children, youth and women. Institutional mechanisms should be build to use Waqf property incomes also to protect human rights.







Testimonies

Manisha Sethi, Delhi

Answer to the question what it means to be a Muslim in India is to be encounterable, to be constantly suspected of being a terrorist, possibility of being killed without being questioned. Jamia Teacher Solidarity Association had organized an all party convention in Jamia on the question of State, Democracy and Terrorism on the completion of one year of encounter at Batla house. In that convention many civil rights activist arrived and discussed their struggle for war against terror. It was discussed that how in the name of waging war against terror, communal agenda has been promoted. The conclusion emerged that whether it was NDA regime or UPA term or whether it was Gujarat, A.P., Rajasthan, U.P., Indian state had discoursed the war on terror everywhere and accepted it; in the name of which Muslim youth were systematically and continuously picked up, encountered. That entire game plan was justified in the name of national security. Sometimes they were alleged for planning to kill Modi or Mayawati, otherwise in for blasting during any festive occasion. There is consensus across the news board rooms that no police version would be contested. In popular culture glorification of encounter killing is going on.

You might have watched the movie 'Wednesday' it was a thinking film, a well crafted film. The agenda of whole film was that all terrorist are Muslims and second we should abandon all legal means of justice rather bypassing the law which are nonsense 'terrorists' should be directly encountered. Same is the discourse which is going on in our society.

In Ishrat Jahan's case Home Ministry under UPA filed an affidavit that Ishrat Jahan 17 yr old girl who studied in college was a LeT operative and the demand for Independent enquiry of that case was always declined.

Now let's come to Batla house encounter case because JTSA is directly dealing with that case since last year. On 13 September 2008 there were bomb blasts in Delhi. In those blasts many people died many were injured. From 14 September, 2008 drive to pick up people from Jamia Nagar, a predominantly Muslim area, started. Police arrived in civil dress and without any number plates on their vehicles, without any warrants picked people randomly and frisked them away. On 14th September, 2008, two persons were picked up. And on 18th September a day before the infamous encounter police frisked away one PHD student. He was kept in the special cell at Lodhi road for three days. He was not only physically tortured but also psychologically. On 19th September, 2008 in Batla house one well televised, well publicized encounter took place in which Special Cell of the Delhi police. Inspector Sharma, one of their decorated officers, went inside the building to fight the 'dreaded terrorists' who were hiding there. Inspector Sharma did not wear a bullet proof jacket. Sharma died and so did the two alleged terrorist. You might remember the stories in newspaper in which every day on 14, 15, 16, 17th September, 2008 Mr. Shivraj Patil's, the then Home Minister, photo was on front page in different dresses. In morning, at 10:16 am he was in white clothes, at 11:30 AM he was in brown clothes and etc. etc. They tried to show Shivraj Patil's obsession with his appearance in public while the country's security was in danger. That time Shivraj Patil, Home Minister, UPA govt., needed to set an example that India was a strong state, mature militaristic state,



which can deal with the problem of national security. So on 19th September, 2008 at 10:00 AM a Batla house encounter took place. In that also different versions are there some say 10:00 AM, some say 10:30AM. There is no consistency. So story unfolded from the morning and two terrorists were encountered and inspector Sharma was injured. Till evening he also died. By that time the environment was full of fear. The very next day many boys were picked up who knew the boys who were killed. Next day I, Shabnam Hashmi, one of my journalist friend and a few Jamia teachers went to L18 flat in which two boys lived. We met a large number of people in the area including some immediate neighbours. It was clear that there was incoherency in the version that police was propagating. So we thought we should investigate into the matter. In media a communal tirade started such as “graduates with killer degree”, “Jamia nursery of terror” and “killer children and the whole community of Azamgarh”. The entire community of Jamia, community of Batla house and the whole Muslim community were treated as either terrorists or having allegiance to terrorists and a whole snare campaign started.

Six of us who had gone to L 18 Batla House after a lot of debate amongst ourselves released questions around 2am on the internet puncturing the official police version. There was an atmosphere of fear and questioning the official version was a sin. We were of course immediately branded as unpatriotic and anti national but our questions circulated on the internet widely and quoted by some newspapers next day broke the spell of fear.

Our campaign to bring justice to those encountered at Batla House has been going on till date. We are demanding the judicial enquiry into that case. A case filed by Anhad has been lost even at the Supreme Court level but that does not deter us from exposing what is blatantly wrong.

I will give you a picture of the inconsistency in police version and show the questions which we put up. First of all Police said that when they went for encounter operation Inspector Sharma was leading the team and all were behind him. L18 is built on a small plot and has four floors. It has only one exit gate and to ascend, there is a ladder having an iron grill around it. And the flat in which they lived was on the 4th floor. The house behind it was of just 2 floors. If anybody have to jump will have to jump from 4th floor to 2nd floor. According to police version they had cordoned off the whole area. Then the question arise if they had cordoned off the area than how could the two people ran away since there was only one exit point. Then how the police possibly let them run away. We doubted the story on that evening itself when it was unveiled that the two terrorists were absconding from the venue of encounter.

Secondly, we asked why and how L 18 was selected? Praveen Swami who writes in the Hindu wrote as if his spirit was on the roof of place of incident that police got the information after Ahmadabad blasts that Basher or Atif arrived in Delhi from Ahmadabad with his few friends with arms. Police took their cell phone on surveillance. And by the record of intercepted calls L18 was targeted. Then the biggest question is that if the cell phone was on surveillance and the Police knew that they were terrorists then what sort of alertness does the police had? They arrived in Delhi after 26th July, 2008 and planted bombs on 13 September, what was the police doing? It clearly indicates fallacy in the



police version. The other question which we raised was regarding Mr. Sharma who was an encounter specialist. Why he went there to fight with terrorist without bulletproof vest. Police said that it was not sure, on mere suspicion police went there to investigate and the alleged terrorists opened fire on them. Photos of Atif and Sajid were taken by cell phone during the time of their funeral. The Sajid was just a 17 yr old a legally minor. If he were a criminal then also under Juvenile Justice Act he could not be held as criminal. Under the JJ act no custodial violence can be justified on a minor. Certain rules and regulation are to be followed while dealing with a child. Sajid's photograph makes it clear that he was shot at point blank range. Had it been a natural shoot out in which both the parties participated it would have been face to face. It is important to think how 4-5 bullets got into his head? This is clear police made him sit on a chair or on the floor and then shot bullets in his head. When this question was asked to police, police in its defence said that Sajid was firing on Police by hiding himself under the bed where he was firing on the Police lying down under the cot and hence few of the bullets hit his skull. Further we asked if he was lying under the bed then how could the Inspector Sharma received bullets in his chest. On the issue of Inspector Sharma not wearing bullet proof vest Police version came out that Mr. Sharma got injured during cross firing and then police came with bullet proof vest. So I don't know whether they were having bullet proof vest or not. Sometime they were having it sometimes not. Sometime they say they knew that they were terrorist sometime they say that they were ambushed by surprise. Many versions came through media.

The proof that police gave for the boys being terrorists was the recovery of AK-47, revolver and a bucket, a polythene bag and one scotch tape/ cello tape. When we asked how those things prove that they were terrorists then they said that they might be sticking the bomb with cello tape and in polythene bag they might take the bomb to other place to plant it and in buckets they might be keeping the bomb after making it. So by those proofs I would say that more than half of the Indians are terrorists.

Same day on the evening of encounter Y S Dadwal called a press conference and said that we have cracked this case. In all those blasts in Jaipur, Ahmadabad, Delhi, Indian Mujahidin was involved. Atif was a mastermind of Indian mujahidin and Sajid was expert bomb maker. Sajid was a 17 year old boy who arrived to take admission in Jamia School but could not clear the entrance for admission in Jamia School so he joined an English speaking course. Dadwal said that that 17 year old boy was an expert bomb maker. Police said that they had his signature, signature in the sense the style of bomb making. All the bombs that were blasted were same as he used to make with ammonium nitrate and pods clock etc. But apart from all those things nothing was recovered from L18 even the material needed for making bombs. One more thing which we raised was that after encounter the care taker in whose house Atif and Sajid used to live he himself went in front of the camera of Headlines Today and said that he had signed the lease deed and the copy is with the police in which seal of the police was there. The very next day he was also into the police custody under the allegations of forgery and his son Zia Rehman, a Jamia student who was in IIIrd year was also put in special cell reasoning that he was co conspirator or co-bomber.



Then we also argued that if those people had tenant verification form, it means they were having driver license and all sim card were bought on their own real identification. If they were masterminds of Indian Mujahidin then why would they give genuine details they could have used fake identity. There police said they were very clever and intelligent they thought if they use their own identity nobody would doubt on them. So the question is if they were so clever then after the bomb blasts why were they staying in the same building, they could flee as well from there as after blasts on 14, 15, 16, 17 there was regular presence of special cell people who picked up many people from there, Batla house. Why would they live there for being arrested or for being encountered?

After the encounter five more boys were picked up. Police from different states presented different masterminds. Maharashtra police presented Tarik, U.P. police presented Baliullah, Rajasthan police presented Shahbaj, and Delhi police presented Atif Amin. All those police versions had to be saved from embarrassment so what the Indian State agencies did that all the state police implicated them in different cases. All these 5 boys were implicated in Ahmadabad blasts. One of those 5 boys Saif was implicated in Jaipur blast etc. those boys were charged with different FIRs and different criminal cases are pending against them. It seems like it will take 30-40 years to get justice in all those cases since the charge sheets are so lengthy. What we need is to begin a parallel trial justice campaign?

Charge sheet itself is a psychological warfare, because when you ask for charge sheet then they would give you an appendix of 10,000 pages in Gujarati. You keep on reading those and take 5 years to understand and go in trial.

Right now I think encounter is one major issue we need to focus on. We should try to ensure speedy justice. We need to strengthen our movement to take this issue forward to reiterate the demand for independent fair enquiry into the encounter and also the speedy justice for all the accused and arrested youth.

Tariq Shafiq, Azamgarh

Atif got himself enrolled in MA Program at Jamia Millia Islamia after completing his graduation that too from Jamia Millia Islamia. But in the charge-sheet filed against him, it is mentioned that he did his graduation from Allahabad University and afterwards sought admission at Jamia Millia Islamia University. To substantiate the claim the police showed mark sheet of Allahabad University, which was fabricated evidence in itself. To counter the police claim I would like to show the copy of mark sheet of Allahabad University which is exact replica of his Jamia Millia Islamia marks sheet except that the name of the University and signature of the attesting authority have been changed.

Sajid was not even 17 years old. He fell short by 2-3 months. There is a school in Mohammed Pur, approximately 10 KM away from Sanjarpur. He studied there, and used to drive cycle everyday to school. He had actually never been to even Azamgarh town. For the first time he had been out of his village for the entrance test to seek admission in the Jamia Senior Secondary School for Std. 11. He stayed in Delhi for just two days. He could not clear the entrance exam as the medium of instruction was English and not Hindi. Then, his parents suggested him to join some English Learning course to

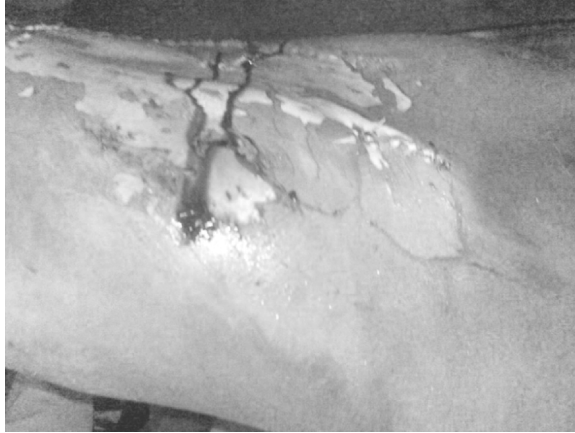


develop basic understanding of the language that would have subsequently helped him in clearing the entrance exam. It had been hardly a month since he was in Delhi and in the meantime, he was alleged to be the mastermind of the Delhi Bomb Blasts of September 13, 2008 and was encountered. According to the official version, he had been involved in illegal activities for the last three years, means when he was hardly 14 years of age. A boy of mere 14 years of age from rural background, who hardly had sense to wear clothes sophisticatedly, was alleged to be involved in terrorist activities. Alongside, he was slapped with charges of being a bomb-maker and travelled to Kerala and Ahmadabad. Police in its official version has stated that Sajid was firing at the police officials while lying under the cot and in self protection police opened fire at him. Sajid received bullet injuries on the top of the head, in the back of the head, right shoulder and in the chest. Autopsy report indicated that he was shot at point-blank range while the police have been denying it completely. Police stated that he received bullet injuries at those points because he was lying under the cot while the autopsy report suggested that he was intentionally shot by making him sit on the chair.

On the other hand just after the encounter, media reached the Sanjarpur village of Azamgarh from where Sajid hailed. Aaj Tak was one of the first channels to reach there. The reporters reached Saif's house and he was also arrested by the police and belonged to the same village. Reporter asked his father that how he felt about his son being a terrorist. No one had any idea in Azamgarh or the village regarding what had happened at Batla House and in that situation they were bombarded with all



sort of questions. Villagers got furious and surrounded the journalists; villagers said it was improper to ask such questions. Journalists were forced to leave the village. In the meantime, a journalist contacted SP of the district and he sent the police force immediately to the village. Village was cordoned off by the police and the police lathi-charged. Those who intervened were arrested by the police and were taken to the police station. Villagers were also angry at the police because on the last visit to the village police arrested Basher and had



cordoned off his house. No one was allowed to go out of the house, entire house was searched without issuance of any search warrant and later household items were destroyed or were taken away by the police personnel including whatever little jewellery was in the house, which the villages helped him in buying during the time of marriage owing to his very poor economic condition. Irony is that even after such an exhaustive search nothing suspicious could be traced. With that episode villagers were very unhappy and did not want it to be repeated. Villagers even suggested if the police wanted to search the house then it should take place in the presence of few senior villagers. At this suggestion police asked them to shut up. 30 men were arrested and after 35 days they were released.

At present, residents of Azamgarh are in the state of perennial fear, since all investigative agencies have set up their base in the Azamgarh district. Places have been identified for setting up permanent offices of IB (intelligence bureau) and ATS. As per law, police officials who are authorised to arrest anyone ought to be in the Uniform and should use legal numbered vehicles. However, its the other way round at Azamgarh. ATS officials or the officials of any other security agencies roam in vehicles without number plates and in the civilian dress and are arresting whosoever they desire randomly at any point of time and leave them after extracting money. Mr. Vinod Yadav who was working on these issues of random picking of people by the police, one day was picked up and was asked to stop his reporting. He was warned that being a Hindu, he should refrain himself from fighting for the Muslims.

Every year ten to twenty thousand youth were going out of Azamgarh just for the sake of studies, but this year hardly two to three thousand might have gone because of the fear of being targeted as terrorist without any base. If anyone is out of home for few hours parents start worrying about the well being out of fear.

It was known that people from Azamgarh move out primarily for two purposes – education and to earn money. There is huge dearth of jobs for Muslims in UP, and Azamgarh is a backward district from the point of view of infrastructural development. Everyone desires to impart best possible education



to their children so that they eventually would get better jobs in other cities or abroad. In Azamgarh District Sanjarpur village is considered to be the most advanced education-wise.

Media had also pronounced that there were approximately three crore rupees in Saif's bank account. The truth was that Atif had Rs. 1400/- in his account and Saif had Rs. 30,000/- in the bank account which his father had transferred just two days before to deposit the admission fees. When many activists made uproars at such false stories, then media ran away from accepting their mistakes and no attempt was made to rectify those improper and baseless statements by carrying out proper investigation. Media played merely as mouth piece of security agencies. Such small incidents of false reporting over a period of time act as repository for opinions based entirely on deep seated prejudices and malice lacking any factual content and accountability. All those who would have read or heard those media statements, (which were later not denounced by the media) would surely accept those boys as terrorists. In Azamgarh charge sheets in different cases have been filled against thirty one persons and eighteen have been arrested, eleven are missing. From Sanjarpur village five children are missing, two are in police custody and two have been killed in custody of the police. But their parents do not know their whereabouts. People fear that on some occasion of 26th January or 15th August, those who are in custody will be shown as militants killed in encounter. We have written to high officials and those in power right from State Chief Minister to Prime Minister of the nation to intervene in the matter. Government of India and Uttar Pradesh are answerable to the relatives to find out where are these boys and disclose the information regarding the same. However, from nowhere, any reply has been received. No action has been taken on the Human Rights abuses that are taking place at Azamgarh. And no autonomous official bodies like NHRC or NCM have bothered to look into the matter.

Since, I was raising my voice against Human Rights abuses; I have now been slapped with a case of confronting the police violently on September 13, 2009, whereas I was actually out of town from September 7 to 15, 2009. Ramakant Yadav, MP from BJP who was elected to safeguard the interest of the people and who is directly answerable to the people of his constituency, fired at a Muslim boy, in the crowded road. In reaction to that incident people were agitating in a peaceful march for his arrest but were lathi-charged.

Once I declared to organise a meeting with the prominent people of the district to tackle the human rights abuses which were escalating in the district. It was scheduled to take place on the 27th of September, 2009. Therefore, to stop it from taking place, I was slapped with charges of carrying out illegal activities.

At present, the officials are not releasing the passports of the villagers from nine villages, where 80% population is of Muslims. It is a deliberate attack on the economy of the Muslims. Government does not want these Muslims to go abroad and earn fortunes for their families. Azamgarh, despite of acute poverty in pockets has highest per capita income in the entire eastern regions of UP. To decelerate the economy of the Muslims, their children, if they go outside to seek higher education, are branded as terrorists. Passports are not issued to stop or delay them from going abroad. And so



much of corruption is involved in issuance of Passport. It takes at least Rs. 5000/- per head in order to get a passport.

I just want to request the civil society to strongly oppose such kind of sinister designs of branding every Muslim as a terrorist. What is happening at Azamgarh should not be repeated in other places, but unfortunately it is happening. People of Azamgarh are living under constant fear of being picked up or murdered by the Police. We constantly receive calls and warning to dissuade us from our activities. If anyone from Azamgarh wants to take a room on rent at places or cities like Delhi, on telling their identity, owners refuse to give room to them. Such is the grim situation. Many owners even if are willing to give the room on rent they are discouraged thinking of possibility of Police enquiry that may cause nuisance for them. If the children who are heading to the cities like Delhi to seek education are denied any access to have room on rent, where would they stay and study. This matter has to be brought to the consciousness of the larger masses through media or from alternative sources of reaching out to masses.

Mussarat Jahan, Mumbra, Maharashtra

I am younger sister of Ishrat Jahan. What was my sister's crime that she was labelled as a terrorist? She was a college student and very fearful girl but had been charged with serious allegations like planning an attempt to murder Mr Modi, Chief Minister of Gujarat. I have a question for the police of Gujarat if they can answer, that how did she reach Gujarat, when she was in Bombay. I suspect that she had been kidnapped and subsequently was killed. She did not know anything about Narendra Modi, as she did not have any interest in listening to news or in politics for that matter. How could she become the part of conspiracy hatched to kill such an influential politician? No one in the police tried to find out who the girl was, but just shot her dead. Can anybody understand how much pain she endured in earning for the family? We were five siblings and mother. After my father's demise she was whole sole bread earner of the family. She studied herself and helped all of us with our studies apart from giving tuitions.

Now the independent inquiry report by Justice Tamang is out which is reinstating our point of view, that she had been killed in fake encounter. And we know that she was absolutely innocent. Can the police and the government get me my sister back? When these people cannot give life how dare they take anybody's life? That was not a simple case of mistake; let me make it clear to the administration, that it was straight away a case of murder in cold-blood. Will the government ever try to understand the difficulties my family had undergone? We have faced five years of hard ships after her death, would the government ever take pain of knowing how had been that time for us? We were left to starve on just a meal a day. And all of us were too naive and young to face the situation that was standing before us to face. Though now we have gathered ourselves, yet the sense of alienation from the rest of society hounds us. Every one of us brothers and sisters wanted to study, but now all it has been spoiled.



Shah Nawaz, U.P.

Be it the case of Batla House or the cases of Ishrat Jahan, both of them are similar in the manner in which they were picked up despite the difference in their individual cases. In UP state there were simultaneous blasts in Faizabad, Lucknow and Banaras on 30th September 2007. In relation to those blasts, an arrest drive was initiated and some people from Azamgarh and Jaunpur were arrested within a month. Aftab Alam Ansari was accused by the Police of being the mastermind of these blasts. He was released after 21 days but Tariq Azmi who was arrested from Azamgarh and Khalid Mujahir from Jaunpur are still languishing in Jail. The Police released Aftab Alam Ansari, who was supposedly the mastermind, stating that they had made a mistake but the other two who were supposedly working with him are still in Jail. Tariq Azmi, a doctor by profession was going somewhere on his motorcycle on 12th November. He was beaten up by some police personnel and was picked in the middle of his way near Barabanki. When the local people gathered and questioned that act of police they were told by the Police that he was upset with his wife and was running away and that they were taking him back to his home.

He, however, did not reach home that night. On December 13, 2007, we lodged an FIR to report that he was missing. The police denied his custody and kept him hidden. A few days later, we sent a letter to highlight this matter, along with a notice to the Superintendent of Police. Mohammed Arshad Khan, a lawyer, lodged a complaint asking why people in the area were going 'missing' and what steps were being taken by the administration in this regard. The SP of the area assured us that there was nothing to worry about and that the police was sensitive to such sudden disappearance of people. Three to four days passed in this manner, but we heard no news of any of him. On December 18, 2007, the Lucknow Chief Magistrate, the State Governor, senior officials and Human Right activists were faxed a report highlighting the fact that several people had gone 'missing', all of whom happened to be Muslims. The fax also stated that the Superintendent of the Police did not apparently consider this matter serious enough for his immediate attention. On December 22, 2007, a news report informed us that Mohammad Tariq had been arrested from Barabanki Railway Station, along with a large consignment of ammunition and an AK 47 rifle, and was allegedly a member of the HUII. Khalid Mujahid, on the other hand, was accused of being party to the bomb blasts that took place in the courtyard of Lucknow Court, Faizabad and the Sankat Mochan Temple at Benaras.

I was not allowed to meet Mohammad Tariq in jail. I could meet him only after seeking permission from court. When I did, he told me, "Do not take this matter further, it is of no use. We are treated here, in a manner similar to the prisoners at Abu Gharaib and Guantanamo Bay. This statement should be enough to understand the extent of torture that we are going through." He also said that he had never possessed any ammunition and had never gone to any place where any kind of illegal activity was taking place. In fact, he told us, based on conversations that he had heard, that the STF was busy trying to find evidence, even false, in order to add strength to their allegations, since they too had pressure from other authorities to convict people in these cases.

Khalid Mujahir was eating "Chaat" from a shop on 16th November. It was a very crowded place



suddenly some people came in a Tata Sumo who picked him up and took him away. In Azamgarh and Jaunpur when people protested and asked for their whereabouts, the Police told them that they are making efforts to find these two people. Chaudhury Chandra Pal Singh who was linked to a Political party claimed that if Tariq was not found by 21st, he would burn himself on the spot that Tariq was picked up. On 21st, the Police showed him Tariq Azmi and Khalid Mujahir in Barabanki and was told that they were caught with RDX and many other weapons. In such a shameless manner they were picked up, that the Police initially made statements promising to 'find' them out and later label them as terrorists.

Apart from this it is important to understand the political dynamics behind these activities. In Azamgarh Mr Rajeev Yadav's brother was picked up because he was in PUCL and raised questions on behalf of Muslims. He was asked why he was speaking for Muslims when he was a Hindu. He and his friend were tortured in a house which previously belonged to a UP Mafia person Mr Shiv Prakash Shukla and is officially seized. They were informed that they were not the only people to be tortured here many others have also been tortured here and statements were made here after the torture. Apart from this in Azamgarh Police and ATF use vehicles without number plates and people are now mentally prepared that they also will be eventually picked up in this manner. This is not a sudden development but is a pre-planned progression. In areas like Azamgarh the BJP has suddenly started winning the elections.

Another common facet of the incidents described by the participants are the way in which random people are picked up and accused of targeting to kill prominent political figures like Narendra Modi and Mayawati. In UP several people have been picked up for allegedly planning to kill Rahul Gandhi and Mayawati in different instances. It was shown that they were coming to kill Rahul Gandhi in a very run down second hand car which probably will not run. Later they stated that they caught the accused through surveillance of their mobile phone. On being asked about why the mobile phone was not shown they stated that they did not have a mobile phone with them. Aftab who was picked up by the Police was allegedly carrying 2500 kilograms of RDX. The weight of the amount of RDX cannot be carried a single person. There are many such contradictions and loopholes in the statements made by the Police. Lawyers fighting for these people are also picked up and beaten for fighting for Muslims.

Shafiq Mahajir, Hyderabad

On 18th May 2007, at 1:43 pm. a bomb blew up in Mecca Masjid. Thereafter a police firing occurred where five people died officially and unofficially seven died and many were injured. The police version was that after the blast, the crowd became violent. A violent crowd had to be controlled and that the mob was not allowing ambulances to reach the injured people and taking them to the hospital. The mob was not allowing the dog squad to enter the Masjid to locate possible other bombs and therefore force had to be used. The Police version also stated that there was a petrol pump about 150 yard away where the mob killed the policeman on duty and tried to burn the petrol pump whose tanks contained 17000 litres of inflammable fuel and therefore firing was done to control the mob.



On the other hand in reality the people in the Masjid were shocked by the bomb just after their namaz and were not the least violent. The large police force arrived in an organised manner in spite of lack of any violence from the people. All responsible police officers decline any responsibility. Some photos show joy and enjoyment in the police officers' faces as they are attacking the crowd.

Some witnesses produced by the police, on interrogation their testimonies were withdrawn. No intention to know true facts is shown. Inspector Sudhakar had filed the FIR. His affidavit doesn't match with other video evidence, on being questioned he admitted following the advice of the ACP. Ramchandra Reddy had supposedly gone and rescued Inspector Sudhakar from the petrol pump. A third Inspector Anantha Reddy was given the job to investigate the firing done by these two policemen. He said on record that he went to the site only once and that the rest of the investigation was done in his room. And all three affidavits of these police men are exactly identical even in all the grammatical nuances and individual words. The only difference is that on the end of Sudhakar Reddy's affidavit it says that after this he went and filed an FIR. The petrol pump attendants refused to be cross examined when they gave their affidavits.

There were barricades put up by the police in a certain road according to the DCP so as not to allow the crowd to move in that direction where it is stated jewellery shops owned by Hindus were located. The intention was not to maintain law and order but to specifically protect Hindus. This is not a secular police force. The location of the bodies near the petrol pump proves that the people were not intending to either kill the Police officers or to set the petrol pump ablaze. This is another example of fabrication of false evidence which is punishable with seven years of imprisonment.

Syed Sujat Ali, the first constable who revealed that when the police had fired there was a difference of 100 feet between the crowd and the police. After this the Police Council withdrew from the Commission and a second Council was appointed. The Additional DIG Sandeep Sandiliya's affidavit said that a Muslim political party had two meetings 5 months and 11 months ago where the police was abused and concluded the firing was necessary.

ACP Redanna claims that he had gone to the mosque and secured the area. The petrol pump attendants can be seen fabricating evidence in the evening after the curfew has been set in the scene of offence which has been apparently secured by ACP Redanna in the available photo evidence. They were obviously abetted by the Police. Even after such evidence if the Government doesn't take action then the Government also becomes and an abetter.

As the legal advisor of AP State Minorities Commission I came to know that boys from minority community were being tortured after being arrested in suspicion for the twin blasts in Gokulchaat and Lumbini Park. Since there was no evidence of this the Minority Commission advocate commissioner L Ravichander and renowned Forensic experts Dr Mahender Reddy were sent to Chernapalli Jail. It became known that the boys were being tortured under police custody. When they were sent on remand, despite the directions of the Supreme Court, their injuries were not recorded by the Judicial Officers. On going to the Jail the Jailors recorded that they arrived with these



injuries. The boys state that they were not ill-treated in the Jail. The Forensic Expert has proven with the measurement of the scar tissues the dates on which they were tortured which was during the police custody. The Government instead of taking action immediately withdrew the Minority Commission's Support Staff. After this the NHRC observed that they were kept in the ISI block which is for Pakistani Intelligence. Eventually the Police Commissioner of Hyderabad Balwinder Singh wrote a letter to the Minorities Commission on 9th January 2008 that after their investigation they did not obtain any evidence against these boys' involvement in the blasts. Who will compensate these boys who were tortured and imprisoned for 8 months?

They were allegedly arrested for possessing Jihadi Literature. A suit was filed for compensation for these boys which was denied by the State that these people are themselves neck-deep in criminal activities. After this when a few boys were persuaded and registered their petition, after half an hour of the registration of this, the Judge received a Transfer Order.

The rules of evidence have been reversed by trying to impose POTA and other such laws.

Inspector P Sudhakar, the inspector who claims that the pump was shot to be set fire to, the inspector who says that the lives of policemen were in danger, the lives of pump attendants were in danger and it was to protect them that he had to resort to firing. This inspector says that 6 pm he filed the FIR and what did he say in the FIR. He spoke to the ACP and the ACP said his words 'aisa aisa likhe to achha rehta to main waisa likha'. Those are his words. Then what did he do, he and his men hid in the lane leading to the toilet for 30 minutes. How many seconds does it need to set fire to a pump. A pump where 17000 litres of petrol is there and the crowd is all over the place and the pump attendants are in threat of their lives, how many seconds does it take. The policeman's version is that they hid inside the pump and the attendants were inside the cabin. How many seconds does it take to lynch the attendants of the pump if the crowd is militant, aggressive and according to the police 'policewalon ko maar dalon, pump ko jala dalo, pump walon ko maar dalo', these were the slogans according to the police affidavits but the police evidence does not say so. The police evidence says in cross-examination what were they shouting, they were shouting slogans. What slogans were they shouting, they were saying allahu akbar. The statement of P Sudhakar in his FIR is there were 200-300 people. Later in his affidavit, the crowd becomes 600-1000. This is the Mughalpura Kaman, according to the police the firing was done at the petrol pump to save life. Please see the videos, please see the dynamics of these images, you will find that the police walked through the streets firing into the crowd using self-loading rifles. Charminar, Macca Masjid where the blast took place, Machli Kaman, jewellery shops of Hindus, barricade so that the crowd does not go there. The crowd was prevented from escaping. This is a lane leading to Khilwat, there was firing here. This lane was blocked. Inspector Kishtaya is on record, we clocked that road, why, there is a Hindu deity installed there, there are Hindu houses there. Blast, bus station, this is the place where the bodies according to them fired. The distance between this point and this point is 200 ft. 200ft away the bodies fell and the police say that we fired at the pump. On the left side you will find the road leading to Mughalpura fire station blocked by ACP Ashok Kumar and his team, why, because there are Hindu temples there and Hindu houses there. This road leading further down leads to Haribaoli cross roads, blocked, why,



the police say we were apprehensive that the crowd wanted to set fire and loot the Hindu houses there so we blocked them from going there. The crowd is blocked. Where does the crowd go? Where does the crowd go when you fire tear gas shells into them? If under section 99 of the IPC they exercise the right of private defence throwing back stones at the police which is firing at them how is that an offence? Bus stand, buses coming out, the length of one bus super imposed measure it, 200 ft away the bodies fall. In one case unconnected with this, this is a question posed by the high court, please see how the question is framed, all those with the judicial background, whether the failure of the commission to recognize the Muslim collective in the state as a heterogeneous social class, the failure to exclude those insular classes of Muslims already recognized, the failure to collect data, the failure to formulate criterion and the failure to apply relevant evolved criteria renders the exercise by the commission irrational, perverse and invalid. When you start with the premise failure, failure, failure, do you come to the conclusion that notwithstanding that the exercise is valid. The high court says about reservation never in the history of India has membership been so easy an entry into reservation. The high court forgets the judgment of the supreme court extracted with the bottom you cannot get the benefits of reservation by conversion. Hussain Sagar does not exist. Now it is NTR Garden, Lumbini Park, PVR Ghat, NTR Ghat, Buddha Statue, Jal Vihar. Chiran Palace does not exist, it is Kasu Brahmananda Reddy National Park, Banjara Garden does not exist, now it is Jalagam Vengal Rao Park, Mausamjahi market does not exist, now it is Vinayak Chowk, Fateh Maidan does not exist, now it is Lal Bahadur Shastri Stadium, bit by bit every single Urdu word, every single indication of a Muslim cultural heritage is being obliterated. Why? Witness Constable Sayyed Shujat Ali on duty at the pump, what does he say? 100 ft distance between crowd and police at pump when firing took place. It is impossible to kill policemen or burn the pump from that distance. No iron rods with the crowd. Where is the attempt to murder? This gets more interesting. Commissioner Balwinder Singh says jehad is holy war, war is always violent. Coming to the point of jehad, what is jehad? Jihad is the exhortation in the Holy Quran asking Muslims to strive to righteousness. That some people have construed means go to war, kill infidels and so and so forth which is utter rubbish but we don't need to go into that. The point is that what Ravi Chander was talking about what those boys are alleged with, 25th January 2008 commissioner of police writes to minority commission no evidence has been found linking these boys with the blast. However they have been found to be processing jihadi literature. So we said excuse me what is this processing? Before the commission of inquiry they modify it to say possessing. So I said brilliant, all right possessing, where does this concept of righteousness come from for God's sake? It comes from the Quran, the Quran is there in my house, it is there in every Muslim household, go arrest every Muslim. Then I quoted the Gita where lord Krishna is talking to Arjuna, he says fight the righteous for those who fight the righteous go to heaven, if you die in the process and if you win the benefits of this are with you. Jihad, all Hindus are jihadis, go arrest them. I found this in the Guru Granth Sahib, I found this in the Biblical teachings leading to the crusade. Does the police know whether they are coming or going? Inspector Kishtaya who blocked people from going into Panch Mohalla lane because there is a Hindu deity installed there. Firing was done ten feet behind him, he says he is unaware of it. Additional DIG Sandip Sandilya comes on record and files an affidavit of three paragraphs. The first paragraph says that 11



months earlier MIM held a meeting in the old city in which policemen were abused. Second paragraph says 6 months earlier MIM held a meeting in the old city in which policemen were abused. Third paragraph says on 19th I was on duty, nothing about 18th. So I said do you know what the terms of reference of the commissions are. He says yes. So then do you mean to say that 11 months earlier and 6 months earlier police had been abused by these people and therefore we resorted to firing? People were helping shot people to safety, these people were shot, one of them died, when do you use 46 CrPC, what is the offence been committed here, if this is not brutal murder what is it? If you recall the shot that is showed, where the policeman in helmet is holding the pistol high, please hold he is in mufti, you don't even know whether they are cops. Man was shot, he died, how dare you help somebody whom we have shot? Ramachandra Reddy is the inspector who is supposed to have gone and rescued Sudhakar after he was holed up in 30 minutes. Reddy, Sudhakar and one enquiry officer called Anantha Reddy have filed three affidavits. And these three affidavits are verbatim lifts of each other. Not a single word has changed. I went to the extent of keeping Ramachandra Reddy in the witness box giving his Lordship Justice Bhaskar Rao the affidavit of another person and I read it out and his lordship followed it word for word, if this is not, remember two people who did the firing at the pump I can understand if there is a similarity in their affidavits but the person who enquired into their conduct files the same affidavit. If this is not fabrication established what is it? Witness Hari Babu, while the forensic witnesses were called and sent away after I filed a petition to examine them, they were called again. The commission found it necessary to ask them at this stage if firing is done from outside the mosque through the grill using high velocity rifle can a bullet ricochet and hit somebody, did you see a wound like that, the answer was no we did not. But the point is why did the commission find it necessary not having asked this question on the earlier round of cross examination, asking it now because these visuals that were shown, the videos dynamic images that were shown were convincing enough for the commission to come to a conclusion that such firing was in fact resorted to. ACP Redanna says secured the scene of offence at the petrol pump where the fire was sought to be lit. Secured the scene of offence, not let us see how the scene of offence is secured. This is the image of the petrol pump. Please see the nozzles of the petrol pump in place. All the delivery systems have the nozzles in place. The police panchanama says the police scene of offence record says that that nozzle is found on the ground in the grass lit, fire was there. Now please watch the images. All the nozzles in place. It is about 4.30 pm after the crowd has been dispersed. Now watch the attendant of the pump, he comes and removes the nozzles after the ACP says that we had secured the scene of offence. What more brazen fabrication of evidence can you get? These are the persons who came and gave evidence in front of the police. I am compelled to recall what Shrikrishna Report says that the people who gave evidence in favour of the police were the prostitutes of the locality who are dependent on the police for their trade. This is the grass which the inspector Ramachandra Reddy who comes and rescues Sudhakar says for the first time he sees the grass in the cabin. This is the grass that the panchnama finds next to the pump. Reddy deposing says this was the scene of offence, I showed him a still photograph also, this was the scene of offence after the crowd had gone away. Please see where the nozzles are and subsequently you will find in the panchnama that the nozzle was on the ground. This is the person who called the politician using his



mobile and says: Anna saat ho gaye. This is the man who from another part of the video can be identified also the police has made no effort whatsoever to identify the gentleman to find out who it was conducting a body count and to whom he was giving those reports. Allaho akbar, what is this Allaho akbar. The police evidence says that after 4500 people had gone away 500 people remained inside they were shouting slogans. Subsequently they were joined by many militant Muslim youth. My question was how do you know they were militant? Did they have AK-47 ? No, so was it written on their foreheads? Answer was no they were shouting slogans. What slogans were they shouting—they were saying Allaho akbar. Therefore, question before the commission—because they were shouting Allaho akbar you concluded that they were militants. The universal declaration of human rights charter talks about how the state has to provide effective remedy. What the state does is it puts provisions on the IPC, but it does not implement those provisions. An effective remedy means as two learned speakers were saying before me—there should be something more than just putting something on the statute book. What must happen—you must have provisions that are self-operating. For example, if I am a judge and I grant an injunction saying that you shall build the wall again. My order should say build that wall and report in 15-20 days. Why should somebody else be required to file an EP before me? It is absolutely not necessary. So why can't the state human rights commission say to the CB-CID, make the report and come back to me within so many days with the report, if you fail to do so I shall take you to task, but please with the greatest respect to the honourable State Human Rights Commission I must make a statement here. Somebody who was with me in the hearing at Andhra State Human Rights Commission said Sir, a few days after this incident there was firing on the communists, some people died, your lordship took suo moto notice, why did your lordships did not take suo moto notice in this matter. Answer was don't blame me. I was out of the country on that day, I was in Malaysia or some such place, I came back the following day. My question is if the commission's Chairman is not in town does the commission come to a halt, do human rights come to a halt? Assuming he was not here it could still have been done the following day. Four months after the State Minorities Commission gave its recommendations directing the state to make a 24-hour helpline for minorities and how there should be a system of incentives and disincentives for those who were doing a secular job and not doing a secular job and system should be self-operating. Four months later I was called by the Secretary of the Andhra State Human Rights Commission who said please give me a copy of the State Minorities Commission report. I said why do you want that report? I have argued the matter before you, how come your own record is not ready. His answer was to pat me on the back and laugh and say Mahjir sahab ye government ka commission hai. There is a lot to be said but there are time constraints. I will just make two brief point which I request the honourable tribunal members to hear carefully. There is a provision in the amended CPC now which says that if I seek an injunction against you then the court has the power to impose a condition that before it grants an injunction it will require me to place at your disposal security to compensate the person against whom injunction is sought in case the injunction is found to be unjustified. I am condensing it. Is it not time that we had a provision in the CrPC which says that if the state lays a terror charge against a man and subsequently the terror charge is found to be unjustified not resulted in an acquittal, unjustified, should the state not compensate that man for destruction



for academic career, destruction of employment, family life, loss of reputation, social stigma, loss of health everything? Remember that out of 78000 people charged under TADA 85% were Muslim and the conviction rate was 0.2%. in one instance out of 223 people arrested 211 were discharged, discharged mean having not enough evidence to even charge them in the first place. People were in prison for one year, tortured etc and thrown out psychologically warped. Second provision: the law of evidence has seen a change with regard to evidence of rape. It is found impossible for a woman to get an independent evidence of rape so what the law has done is now instead of taking the complaint of the woman as a piece of corroborative evidence the law takes the complaint of the woman itself as primary evidence and says if there is any corroborative evidence found that shall be taken as primary evidence and conviction should result. Is it not time that our police is subjected to that kind of a situation where if anybody alleges torture against the police this is the provision that should become operational and these things should automatically result. Mr. Ravi Chander was being delicate about it. He did not cite the details of the torture that was inflicted. Let me take 10 seconds: hung by the wrist, ankle beaten brutally in one case such that the flesh came out, electric shocks administered on the nipples, indications of needle entry on the nipple, indications of injury on the thighs and forearm, abrasions showing brutal beating, electrical shock indications around the nipples and behind the ear, etc.

Rajiv Yadav, U.P.

I would like to speak in the context of UP only that how the political environment has been shaped in regard to the issue of terrorism and the role played by the media and the political parties. After the year 2000, majority of the terrorist activities that took place in the entire country have been linked to UP in one or the other way. In the past one year, it has become common practice that before the Lok Sabha elections an arrest drive is initiated and Muslims are arrested in the name of combating terrorism. 40 people have been arrested allegedly for being ISI agents in one year from UP. In Azamgarh eighteen people were arrested out of which it was claimed that eleven have absconded and two have been killed in encounters while some have recently been released.

In October 2007, two people were arrested for allegedly trying to attack Rahul Gandhi. After this the bomb blasts took place in the court complex of Faizabad and later on 30th December, 2007 two Kashmiris were killed in encounter for allegedly trying to kill Mayawati. After this the State Government requested the Central Government for SPG security and two people were killed in the name of same SPG security. When the Central Government enquired about who these two people were, there had not been sent any reply till date from the State Government. The pattern of staging encounters and random picking up of people from minority communities have slowly adapted a pattern similar to that which emerged in Gujarat after the carnage in 2002. The PUCL has recently issued a report which states that UP is now following the footsteps of Gujarat.

Azamgarh has almost replaced Pakistan as the new source of terrorists in the eyes of the media and the public. It is also linked to Abu Salem. Since the murder of Gulshan Kumar, Hindutva forces have slowly spread their tentacles in Azamgarh with the simultaneous growth of terrorism chapter in



Azamgarh. Gulshan Kumar's murder has been misrepresented as an attack on Hindu Community by the Muslims.

There had been precipitating factors for the emerging conflicts between these two religious communities in UP. Today it is not that easy to organise or instigate communal riots due to growing awareness in the public regarding communal riots. Therefore, state funded terrorism has been ensued in the entire province of UP. I have many instances to prove this. In Rampur, firing at CRPF camp was not a terrorist activity, but the CRPF men died after drinking alcohol and firing amongst each other, yet it was given that overtone.

Azamgarh has been specifically chosen because its proximity to Ayodhya. It has also been affected by economic factors. Azamgarh was gradually becoming more prosperous, and from that, Hindu fundamentalists concocted the connections between the Muslim community of Azamgarh and Taliban forces which were further blown out of proportion by the media. The media here had been purposely sullyng Azamgarh's name. Several Human Rights violations have been caused by such labelling of Azamgarh. Phones are tapped illegally. Many people are missing but those missing go unreported. Many are languishing in jails and every individual has been slapped with many unsubstantiated allegations. No individual could ever fight those allegations in his lifetime.

We are trying to prepare monthly reports on the situation of Azamgarh and would try to monitor media reporting on the National level. The Purvanchal area is following the steps of Savarkar and Hegdewar. In 2007 Nepal suffered two blasts planted by Hindu Fundamentalist forces. And it is having impact directly on India.

Yusuf Sheikh, Baroda

I think you will be familiar with the Gujarat 2002 carnage. So I don't have to tell you more about it. Post 2002 carnage when I went to different places I found the strategy of communal forces had been changing everywhere. They started communal violence from the small villages or small town. The modus operandi of targeting Muslims now is like attacking in the name of repairing the Masjid, by illegal occupation on the land of cemetery or in the name of cow-slaughter or even on helping those innocents who are being victimised or by troubling while getting them passports issued.

Latest example I am going to give you is of Baroda. In Baroda on 1st September, 2009 five persons were picked up, kept in illegal confinement and tortured. Earlier, forty-eight people were picked up by the police, claiming that they are doing so as to ensure safety during Ganesh Chaturthi. After the festival, those five never returned home while others were let free. Parents have not been allowed to meet at a close distance. However the available information is that, they were taken to a private farm house where they were brutally tortured by the cops. The timings of these arrests are interesting to note, since it was planned before the Gujarat bye election. A case of keeping rocket launcher and other deadly weapons to target the VVIPs has been framed against those five. It clearly indicates towards sinister designs to let the BJP Government led by Mr Modi in Gujarat to win the elections. These newspaper cuttings of that particular news were distributed in the election



constituencies and eventually six out of seven seats were won by BJP. The accused had been in police remand for twelve days and when were produced before the court no evidence was submitted.

The parents were frightened to tell or share anything about the incident to anyone else. Tremendous pressure was put on them by the Police to keep quite.

In a case of bomb blasts related to Ahmadabad city I was called three times by Baroda SOG and was tortured in the cell but they could not succeed in framing me for the blasts. Since, I received timely help from my friends, cops could not arrest me. I suggest that it is imperative to maintain, develop and co-ordinate alliances with the secular people to fight out those kind of menace of state.

Danish Qureshi, Gujarat

I am grateful that the victims are being given an opportunity to voice their experience and hopes. I am from Ahmadabad where incidents are created before every election as were seen in Godhra and during Gujarat Carnage. They have now decided to target specific communities like educated youth. Many people have been killed and others were jailed under POTA. The names of masterminds in the blast have been changed repeatedly and near about eighty people have been detained illegally and tortured. Of those twenty two people were finally charged. Those who were released even now have to give their location to the ATS every few days and eyes are kept on them if they are in contact with the NHRC or NGO.

They know and are vary of what will happen if their activities are revealed. Their families are asked to report at the police station and are unable to engage in their daily activities.

One accused named Omar Ashok Kada who has got converted to Islam from Hindu. He has been accused of conversion and is being asked to reconvert to Hinduism by Police Inspector Mr Tarun Barod. Omar Ashok Kada is a sweeper in Ahmadabad Cooperation and has no history of criminal activities. Since he was in a government job and could not be expelled therefore first he was suspended which tantamount to reduction of 50% in his salary. He was released after 3 months. The next day he was asked to report to the ATS and was arrested. Isn't it strange that in Gujarat the terrorist report to the Police and the ATS out of their own volition?

The Police are not able to catch a chain-snatchers and robbers but claims to arrest terrorists within days. We had hoped with the change in the Centre government with the return of the Congress party there would be some change. But it remained a distant dream. There has been no help from the central government rather proving dangerous to the Muslims in Gujarat and for the whole nation. I request the Central Government to take responsibility and make efforts to restore the faith in the Democracy and governance.

Jaleel Ahmad, Malegaon

My younger brother Abrar Ahmad has been accused for the Malegaon Bomb Blasts. I am an advocate. He was with his wife at home at the time of the blast. His home is about two kilometres from the bomb blast site. He went and helped the injured, got them to reach the hospital and even



donated blood for the blasts victims. He heard two names being mentioned as the perpetrators of the Blast in the Hospital. That information was given to the Police authorities.

The Police did not ask Abrar to come to the station. Instead they waited for him on his daily route and asked him if he could identify certain photographs, to which he said that he could not do so. On being asked whether he knew anything regarding the blasts. He informed them again about what he heard in the Hospital. The SP Raj Vardhan asked for his help in apprehending the terrorists to which Abrar agreed. He and his wife were given mobile phones to help the police. On 13th September 2006 Mr. Raj Vardhan took Abrar and his wife to Nasik. From there they were taken to Johra and then Indore and then Ujjain where they met some Sadhus and Sadhvis.

On 30th September, 2006 he was brought back to Malegaon and asked to do as told. On being contacted, it was found that he was somewhere else and under Police surveillance and we were not able to contact him.

On 13th October, 2006 the Police stated that they have found the people responsible for the blasts. I had already filed a complaint that Abrar Ahmad was missing. Justice Jain and Justice Patel directed the Police to present Abrar Ahmad before the court. The next day the Police stated that they did not know anybody of that name and they don't have him. Consequently the Court ordered the Police to find him and present him before the Court on 10th November. On 1st November Abrar Ahmad appeared before the Court and gave an affidavit stating that he had gone to Indore for personal reasons and that he did not wish to return to Malegaon. At the court he was accompanied by the Police in plainclothes and was under strict surveillance and I could not talk openly to him. He was in the Police's illegal custody till 16th December, 2006 when ATS Bombay claimed to arrest Abrar Ahmad. On 20th December, 2006 his confessional statement was obtained and on 21st December a charge sheet was filed against him for the Malegaon blast and ironically there was no evidence apart from his confessional statement.

After six months I received a letter from Abrar saying that he had committed a grave mistake and requested me to meet him. I did not go for two years due to the rift in our relationships. After two years people from an NGO who work in jails contacted me to go and meet my brother. After six months of efforts and help from the Court I was able to meet Abrar Ahmad. After that meeting I prepared an affidavit on his behalf which was read out to him and was signed by Abrar. That affidavit revealed the Truth. Abrar Ahmad was taken to Devlali military camp from Ujjain where he met Colonel Purohit. On returning to Malegaon he was asked to make one of his friends call him and say out a written matter given to him. Abrar was asked to record that matter on his phone and gave it to the Police.

The SP Raj Vardhan told Abrar that the conversation was also recorded by the Police, that conversation was recorded between Abrar and Zaheed Ahmad who lives six hundred kilometres from Malegaon. In the confessional statement which was obtained from Abrar it stated that Abrar and Zaheed Ahmad had planted bomb in Malegaon. Seventy to eighty people in Fulsongi village near Nagpur had given affidavits stating that Zaheed was in the village in the mosque where he



offered five times Namaz on the day of the blast. The friend with whose help the conversation was recorded contacted an NGO and made a notarised affidavit to protect himself.

In such a manner the Police and the ATS have been actively fabricating evidence and framing innocent Muslim people.

Bilal Sheikh, Gujarat

I was born in a Muslim family, given a Muslim name and grew up and started studying Law. It was the IB who told me what Jihad was. I did not know either Urdu or Arabic. I only knew how to offer Namaz.

I had gone to Pune for the date of hearing on 23rd August and the Crime Branch picked me up and took me away with them. They did not arrest me only picked me up on routine. I was released from the ATS on bail on the condition that I present myself before the ATS twice on a daily basis.

The ATS said that I was a chameleon and didn't tell them anything. The Mumbai ATS has great stamina, they can give 50 slaps in one go. I had to gather my strength to stand under that volley of slaps.

When I was under the custody of the Crime department they told me that the ATS had come with the permission of Inspector General of Police. The Crime Branch representative had offered me a chair to sit in. It created a conflict between the ATS and the Police as to why I was given a chair. I was told that he could beat and kill me and for that he may have to suspend 5 policemen and that he had enough money to pay those policemen who will be suspended. It is Allah's grace that I am standing before you today. Or you might have heard of another false encounter where I would have been killed and my parents would have been standing here in my place.

All those Muslims whose numbers were entered in my mobile phone were thoroughly questioned by the Police. Even today my friends' parents curse me and ask them why they made friends with me. Even now I am scared of going to Pune. Now I am studying in Gujarat how I can regularly be present before the ATS in Pune. When I studied Master of Human Rights and International Law, I learnt that there are so many international conventions and treaties and that India is signatory of. But these are not upheld at all. When I read the fundamental rights and the Prisoners Manual I thought that the accused enjoy many rights but when I was in prison the Media treated me like a Mastermind of terrorists. My case was eventually discharged.

I don't believe that there is democracy here. I strongly believe that democracy does not exist here. All that I have learnt about Islam was what I have learnt from the IB. And I am now starting to learn out of my own interest. This might be the last time I am on a public platform. The next time you might learn that I am in Jail and I request the kind souls among you to kindly come and visit me in Jail.

Noor Mohammed, Madhya Pradesh

I am Noor Mohammed, a lawyer by profession. I would like to talk to you about incidents that I faced as the lawyer of an accused in a case. On March 27, 2008, the police arrested 13 persons from Indore,



alleging that they were SIMI activists. The case against them was registered in the police station at Dhar, though it should actually have been registered in a police station at Indore. It seems that a section of population of Dhar was also a part of conspiracy. Everybody knows that the situation in Dhar is so bad that an alleged SIMI activist could not hope for any help. In its report, the police mentioned that the accused were running a terrorist training camp in a jungle named Chaural near Dhar. However, the reports of the media presented an alternative perspective. Some media reports suggested that before the confiscation of the arms and ammunition, the police had been visiting the area for three days and might have planted the evidence that they claim to have recovered. Chaural was perhaps named because the decision to keep the accused in Dhar had been already made. The day after the arrest of alleged SIMI activists i.e. on March 28, 2008, newspapers carried reports on behalf of the Dhar Bar Association, BJP, VHP and Bajrang Dal activists that neither any lawyer from Dhar should defend the accused nor would any lawyer from outside Dhar be allowed to do so. To counteract this, my fellow lawyers and I called a press conference on April 7, 2008, in which we put forward that the Constitution of India guarantees every accused the right to defend them in court and that no bar association could prohibit a lawyer from doing so. The decision of Dhar Bar Association was clearly illegal. At the press conference, a reporter asked me whether I was willing to defend any of the alleged SIMI activists in court. I replied that there was no reason why I should not, after all lawyers are also a part of the judicial system and it was my responsibility to ensure that innocent victims and their families are not denied justice. I was later approached by the family of Safdar Nagori and Kamruddin Nagori to fight their case. I agreed. On April 11, 2008, I reached the Dhar court at about 3:00 PM. I was waiting near the main entrance of the court for my client to arrive. Suddenly, some activists of the BJP Yuva Morcha reached there and started shouting at me that they would not allow any lawyer to enter the court to defend the alleged SIMI activists. When I refused to leave, they began to beat me up. Somehow, I escaped to the office of the Magistrate, inside the court building. I decided to submit two applications to the magistrate; the first, stating that because of threats to their life, henceforth, the accused should be provided security when they are brought to the court complex or to the hospital and the second, stating that the cases of the alleged SIMI activists should be transferred to a court in Indore. While I was writing the second application, the BJP activists, who had apparently followed me into the court, came and hit me with their shoes, in front of the Magistrate. They did not even pay heed to the orders of the Magistrate, who asked them to go out of the court.

It seems that they had no respect for the sanctity of the court. The written record, prepared by the magistrate, on that day i.e. 11/04/2008, made no mention of the attacks on me by the BJP workers. I requested the Magistrate, twice, to mention those attacks in his record. However, on both occasions the Magistrate refused, despite the fact that court procedure requires him to register such a request, made by any lawyer, whether orally or in written. At around 5 PM, on the same day, the police came up to me and said that they would ensure that I was taken to Indore safely. I was then put in an official police vehicle along with 7-8 other accused and taken outside Dhar. However, on the way to Indore, the vehicle was stopped at Betma for half an hour. One of the officials, spoke to someone his wireless



for a while, then turned to me and said, "This town, Betma, is even more dangerous for you than Dhar. If we were to leave you here, you would be killed in no time." This was meant as a threat to ensure that I refrain from filing an FIR or demanding an inquiry against those BJP activists who had attacked me. Fearing another attack on myself, I did not lodge a complaint at that time. Therefore I was dropped to Indore. I then wrote numerous letters to the Central Home Ministry, the State Chief Minister and to senior police and judicial officers, asking for protection, for my travel to Dhar for the hearing in this case. I have still not even received a reply to my letters.

Therefore, on July 17, 2008, I was compelled to go to the Dhar court, for a hearing, without any kind of protection. There, I submitted two more applications. Also, the two applications that I had already submitted before the court were decided upon that day. The Magistrate ordered the accused to be shifted to a jail in Indore, but not their cases. The decision, with regard to the other application, was given a stay. Yet, the government prosecutor, Mr. Bhardwaj, gave a statement before the media that both the applications of the defense had been rejected. Initially, court proceedings on that day were going on smoothly. However, as soon as the arguments in the case started heating up, somebody made a phone call to the city, so that when at the end of the day's proceedings, I had barely walked 100 meters out of the court, I was attacked from behind, by BJP, VHP and Bajrang Dal activists. They kept on beating me until I lost consciousness. When I regained consciousness, a young man offered me some water and helped me into an auto. I asked the auto driver to take me to the police station so that I could register a complaint against those people. Later, I went to a civil hospital in Dhar, but asked them to refer me to a hospital in Ujjain for security reasons. I was admitted for 3 days in Ujjain.

It is unfortunate, but circumstances in India are such that people, who accuse others of being terrorists, are in fact themselves perpetrators of terrorism, fear and violence. Terrorist violence is hidden and sporadic, but their violence is legitimized and practiced freely, without fear of the establishment.

Nihal Ahmed Ansari, Malegaon

I am Nihal Ahmed Ansari from Malegaon. I am here to present Noorul Hooda's case. Noorul Hooda was a power loom worker. He was arrested from his house at about 11 AM, on 8 October 2006. The same day, on 8 PM, the police brought him back and proceeded, without a warrant, to search the house. Next day, the police booked him under section 10 and 13 of the Unlawful Activities Prevention Act (UAPA) in connection with the Malegaon bomb blasts and presented him before the Judicial Magistrate, Malegaon. He was first taken to Azadnagar Police Station in Malegaon, but transferred a few days later to Arthur Road Jail in Mumbai.

Twenty one people died in Malegaon in those bomb blasts. Those who died were all Muslims. The thirteen who were held as accused, by the ATS in that case, were also all Muslims. About two or three days after the blasts, some people from the All Sects Organization (Malegaon) had formed a committee, with representation from different Muslim sects, to request the Chief Minister of Maharashtra to transfer this investigation to the CBI. Succumbing to people's pressure, the



Maharashtra government, on December 23, 2006, declared the transfer of the investigation to the CBI. On the same day, the ATS filed a charge-sheet against all the accused under MCOCA. Noorul was charged with placing the cycle on the day of the bomb blasts. He was however, at the local mosque until 1 PM on the 8th of September, the day of the blasts.

MCOCA is an act, in the line of many other such draconian acts, in which a forced confession of an accused in police custody stands as an evidence for his trial and conviction in the court. Many lives have been ruined this way, because the police commits brutal torture to get a confessional statement, which then serves as evidence to prove the guilt of the accused. The injustice is of such a great degree, that the accused is not even given a copy of the confession that he makes, in the face of brutal torture. The same happened with Noorul Hooda. On 10th of October 2006, he was taken to Bangalore for brain mapping and Narco tests. These results were negative. During this test, electric shocks were given to him and he was beaten on his forehead and ears. His ribs were battered due to this. Even the doctor, Maitli, asked him to confess, to avoid further injuries. He refused to do so and was therefore given more electric shocks. While he was in the custody of the Nasik police, they beat him at the ATS office at Kala Chawki. In the month of Ramzan, while he was keeping a fast, he was beaten so badly that he fainted. The officers tried to force him to confess. They said that if he did not confess, they would bring his sisters to the police station, strip them naked and take their photographs. They also threatened to put his brother in jail. Finally, he succumbed and they took his signature on a blank piece of paper. This was used by the police to draft a fake confession. He was taken to court after two months of his 'confession'. Since he had not been given a copy of his confession, he did not even know what was written in it. When he was produced before madam Bhatkar, he said that he was unable to say anything against the charges, as he had simply been denied the right to read his own confessional statement. Only later, on court orders, was he given a copy of his own 'confession'. Once a person is implicated under MCOCA, he is not granted bail and it makes it very difficult for him to find a defense lawyer. The police also force one accused to testify against the other accused to reaffirm the conviction. In the end, I just request you people to do something to repeal MCOCA, because only then would there be some hope for justice for the victimized.

Qamar Jahan Sheikh, Ahmadabad

I am Qamar Jahan Sheikh from Ahmadabad, Gujarat. I am here on behalf of my nephew, Mohammed Parvez. On April 2, 2003, my nephew was arrested off the street. He had gone out of the house saying that he had to fit an Aqua Guard in somebody's house in Shahibagh. He was working with Eureka Forbes at the time, along with which he also had a courier service business. The police told him that they wanted to have a word with him, which is why he went along with them. In the same manner, four or five other boys were arrested on that night, either from their houses, or from their workplaces; though later, in the police register, it was recorded that all the boys had been picked up from one place.

When he did not return at night, we thought he might have stayed over at some friend's place. It was



about two or three days later that we found out, in the newspaper, that he had been arrested by the Crime Branch with allegations that he possessed a Chinese made pistol and some gunpowder. The powder that the police reported as gunpowder, was actually a powder used for cleaning the Aqua guard machines. Some officers came to my house and took away his identity card.

Later, we, along with our neighbours, went to the Crime Branch headquarters and to Circuit House, but we were told that neither had kept the boys in custody. For five more days we had no information about where they had been taken, thereafter they were produced before the lower court. The boys were kept in illegal remand; the police would extend this remand every 8 days and they finally ended up spending 65 days in illegal remand. He was also made to sign a blank piece of paper. Finally, he was charged in the Haren Pandya, the Tiffin Bomb Blasts and the DCB-6 Case.

Qamar, and other boys who were picked from the locality, were all educated.

The arrest of those boys indicates that the administration does not want educated Muslims to progress in life. We belong to a middle class family and do not have much property to give to our children. We therefore attempt to give them the best possible education, so that our children are qualified to earn a decent livelihood. In Gujarat and the rest of the country, Muslims are being targeted and tortured in the name of terrorism, to ensure that they are unable to improve their condition. All the political parties in India are afraid of voicing their opinion in favour of Muslims, in order to preserve their Hindu majority vote.

Initially, those boys were implicated in the Tiffin bomb blast Case in the MTS, but later on whoever was acquitted from this case, was then booked for the murder of former Gujarat Home Minister, Haren Pandya. They were sentenced to 14 years imprisonment in the Haren Pandya's Case. Ironically, Haren Pandya's own father has stated that his son's death is a political crime and that the Muslim boys who are being implicated are innocent. This statement, like other, has simply fallen on the deaf ears of this government.

I just have one plea to make, which is that POTA should be repealed, so that justice can be delivered to those who are behind bars because of forced confessions.

Qamar has already spent six years in jail, as a part of his 14 years sentence in the Haren Pandya Case. Almost half of his life would have been ruined by the time of his release from prison. What kind of future could he have then? Qamar was unmarried, but there were many others who were married. Many old people who retired, have now started doing odd jobs, as their children have been arrested by the police.

When Qamar was in illegal police custody for 65 days, he was tortured intensely. One officer asked Qamar to refer to him as Khuda, while he beat Qamar ruthlessly. This information was given to us by his friends who went to meet him there. Even the hearing of his case was shifted to jail itself, and we were not allowed to attend the judicial proceedings. We submitted an application to assert that family members were allowed by law to enter the jail for the hearing, but till date we have not received any reply. A lot of injustice is meted out to Muslims in Gujarat. That is all that I have to say.



Jamil Ahmed Massiullah, Malegaon, Maharashtra

I am Jamil Ahmed Massiullah, from Malegaon, Maharashtra. I am here on behalf of Rais Ahmed Rajab Ali. He is my brother-in-law. Shabbir Masiullah and he were partners in an inverter battery manufacturing business. On the night of August 2, 2006, Shabbir was taken away by the police with regard to the Mumbai train bomb blasts. On October 8, 2006, Noorul Hooda (one of the accused in Malegaon bomb blasts), who was employed in their factory, was also picked up by the police. The police kept on coming back to Rais and finally on October 22, 2006 he was arrested and booked in the Malegaon bomb blasts Case. It was just a day before Id. Rais Ahmed who is completely illiterate, who can neither read nor write, was asked to forcefully sign various papers and by providing him false information. He was told by the police that they were asking him his address, father's name etc. This is the manner in which the police took his confessional statement. After three months when he received a copy of the charge sheet, he asked some of his jail mates to read it for him. It was only then that he got to know what case he had been arrested under and that he had apparently given a 'confession'. He then decided to start learning Urdu. He is still in Ratnagiri jail. There were many other accused in the Malegaon bomb blasts, who have been declared as absconding such as Abrar, Munavar, Dr Farukh and Riaz Aslan. The truth however is that all these people were seen in police custody at either at Kala Chowki, Mumbai or in Jail.

I would like to bring another crucial incident to the notice of the jury. There was a person named Azhar, who was a perfume seller. He had spoken to a cyclewallah, at Mushawarat Chowk on the day of the blast. He had asked the cyclewallah from where he had got a box attached to his cycle. Azhar thought it looked good and seemed useful. That person replied that he bought the cycle recently and had got it attached at the time of its assemblage. Azhar recognized the face of that cyclewallah and could have identified him to the police. However, about 10 days after the blasts, Azhar was found dead; the nerves in his limbs and neck had been slashed, but the police claimed it was a case of suicide.

It is difficult to understand why the police are doing all this to us. People who are already in custody are being shown as absconding and they are not investigating the case properly either.

We still have full faith in the justice of the almighty, Allah. He is watching over everyone and he will be just with us. This thought gives us the strength to stand up against such injustice. We also hope that this tribunal will prove to be helpful to all the innocent people who are being made to suffer a terrible fate.

Seema, Shah Alam, Ahmedabad, Gujarat

My name is Seema. I have come from a place called Shah Alam in Gujarat. My brother, Sayed Vakil Ahmed, who worked in a wastage shop, was taken by the ATS, accompanied by Delhi Police, on May 12, 2006. One of my brother's was not well and my mother had asked Sayed to bring some medicines for him. He had barely entered the house that a police vehicle arrived and some officers tried to take him away. My mother asked them where they were taking my brother. They replied that they were



taking him for interrogation and would leave him after that. They also asked a few questions about my brother's shop. My mother told them where it was. They said that they wanted to inspect the shop and asked for the keys. My mother gave them the keys. Meanwhile, some children from the neighbourhood came and informed me that the police had come home to arrest my brother. I immediately rushed home but the police had already left with my brother. I then went to the shop. The police were inspecting the shop. They did not find anything suspicious in the shop. I asked them where they were taking my brother and why. They gave me the same reply that they had given my mother. I asked them whether they would inform us about my brother's release. They said yes. I knew one officer of the Gujarat Police and therefore asked for the information to be conveyed to us through him. They agreed.

However, for two or three days we did not receive any information about my brother. We then went to the ATS headquarters; we were told that he would be kept in custody for another four days. At this point, officers of the Delhi police left the investigation. Interestingly, after the preparation of the Panchanama, the Delhi police had suggested the Gujarat police to release Sayed. Instead, the Gujarat police dug out Sayed's records for the past 30 years; these too, revealed no implicating evidence. Yet he was brutally tortured, beaten up and kept in illegal police custody. They tried to get him to give a false confession against his brother-in-law, his brother and even other boys in the neighbourhood. He however, refused to take anybody's name and said that he would rather accept death than falsely implicate another person. He was forced to confess that he was part of a Jihadist conspiracy. Twenty seven days later, on 08/06/06 Advani's Rath Yatra began. The day after that, at 7 PM, it was reported in a news channel that the ATS had arrested four deadly terrorists, one of whom was Sayed. After this, the ATS told us that we could visit my brother. When we went to meet him, he told us that newspaper and television reporters had come and taken his interviews. At home, we turned on the TV and saw these reports. It was reported all over the media that Sayed had planned to blow up a temple. The police have not found any evidence against him, yet, 27 months have passed and he is still in jail. His case has just been dragging on; either the judge is transferred or the government lawyer resigns or some other issue comes in the way, because of which, the case continues to drag on and on.

He has a wife and three young children. His children are ready to start school, but we have hardly any money for their education. I have to take care of his house as well as mine. This is a difficult time for us and I request you to help us out of this situation.

Shabbir Hajibhai Doodhwala

I am Shabbir Hajibhai Doodhwala from Baroda, Gujarat. I was booked under a case on March 20, 2007. The place where I stay, has witnessed many communal conflicts. On March 20, 2007 occurred one such conflict. My name was dragged in to it even though I was not in any way involved in this incident. The next day I was called to the police station. When I reached, I was immediately arrested without any sort of interrogation. I was told that I had attacked a troop of State Reserve Police (SRP) officers. I said that this was a false allegation and that they could check it with the SRP personnel.



They then, called up some SRP personnel who confirmed that I was in fact innocent. After that incident, my family and I moved out of that locality. However, I did so, only after submitting an application and informing the police about it. Two months later, a small riot broke out in that area and once again, the police included my name in the list of those accused in that case. I reminded the police officials that I had already shifted out of that locality and had even informed them about it. The Inspector in-charge of that police station realized his mistake and assured me that, henceforth, my name would not be included for investigation regarding disturbances in that area. However, three months later, I received a Tadipaar notice asking me to vacate Baroda for one year. When I raised objection to this notice, I was told that it had been sent to me for attacking a troop of SRP officers. Eventually, I had to leave Baroda on June 17, 2008.

My family consists only of my mother and me. My father passed away almost 17 years ago. He was a government servant and after his death, his pension is an important source of income for my family. I have been staying at Ahmadabad for the last two months, while my mother is still in Baroda. The Tadipaar has made life very difficult for my mother and me. This, despite the fact, that an SRP officer clearly stated that I was innocent. One month back, I had filed an application with the District Secretariat, but have not received any intimation from them. I also put my argument before DCP Srimari of Baroda, but all my efforts were in vain. I am an honest man. I run a garment business and have always filed my income tax return on time.

Jamil Masiullah Ansari, Malegaon, Maharashtra

I am Jamil Masiullah, from Malegaon, Maharashtra. I am the elder brother of Shabbir Masiullah. The police arrested my brother, in the middle of the night, at 3:30 AM on August 3, 2006, from his house in Machhali Bazar, Malegaon. He was arrested by officer UK Rathore of the Crime Branch, Ghatkopar, and Mumbai. In the Malegaon City Police Station register, the police entered, that they had taken Shabbir for investigation regarding the Mumbai Local Train Bomb Blasts Case. They kept him in illegal custody, for ten days, at that Ghatkopar Police Station itself. He was taken to the Zila Court, Ghatkopar, on 12th August 2006. The police charged him for an attempt to indulge in an illegal act during the Ganesh Utsav celebrations. They alleged that he had gone to Dubai in May 2003 and from there to Pakistan for arms training, after which he returned to India by road. On August 13, 2006, he was officially put in police custody and was transferred to the Byculla Police Station. During his stay in jail, he was given six kinds of narcotic tests or 'Truth Serums', while the lower court had permitted for only three. On August 25, 2006, a lower court in Mumbai granted him conditional bail due to the lack of evidence to support the police allegations. Yet, on August 26, 2006, the Nasik police took him for interrogation and again kept him in illegal custody. He was shifted to a Nasik jail on September 17, 2006. He was brought to Malegaon with regard to the Malegaon Bomb Blasts Case, on October 2, 2006. On October 30, 2006, he was finally booked under UAPA for the Malegaon Bomb Blasts and was produced before the Malegaon Sessions Court. It must be noted that during the Malegaon blasts, Shabbir was already in the police custody. They then sent him to Arthur Road Jail, Mumbai.

During his stay in Jail, the police used excessive force and torture to make him confess that he was



responsible for either the Malegaon or the Mumbai Local Train bomb blasts. The most brutal torture took place at Kala Chowki Police Station. He was given electric shocks on his private parts. A refill of a ballpoint pen was punctured into his penis. Acid was poured on his private parts. Both his hands were tied and he was beaten until he fainted. He was also forced to put his signature on a blank paper.

Shafiq Salim, Malegaon

I am Shafiq Ahmed from Malegaon, Maharashtra. Until now, people have spoken about illegal detention, police atrocities and death in staged police encounters. I, however, have a different sort of testimony to give.

On September 8, 2006, a series of bomb blasts rocked Malegaon. My son, Sajid Ahmed, who was almost 19 years old, had passed his 12th standard board exams with 80% marks and was about to leave for China in a few days for his MBBS. On that day, my son, my nephew, Shehbaz Anjum (who was still studying in 12th standard) and I were together at Mushawara Chowk, where one of the many bombs exploded. In that tragedy, my nephew was injured, and I lost my son forever. My son did not die on the spot. I carried him in my own injured arms in order to get him to a hospital. However, all the hospitals that I went to were turning people away because they had run out of resources to attend to such a large number of patients. There are almost no well-maintained government/ civil hospitals in our city. I went from one place to the other, in a rickshaw, but my son did not receive treatment anywhere. He took his last breaths in my arms.

The next day, at 6:00 AM, the local Tahsildar of Malegaon came to my house and asked me to come to the government rest house, because Sonia Gandhi ji, Shivraj Patil ji, Vilasrao Deshmukh and other officials were scheduled to arrive there. I replied that I would first talk to a few people and then decide. It had only been a few hours since my son's funeral. Eventually, I did attend that meeting. It was actually a press conference. Apart from the official delegates and distinguished guests, a compensation grant officer was also present. The officer was calling out the names of those who would be given monetary compensation by the government. When it was my turn and Sonia ji came near me to hand over the cheque, I took it, tore it into pieces and said, "Madam I did not come here to get monetary compensation for the death of my child." Others present at the press conference tried to get me to stop talking, but Sonia ji asked them to let me finish. I went on to say that, she herself had experienced the pain of losing a loved one in a bomb blast and therefore knew that monetary compensation was a futile gesture. I also added, "You had come here five years back as well, to distribute compensation cheques to the victims of bomb blasts and had gone back soon after. Five years later, you have come again for the same meaningless exercise. We do not want any money. We want the condition of our city to improve. We do not have a single civil hospital in this city that could provide medical aid to victims of such incidents." I made many such remarks at that press conference. Later, she called Vilasrao ji out of the meeting hall and said something to him. Two days later, on Monday, it was officially announced that 22 Crore Rupees would be allocated as funds for the construction of a civil hospital in the city.



Despite the fact that many people were charged as guilty and many were even detained, the police investigation of the blasts was grossly inadequate, brash and did not reveal any substantial details. Even the CBI inquiry in this matter is so slow, that I am certain that those guilty of my son's death are still roaming freely. If, due to improper investigation, between fifty to a hundred innocent people- who are in most cases themselves victims of the blasts- are illegally detained and tortured, while the real criminals are left scot-free, then these bomb blasts that are happening all over the country are not going to stop. I am sure that all those who the police or the ATS have arrested in the Malegaon Blasts Case are innocent. Malegaon is not a very big city, which is why, many of us know the thirteen people whom the police have charged in this case and their behaviour has never been questionable.

I would also like to add that there is discrimination in the distribution of compensation to Muslims. If a Muslim dies in such a tragedy, then the monetary compensation given is either Rs. 25,000 or Rs. 50,000, whereas if a non-Muslim is killed then at least Rs. 5 lakhs or above are given as compensation. This is unjust. The Constitution of India guarantees equality to all the citizens of the country, irrespective of their religion. Yet, these days, in India, Muslims are being treated as second-class citizens. They are living in some of the worst possible political, social and economic conditions. In fact, first, Muslims are put through a lot of suffering and then their loyalty to the nation is also questioned.

In the end, I would just like to say that I am still optimistic and hope that this tribunal will help in improving our present condition.

Sheikh Nisar Mohammed, Maharashtra

I am Sheikh Nisar Mohammad, from Manjlegaon (Beed), Maharashtra. I am the headmaster of a high school. Viqar, my second son, completed his B.Ed and then enrolled himself for an M.A. correspondence course. He was working as a salesman at a milk agency.

On June 4, 2007, my family and I went to my in-laws' place at Parbhani. From there, Viqar went to Pune with his brother in law, to meet some other relatives. Until about 9:00 PM that day, we were unable to contact them. We checked with our relatives at Pune, but they too were unaware of their whereabouts. After 9:00 PM, my bother-in-law Sheikh Muhid arrived and handed me a paper, which contained the address and phone number of ACP Singhal, of the ATS, Kala Chowki Police Station (Mumbai). He told me to call on that number, because the Mumbai police had taken my son for interrogation. When I called on that number to ask about my son, I was assured that there was nothing to worry about and that they had only taken him to ask a few questions about the arms smuggling incident that had taken place in Aurangabad on May 9, 2007. They suggested that I come to Mumbai. I reached Mumbai on the morning of June 6, 2007. There, I was told that my son was being interrogated because, Zabiyyuddin, the mastermind behind the arms smuggling incident in Aurangabad was absconding and my son's number was found in his phone book. I replied that if this was true, then, they could interrogate my son. During the interrogation, my son informed them that Zabiyyuddin was a passport agent and that he had a telephonic conversation with him to get his passport made. I told the police that my son had never even been involved in any local disputes and



assured them complete co-operation with their inquiry. Once they had interrogated my son, the police said that they would be coming to Manjilegaon Police Station for further investigation, after which they would let him go.

On June 7, 2007, a few police officers came to my brother's hotel in the evening and drank tea without paying for it. They then insisted on coming to my house. When we reached, I saw that some ATS officers were already present there and had even finished searching my house. The police found no evidence in my house. They then discussed amongst themselves and decided that they would need some false evidence in order to implicate my son. Therefore, they asked my brother to get them two swords. I immediately intervened and said that we did not possess any swords. They however, laid the condition that they would free my son only if I gave them the swords. So, we were forced to get two swords for them. One of these was a prop from a drama company. After this, they told us to go to Mumbai the next day and sign a bond. They said that once I had signed that bond, my son would be cleared of all charges.

On June 9, 2007, when I reached Kala Chowki Police Station, I was humiliated and asked to get out. I was told that my son was a member of a newly formed terrorist organization for which he had smuggled arms. They said that Zabiuddin also had links with that outfit and that he and my son were both apparently involved in this conspiracy. Since then I have been fighting a legal battle to prove my son's innocence. I filed an application for bail which was never heard. We filed a writ to challenge MCOCA, at the High Court, but this too was rejected. In the Sessions Court, Viqar Mohammed got a stay order on February 29, 2008.

I would like to bring to the attention of this jury that on June 28, 2008, at about 10 or 10:30am, on the orders of the warden, Viqar was brutally beaten up by police constables, because of which he received a fracture. I learnt about this incident from a newspaper. When I went to visit him in prison in Bombay, I was told that he had been shifted to Kolhapur Jail. When I went to Kolhapur, I was asked to bring a letter of consent from the Bombay police, for permission to meet him.

In our town, not only the Muslim, but also the Hindu families offer prayers for the release of my son. My relatives in the village, however, are apprehensive about meeting us. In spite of all this, I continue to have faith in the judiciary and our democracy. After coming to this tribunal, I have realized that there are many people in this country, who are fighting for justice and truth. I do not trust the police and jail authorities and one of my greatest concerns is the safety of my son.

Shoaib Jagirdar, Jalna, Maharashtra

I am Shoaib Jagirdar from Jalna, Maharashtra. I saw an advertisement of this Tribunal in the newspaper and that is why I have come here.

When the bomb blasts took place in Mecca Masjid at Hyderabad, I was the first person to be picked up by the police from Jalna. I had no idea why I was being taken away. Later, I realized that it was not regarding the Mecca Masjid Blasts that I was taken; the real matter was something else and that had to do with Jalna itself.



On 23 May 2007, at about 11 AM, I was suddenly picked up from my house. I was kept in someplace in illegal detention for five days i.e. till 25 May 2007. I was presented in court on 28th May 2007 and charged in a passport case no. 5407. I was ordered 8 days of remand. Even before I was brought to Hyderabad, it was all over the news on television that the conspirator of some blasts had been arrested. I had not even been interrogated by then; I had neither answered any questions nor given any statements. My arrest was a well planned move.

Before I was brought to Hyderabad, I had registered a complaint at Jalna stating that I had been kept in illegal police custody for 5 days; that they had not presented me before any court or Magistrate. They tortured me continuously for 5 days. They would beat me up until I would faint. I was continuously given electric shocks all over my body, even on my private parts, so that I would bleed while urinating. After 5 days, I was not taken to court, but to the Magistrate's house. I told the magistrate several times that I had been tortured, but the Magistrate told me that I would have to give a statement in this matter, for which I would have had to go to court the next day. The police took me back and kept me at the Mahankali police station. They threatened me the entire night not to utter a single word against them, in court, in front of the Magistrate. They said that if I did so, they would write an application for Police Custody Remand. They also took signatures from me on blank papers and later threatened that they would register more applications for Police Custody Remands and torture me once again. The next day, I was finally produced before the Magistrate at the court. I told the Magistrate that the police had illegally tortured me. When he asked me to elaborate, out of fear, I was unable to narrate exactly, all that had happened. However, I did tell the Magistrate that I have never been involved in any illegal activity and that this entire case was like a planned stage show.

The police then convicted me again in some passport case no.5407. They arrested me and on the magistrate's order, I was again sent to jail.

Then, after they had taken permission from the court, the police took me to Bangalore for a Narco analysis test. One day before the Narco analysis, YTR Prasad, Tanvir Ahmed, Fayaz Ahmed (a few of his constables) and another inspector whose name I cannot recall, started torturing me. They also tried to brain wash me with details regarding the blast; details that I had never heard before. For instance, they would inform me that I had brought the RDX and given it to so and so person. They also told me fake names of my supposed associates, of whom I had never heard of. Basically, they were trying to brainwash me so that I could be proved guilty in the Narco test.

Before entering the hospital for the Narco analysis test, DCP Harish Kumar Gupta, made me speak to my nephew, Imran, on the phone. He said, "Uncle, you had given me a packet". I was shocked. I told him that I had no information about any packet I had never even seen any such packet! After this conversation, on the way to the operation theatre, the police kept on repeating the same details that they had tried to brainwash me with the previous night. They kept telling me that I had brought the RDX. During the Narco analysis I was in a subconscious state. I do not remember what I said. The police however, did not get any implicating evidence on the basis of the Narco test. Therefore, on



30th August 2007, I was granted bail.

However, the next day while I was paying for the bail, the police charged me under some other section. Again I was ordered judicial custody.

In the charge sheet for the Mecca Masjid blast they had charged me for arranging the conspiracy for the blast. The charge sheet had no logic or link. In fact, in the cross examination, YTR Prasad, the complainant himself told the court that he had no clue about the charges that he had alleged. He also said that higher authorities had put pressure on him to make the complaint.

Yakub Khan, Coimbatore

I am Yakub Khan from Coimbatore, Tamil Nadu. I was in jail for nine and a half years, in connection with the 14th February 1998 bomb blasts in Coimbatore. I was 17 at the time of my arrest. In 1998, I had completed tenth standard and was studying at the Industrial Technological Institute. The police had been taking away quite a few boys from our locality, which is why my parents sent me to a relative's place in Chennai. After about two and a half months, the police approached my family and upon realizing that I was not in the city, they released a warrant against me. My family was constantly harassed. They were all followed to wherever they went. They even went to my house and took my brother and father to the police station to get information about my whereabouts. Soon after, the Police confiscated all our documents such as age proofs, school papers. My family soon gave up in the face of all the abuse and harassment and asked me to surrender to the police. Therefore, I went to the DIG, officer Muttikaran and surrendered on April 23rd 1998, in Chennai. I also informed him that I had been away for my studies. After an enquiry, he booked me in a minor case 17/ 102 for allegedly being a member of a banned organization called Alumma and sent me to prison in Vellore. I was in Vellore for one and a half months. I was later booked in the Coimbatore Bomb Blasts Case on the basis of a PT warrant. I was kept in Vellore Jail for another year, after which I was shifted to Madurai. I was brutally beaten in prison; in fact they broke my jaw during torture. I was kept in solitary confinement, where I did not see a ray of sunlight, for six months. In 2001, I was moved to Coimbatore Jail.

The media, without proper research about my case, reported that I was a terrorist, when in fact, for the first year and a half of my sentence, I was provided with neither a lawyer nor a hearing in front of a magistrate. In this duration, my surrender was not registered by the police. Later, the Special Court in my case refused to try me as a juvenile. In the final judgment, I was sentenced to 7 and a 1/2 years of imprisonment, however since I had already served 9 and a 1/2 years sentence, I was released.

According to my family and me, the police remain the main perpetrators of this injustice.

Yunus Bhai Ismail Bhai Vohra, Gujarat

I am from Kheda district, Gujarat. After the Gujarat carnage, we sought shelter in a Camp for the victims of the riots, in a near by village called Umred. On July 11, 2002, some friends and I were at the house of another friend named Altaf Hussain. Altaf was preparing tea for all of us when suddenly



there was an explosion. We were all injured in the blast and regained consciousness only after reaching the hospital. The police came to the hospital at night. They also took a statement from me in which I stated whatever I could remember. I also mentioned that perhaps an LPG cylinder in the house had exploded. The police then began its investigation. The person who had brought us to the hospital was arrested. I, too, was arrested from the hospital itself and was interrogated later in the night. They asked me whether my friends and I had been manufacturing bombs in Hussain's house. I denied the allegation, stating once more, that in all probability the explosion was caused by a gas cylinder. However, the police booked us in a case for allegedly manufacturing bombs. I was in the hospital for a month, under police custody, after which I was moved to jail. I was in jail for almost three years, at the end of which, I was acquitted by the court for lack of implicating evidence.

Now, 712 days later, the Gujarat government has filed an appeal in the high court, seeking permission to re-open all the cases that were decided upon after the Gujarat carnage. In their appeal, it is mentioned that, earlier, the police was not able to complete its investigation due to the absence of some important papers. It was also said that all those who were acquitted by the court were absconding. The truth is that there are many people, like me, who have lost their homes and families, because of which we had no choice but to move out of our homes. After more than two years in prison, the trauma of that experience continues to haunt you and for a long time it is difficult to start living a normal life. Yet, the government wants to, once again, put us through all of that. I would like to request the members of this panel to help us.

Abdul Kareem and his Mother, Hyderabad

I am Abdul Kareem from Hyderabad, Andhra Pradesh. I used to drive Auto-rickshaw before arrest.

During the Hindu festive days like Ganesh Mahotsav, young people like me from the Muslim community were called up at the area police station or at any other police station every time to create an atmosphere of fear among Muslims. I was booked under section 198. Police personnel in jail told me that they were following me since 2004. The day the police came to arrest me, i.e. September 7, 2007 I was alone at home. The police simply barged into my house and said that they wanted to inquire about something. Therefore, I was put in a jeep and was taken away. My face was covered with a black cloth and my eyes too were tied with a cloth. After traveling for about an hour, we reached a place where there were many young men like me, who were crying and yelling for help. From the next day onwards, I was also physically inflicted with various forms of tortures, like hitting on the soles of the feet and other body parts with a rubber belt. When I questioned those beatings I was asked what I knew about the Hyderabad bomb blasts. I answered that I did not know anything as I was driving my auto the entire day. But they were still forcing me either to admit to the crime or to speak about it. They also said that there was pressure upon them as well to find the culprits. They alleged that it was the Muslims who were carrying out those bomb blasts and that either we should speak up or they would have to book somebody in the case. Finally, they booked me under section 198.

Now, I would like to tell you about the torture that I endured in police custody. Every time if, any



policemen addressed me, they used abusive words or foul language. Islam was abused by them and they asked me why Muslims' offered Namaaz, kept a beard, or wore a pyjama above the ankles. They would take up any of those baseless questions to beat us regularly. I was asked how much I had studied and what my father was doing. I answered that I had studied up to SSC and my father retired from a government service. Then, they asked how many siblings I had. I said that we were four brothers and two sisters. The police officer got angry and asked me why my father bore six children, couldn't he have had just two. Further, he cited examples of political leaders who had only two children. He also said that MLAs and MPs too had only two children, but Muslims didn't have any other task but to bear more and more children. He also said that Muslim boys didn't study but kept on hatching conspiracies against the state and exploding bombs here and there. According to them the entire old city of Hyderabad was indulged in terror activities, every house had an army of 8 to 10 rascals, as they had so many children. I felt like I was caught by the police to preach me a lesson on family planning. I said that I did not know anything about what the police were asking. I had just done SSC and later I could not complete my studies owing to my family's financial condition. Consequently, my siblings and I had to search for jobs and I started driving an auto-rickshaw. To this he said that there were approximately 52 countries with Muslim majority population and that they had done nothing for the betterment of Muslims or for the world. Sheikhs from abroad arrived in India only to get married. Therefore, we Muslims just wanted to have fun and nothing else, said the police.

If I ever tried to answer their questions, I would get strong beatings on my back. They insulted every influential Muslim from the city, even the women. It was a daily routine to make me sit by tying my hands behind my back and then one officer would sit opposite me and keep his shoes near my nose and I would be made to inhale the stink of his shoes.

Four days before my arrest on September 3, 2007, I was standing along with my auto in front of Secunderabad Court. Suddenly, I was hit on my back and when I looked back, it was a policeman. When I asked him, he ordered me to take my auto away from that site. After 4-5 days of that episode, when the police came to arrest me at my home, that police officer was also a part of that force and he recognized me. He was stunned. Everything happened in such haste that I could not even analyze when I had become most wanted from a common man who used to drive an auto-rickshaw from morning to late in the night. I was aird as a terrorist and on either sides of me there were 25-30 police personnel with fully loaded guns. When I was presented before the judge, he asked me whether I had been arrested in the Hyderabad bomb blasts case. I replied that I did not know about that. However, after that I was in jail for five months and ten days. Because of that my family had to go through a very tough time. They were socially isolated in the locality as well as among the relatives. My brothers also lost their jobs. People who knew my family stopped calling us for social gatherings. Every body held us responsible for whatever happened in our lives. Members of my family were looked upon as dangerous people.

But after coming to this tribunal I feel very satisfied and grateful to the organizers for giving the victims or accused of various bomb blasts a platform to share their agony.



Mother

Our lives became very tough since the time my child was taken by police. All my sons lost jobs and except one. We are spending our lives on everyday basis. I was not at home when my son was taken away by police, that too without any substantial reasons. When Abdul was released, even after that situations did not normalize and my sons could not get jobs any where. It broke us and we were isolated socially.

Ahmed Mohiuddin Rashid, Andhra Pradesh

I am Ahmed Mohiuddin Rashid from Islampura, Bhongir district, Andhra Pradesh. I am Imam at Qutub Shahi Masjid, Bhongir. My family comprises of my parents, my wife and a younger sister.

I accomplished Hafiz-e-Quran under the guidance of my father Maulana Hamiduddin Sahib. My father is an Imam of Masjid-e-Qutub Shahi at Bhongir. After Hafiz-e-Quran I came to Hyderabad and took admission at Jamia Sabilisalam for the course of Alimiyat in September 2003. During the studies I started taking interest in the discourses of Sheikh Nasiruddin Sahib. Sheikh Nasiruddin Sahib was a good human being; he always supported justice and condemned torture and atrocities on any one.

On August 20 or 21 of 2004, after offering evening Namaaz at Umrefarookh Masjid near Jamia Shabir-u-salam, as I came out I was picked up from the street by some task force personnel. They took me to Zeeshan Hotel and then again put me in a four wheeler which already had some police officers in it. They covered my face with a black cloth and took me to Purani Haveli. Without asking me anything they tortured me physically and mentally for two days. After two days, they brought a photograph and asked me to identify him. I said that he was Aziz. They then cooked up a strange story that we conspired to explode the Vinayak Mandir in Secunderabad. On that basis, I was tortured brutally. Torture was so horrifying that if police personnel would have had to undergo it, then they would have admitted to crime which they would not have even done. I was beaten with rubber belts. While I was in the police custody I asked to squat and a thick iron roller was kept between the knees so that the ligaments in the knee joint would loosen. Therefore in that way I was tortured for 10 days when I was in illegal detention. Afterwards, on August 31, 2004 I was for the first time produced before the Sessions Magistrate. Then on court's order I was sent to Chillapalli Central Jail on Judicial remand.

To protest against the physical torture in the Jail, I went on a hunger strike with fellow prisoners. That resulted in Sheikh Nassiruddin getting out on bail. However, after some days again a police team from Gujarat, led by ACP Narinder Amin, arrived and arrested him. There, at the time of his arrest, the police started firing and one person Mujahid Salim Azmi was shot dead. I remained for 90 days after which I was released on conditional bail.

Since then a wave of tyranny started and I have to show my attendance in court every single day. Later many other young Muslim men were picked up by the police alleging that they were conspiring against the Indian State or were planning to explode bombs some where.



As, I am still being stated as guilty; I do not have any idea what conspiracy the police might cook up next to trap me once more. I came here after gathering a lot of courage to speak up against this tyranny. And I am thankful to the people who have conducted this tribunal.

Dr. Ibrahim Ali Junaid, Hyderabad

I am Ibrahim Ali Junaid. I am 25 years old. I live at Baba Nagar, Hyderabad. I am a medical student pursuing BUMS (Bachelor of Unani Medical Sciences) at Nizamiya Tibbi Government College, situated at Charminar Hyderabad.

Our college is near to Mecca Masjid, which is why, the entire staff and students of the college had been offering Jumma Namaaz at the mosque.

On May 18, 2007 as usual we were in the Masjid offering Namaaz. That was the day that the bomb blast took place. A lecturer from college, Dr. Mohsin, was injured. I immediately took him to Dureshavar hospital for treatment. Those were the most difficult days of my life. Even though I am a medical student, I had never seen so many bodies, lying in the pool of blood. I was sick for days because of it. A few days after that incident, I was called up at north zone, near to Secunderabad fort, where the head office of special task force is situated. I was called up there for interrogation regarding the bomb blasts at Mecca Masjid. There I was interrogated for 4-5 hours by 8-10 task force personnel. The interrogation consisted of questions about why I had been offering Namaaz at the mosque. I replied that it was because Mosque was near my college. Then they started insinuating that I might have placed those bombs. I told them to first investigate the matter properly; throwing the baseless accusations would not solve the case. They said then that they were sure that the Muslims had done that as only they used to go to the Masjid. I replied that I knew nothing in that regard. They tried to compel me to name somebody. I was then called there regularly for 3-4 days and was asked the similar groundless questions. I was subjected to force and mental torture.

I volunteered for Civil Liberties Monitoring Committee and I am still a volunteer. They fight for the restoration of people's democratic and human rights wherever the police and administration are involved in suspending or violating them. All of us, from Civil Liberties Monitoring Committee filled a petition with State Human Rights Commission to investigate the role of police in the Sohrabuddin Sheikh's encounter case. The police interrogated me in regard to the petition as well. They asked me what I had to do with the case and why I was involved with such an organization. I replied that this was because an innocent person was made a scapegoat and was killed in an 'encounter'.

There after, the Civil Liberties Monitoring Committee called up a press conference in support of the people who had been illegally kept in police custody and had been tortured without any substantial evidence. I too put forward my own experiences. After that press conference, I got numerous calls stating that I was being called up by the senior officer for some important conversations. I replied that I was a student therefore I would not be able to come. After that for some days I did not get any calls. In July two more bomb blasts took place in Hyderabad at Buddha Jayanti Park and Gokul Chat Bhandar on August 25, 2007. During that time I was in Delhi attending a seminar at Hamdard College.



When I returned to Hyderabad on September, 2007 and reached Yakupura Railway station, I informed my family and asked some one to pick me up from the railway station. I was waiting there for some body from my house. Meanwhile, three police men came and said that some senior police official was calling me and they put me forcefully in the jeep. After traveling for approximately an hour we reached to a place called as Purana Pul in Hyderabad. There, a cloth was tied upon my eyes and my face was covered with a black cloth after which we moved on. When I asked them where they were taking me, they laughed and said that you would be totally exposed and they would enjoy that. I was taken into an isolated building and there was a haunting silence. I could hear only voices of police officers interrogating accused and screams from a distant. I was taken to a room. My limbs were tied with a rope. I was completely stripped and two men sat on my shoulders. I was also hit on my feet soles with a rubber belt. If I ever cried out the name of Allah, I would be beaten even more severely and would be asked to stop saying that. I was asked why I went to the press conference, why I was working with Latif Mohammed Khan a lawyer and other human rights activists. They asserted that the Police were like god there and could do any thing to anybody. I was given electric shock at the private parts and lips. This happened continuously for some days. As a result blood started passing out with the urine and could not even sit properly. After I complained about it, I was given antibiotics and injections etc. Beatings and torture stopped for one day. When I could sit I was mentally harassed. On September 8, 2007 I was produced in Secunderabad court, before a magistrate. I was charged under many sections, 120(b), 125, and 126 IPC. From there, I was sent to jail for 3 months. Physical torture in the jail and treatment were going parallel.

The State Human Rights Commission constituted a committee to check the medical condition of accused in the jail and some forensic experts were sent by them. I was checked properly by them. Even after that police continued to deny charges of illegal detention and third degree torture. When I recovered from my illness and injuries, I was sent a notice ordering me to undergo a Narco test and had to sign it. I was informed that my lawyer was standing outside and the papers were sent by him to be submitted on my behalf before the court. I signed those papers without giving it a second thought. A month after that I was taken to Bangalore. On the way to Bangalore attempts were made to brain wash us and we were continuously asked if we knew who was responsible for the blasts. I was there for 10 days. I underwent Narco test and a Polygraph test along with five others, in which we were asked the similar questions. All the tests had been conducted but they revealed no evidence that could be used to implicate us. We were then taken to the Sessions court but did not receive the bail. After five months, bail was granted by the High Court.

I was a final year student. When I came back and went to resume my studies, I was asked by the college authorities to get permission from the University. When I went to university to seek permission, I got a negative response from university administration as well. I went to court and filled a petition to seek permission to resume college. I was granted permission. Our final exams were scheduled to take place in one month i.e. April. I submitted the fees for examinations but did not receive a hall ticket. When I enquired into the reason why I was not sent a hall ticket, I was told that because many criminal cases were pending against me so I was not eligible to take exams. That way



my entire year was ruined. I felt both mentally and physical frustrated. Those students who used to study with me are now interning as house surgeons. I would like to request all of you put pressure on government to catch the real culprits behind the blasts. All the people who were caught by police and underwent illegal detentions were one hand tortured by the police and on the other hand the media had been instrumental in ruining their social relations.

Iqbal Begum, Hyderabad

I am Iqbal begum from Hyderabad. My son Farhan alias Sayed Nadeemullah Hussaini was a motor mechanic. There is a Mosque near my house. Some months before the arrest of my son, some Hindus started the practice of placing an idol of Ganesha outside the Mosque. The people who used to visit the mosque to offer Namaaz objected to it, because of which there was a heated debate between the Hindus and the Muslims of the area. Soon, people from both sides started pelting stones and chappals. One day, a few people came to my son's workshop and took some petrol without paying for it. My son was also beaten up by them and they also filed an FIR against my son at the police station, alleging that my son had beaten up their child. In the middle of the night, at 3:00 AM the police came to our house and took away my child. I asked them where they were taking him. They replied that they were taking him along because they wanted to find out where the other boys lived. My son was missing for three to four days after that, which is when we informed a newspaper. He was then presented in a police station, and later put in remand for 14 days at Chanchalguda. I got my son released on bail. I told my son that if we continued to stay in the same area, we would always be caught in the middle of the conflicts between Hindu and Muslim boys. Therefore, we moved to Shaheen Nagar. At about two in the night, 8-10 plain clothed policemen came to my house in Shaheen Nagar and arrested all three of my sons. My sons were allowed to call me over the phone only once, when they had been taken to Chanchalguda jail. Two of my sons were released while one was held back. The next morning, I went to the Police Commissioner as well as to a lawyer. I was told that my son had been held back for interrogation and would be released soon after. He was released at about 5 or 6 pm. However, afterwards he was regularly followed to his work by a man in a car. One day, at about 10.00 pm, while Sayed Nadeemullah was returning home after locking up his garage, he was abducted and taken away in the car. It has been two years and six months since that day and we still have no information about him. A month later, his father died of brain hemorrhage. I went to the DCP and even to the Commissioner, but no one heard my plea and I was not offered any help. I too, have a heart problem and do not keep too well. This helpless mother's only hope is her son. Sayed Nadeemullah Hussaini alias Farhan, has been missing for two years and six months. We have no one to help us. Allah is my only hope, I pray to Allah to help us, to give us patience and strength. Had a minister or any other officer faced such a tragedy, they would have received help and protection from the police. Is this because they are considered more important? An officer is after all just someone's son. I too am a mother. Our children are being tortured; innocent children are being framed for baseless charges. My heart cries in pain to see all this. I am not the only one. I have heard here, many other mothers are facing similar circumstances. I pray to Allah to give hope and patience to all such families. If a loved one dies, one can console oneself, but if they go missing like this, then



how does one find solace? I am grateful to all of you for your trying to help us. I pray to Allah to give you success, good health, strength and happiness. If you wish to help me, I only ask you to find my son. His father passed away in the grief of having lost his son. I have two other sons but I worry day and night that they will be taken away too. I wait for my son each day. I am not keeping well either, I can barely move in and out of the house.

Raifuddin, Hyderabad

I am Raifuddin, from Hyderabad. I am here to present my elder brother Maulana Nasiruddin's case. I have been fighting the legal battle in his case for the last ten years.

Maulana Nasiruddin was a member of the Jamaat-i-Islami in Hyderabad. He was involved in many philanthropic, social activities and used to give religious discourses. His fight with the police began with the demolition of the Babri Masjid. If one would have known Maulana Nasiruddin personally and not simply through brash newspaper headlines, then one would know that he has never been involved in any wrong or illegal activities.

For the last thirty four years he had been working in partnership with a Non-Muslim, N. Anand Kumar, who never had even a single complaint against Nasiruddin. No body in the locality had any unresolved issues with him and every body looked up to him with respect.

After the demolition of the Babri Masjid, to register his protest he alone offered the Namaaz on the side of the road. The police apparently considered it such a serious legal offence that he was booked under TADA and was sent to Musheerabad jail. We fought a long battle with the state to repeal TADA. Though the TADA case against him was repealed, but the police here did not leave him alone. They would constantly call him to the police station under some pretext or the other and would interrogate him as if he were a criminal.

Maulana Nasiruddin had never gone against the law. Yet, he was taken into police custody for hatching a conspiracy to blast a Ganesh Temple in Hyderabad. He would sit at the corner of the streets and preach the true meaning of religion and ideas of spirituality that Islam prescribes in our interaction with others. Such an honest and well intentioned man was framed for bombing the Ganesh Temple. After that he was ordered to give attendance at the police station like a criminal or a thug. One day when he had gone to mark attendance at DGP office, Gujarat police was already present there and it secretly tried to take him away along with them. Many young men gathered there on getting that news and protested such a way of arresting him. But police fired in air to disperse them and one young man named Mujahid Salim died there.

Since that day Nasiruddin is in jail in Ahmedabad. Even in jail his work and his conduct has won him many fans. Till date the police have found no evidence, recovered no suspicious articles or found any evidence that Nasiruddin underwent any kind of training for allegedly planting the bomb. Yet he has been charged in four cases. In a 221 page charge sheet prepared by the police against him, it was written that Nasiruddin instigated and beckoned young men to follow jihadi path, that he was anti-America and prayed for Osama bin Laden! Those kind of fictitious baseless charges were slapped on



him. I am certain that the respected members of the jury understand, how and what is happening in this country when such allegations are slapped by the police.

Yet, when an appeal for his bail was filled, mentioning that how groundless were the allegations, neither the special court to hear POTA cases heard his plea nor the Gujarat High Court granted him bail. Similarly, when we appealed in the Supreme Court, there also his plea was rejected on the basis of the police allegations. I do not understand the kind of world we live in now; I don't understand what kind of legal system this is. But the injustice does not end here. Two of Nasiruddin's sons were also arrested. Only one of his sons' remained free. I wonder what kind of fate he will have to suffer.

We celebrate Independence Day every year, but in our hearts, do our values, our principles really free? We claim to believe in certain values but act in completely opposite ways. Those who are in power have not been just with us. When we do not receive justice anywhere, wonder what kind of a future is in hold for the country? But we have some hope from people like you, members of this jury. We feel assured that there are some people who are fighting for our rights, who will defeat this unjust system. What we will need in this fight is persistence.

Maulana was the breadwinner and was like the cornerstone holding the family together. He worked relentlessly to provide a better life to his family. Once he was arrested, the entire family fell apart. People have even stopped greeting us, out of fear of the police. They have stopped inviting us to their house out of fear that the police may follow us. We are honest people who have been socially boycotted. If the innocent people like us who were never involved in any illegal or anti-nationalistic activities would be continuously endured with the harassment then it would not be good for the civil society of this nation.

Mohammed Raisuddin, Sayidabad, Hyderabad

My name is Mohammed Raisuddin. I live in Sayidabad a place in Hyderabad. The incident that I am about to narrate, took place in October, 2004, in the DGP office in Nampalli. Maulana Nasiruddin, a resident of Hyderabad, who had been released from police custody on bail, had gone to the DGP office to register his attendance. Officers from the Gujarat Police came there and tried to take him away. Coincidentally, my friend Mujahid Salim and I were present there at that time. We told the officers that they could not take Maulana Nasiruddin away in that manner; that was anti-lawful. To this, the officer replied that we had no business to teach them law. While saying that, the officer took his gun out and fired at us. Mujahid received two bullets in his chest. I rushed him to the hospital but he was declared dead there. For us, that was the end of that entire episode. It took me some time to come out of all that happened on that day.

I used to work as a salesperson in a jewelry store. The police came there and asked me to come along as they wanted to ask a few questions regarding Mujahid's case. However, the first question they asked was whether I knew who was responsible for the Mecca Masjid blasts that took place on May 18, 2007. I asked them, that if they had called me there regarding Mujahid's case, then why they were asking me questions about the Mecca Masjid blasts. They replied that I would have to answer



any question that they would ask me and about anything. They then continued to ask me similar questions, regarding what I did, where I lived and whether I knew who was responsible for the Mecca Masjid blasts. Like me, many other young Muslim men, had been called to the police station for interrogation regarding those blasts.

Last that year i.e. in June, 2007 there was an advertisement in the newspaper, by Civil Liberties group, which said that all those who were being harassed by the police, on the pretext of 'interrogation' in various bomb blasts, were invited for a meeting cum-press conference on the issue at the Press Club, Hyderabad. I had gone for that meeting. There I shared some of my own personal experiences.

Two months later, on August 31, 2007, when I was returning from work at Secunderabad Musaddil Jewelers, some Task Force Personnel forced me into an auto and took me away illegally. At Usmanpura Jheel, Secuderabad I was put into an unregistered Tata Sumo, and then was taken to Saifabad Police Station. My face was covered by a piece of cloth there and I was taken to an unidentified farmhouse. The entire night I was subjected to physical and mental torture. They asked me why I had gone for the meeting at the press club. They also asked me what help I had expected to receive from the media. They just kept on saying things to scare and intimidate me. One of them said, "We should book these Muslims in cases as soon as they are taken in." While another asserted, "We should not even bother to get these Muslims to the police station, they should be shot dead just on the spot." For eight days, I was constantly made to hear these bitter and horrifying comments. I was also given electric shocks on my ears, my private parts, and right above my kidneys, on my legs and on almost every part of my body. When I cried in pain and pleaded before them to stop it, they said that they had pressure on them from their seniors, the IB and the SP, to make arrests as soon as possible and hence we were being tortured either to name somebody or to get self confessions for the crime. Again, they repeated the same questions; who was responsible for the blasts and how had they been carried out.

At times, they would tie two logs of wood together, then, two to three officers would sit on it, while it was rolled over my stomach. We (accused in detention) were only allowed an hour of sleep at night. This was done to all others who had been brought to the farmhouse for interrogation. After eight days of detention, I was produced in court before the Magistrate. The Magistrate, straight away issued orders of judicial remand without even hearing my position. I was sent to Cherlapalli jail. I was shown the remand order later in the jail. At that time, I found out that I had been booked under acts - 120, 120B and 121 of section 198 of the IPC. In my case diary, the police have stated that I had been planning a conspiracy against the state, along with 15-20 other people, sitting in the graveyard. They also mentioned that they had seized jihadi literature and CD's (compact discs) containing jihadi teachings from us. Like me, eighteen others had been detained in jail for six months in that case. During that time, I was also made to take a Narco test. Six months later, I was released on conditional bail and even today, I have to go to the police station to mark my attendance on every alternate day.

Besides that, as I have already mentioned about the incident that took place in the DGP office in



2004, in which my friend Mujahid Salim was shot dead; I was also booked in that case and shown as absconding. That case is still pending in the court. The police tried to discourage me saying that it was useless to approach media and press conferences are all bogus. They even threatened to shoot me in a staged encounter. I tried to explain to them that I had nothing to do with those cases and was not involved in it in any way and that they were harassing me for no apparent reasons. They simply refused to listen to any of my arguments. All they wanted from me was to back out as a prime witness in Mujahid's case, against the Gujarat police. They were torturing me in the name of investigation to silent me about Mujahid's murder by the Gujarat police.

Mujahid's case has not progressed so far. I am a witness in that case, but the police on their part have now put an accusation on me as well, that I had launched an attack on the DGP office. In their records, they have written that I am absconding. I have no idea when they might take out a warrant against me in that case, and put me in custody once again, and finally would put me through another Narco test.

Justice Bhargava

As I understand it, you did not lodge an FIR when Mujahid was shot dead outside the DGP office. However, did you approach any other body/organization regarding this incident?

Mohammed Raisuddin

We reported this incident to the Human Rights Commission, with the help of Civil Liberties. Around two or three months ago, on behalf of all of us who had been released on bail, we requested the City Civil Court for compensation.

Justice Bhargava

Did anyone receive any kind of compensation?

Mohammed Raisuddin

None of us received any compensation so far. That case too, like others, is still lying unattended.

Justice Bhargava

Where is your case, with the NHRC or the State Human Rights Commission?

Mohammed Raisuddin

Yes. We registered it in the NHRC.

With the help of Lateef Mohammed Khan, Teesta Setalvad and Harsh Mandar, we have made a claim for damages, in the Civil Court, amounting to Rs. 20 lakh for each individual, on behalf of all those young men who were detained and tortured in police custody. We want this compensation not from the government, but from the police officers responsible. From those who tortured us, who grabbed us by our beards, beat us, and put us through electric shocks. We want them to have to sell their own houses in order to give us our compensation. We have even submitted a list of those twenty police



officers. We have presented all these cases to the State Human Rights Commission as well. We have registered a Habeas Corpus case at the High Court. The High Court heard our case, they agreed that this was a Habeas Corpus case and adjudicated that we should take it to a 'proper' court. We have no idea what the High Court means by 'proper' court.

After I was released from Jail, a few CBI officials came to me. Once again, they accused me of being involved in some case. I pleaded with them that the AP police had already accused me in a case, took me for Narco test and booked me under section 198 of the IPC. I could not understand why, then, had the CBI come to frame me once again. They told me that they had come based on the information given to them by the police, about the previous Narco test. They asked me to come with them for another test, for which I they took me to Delhi. This time, I was made to take a polygraph test at the CBI headquarters. After the test, they informed me that the AP police had misled them and that I was not guilty. They even dropped me back home.

Misulruba, Hyderabad

I am Misulruba, from Hyderabad. I am Mohatsin's sister. I am here to present Mohatsin's as well as my case.

I teach a Madarssa, Jamiat-ul-banath run by my father, Maulana Islahi. My family comprises of my parents, five sisters and a brother. My eldest brother, Mujahid Salim was killed by Gujarat Police in October, 2004 at the DGP office, Hyderabad

The situation in Hyderabad exacerbated post Mecca Masjid bomb blasts on May 17, 2007. Feelings of fear and suspicion prevailed all over. Everybody was under the impression that the police would pick up anyone any time. Everyday news papers carried the reports and names of those who were arrested or picked up by the police. We also heard that the police had prepared a long list of the persons whom they were planning to arrest. Another series of bomb blasts took place at Lumbini Park and Gokul Chat on August 25, 2007. The Police made lots of arrests at that time showing its alacrity. But all of those were illegal arrest without issuing any arrest warrants. Those who were in police custody were put through enormous torture and pain as is evident from their testimonies. All those brutalities committed by the police were making their way to news papers.

On March 5, 2008 Mohatsin was suddenly whisked and picked up by some men, who came in a Tata Sumo; while he was standing in front of the house. Nobody, in the house was intimated about his arrest. Later, onlookers told us that he was picked up by masked some men who lifted Mohatsin in their arms and put him in Tata Sumo. Those who saw it happening started screaming. Upon hearing the screams we also came out of the house. Everyone in the locality was worried over Mohatsin's abduction and they were suspecting the hand of the police in it. Every body knew that the police had a list of persons whom they intended to arrest. Soon after, people from the locality came to our house and demonstrated their solidarity and it was decided that we would lodge a complaint and protest. Afterwards a delegation from the locality and our house consisting of men and women along with their children went to the Sayidabad police station. That delegation consists of people



from all age groups i.e. from the age of 70 years to small children. Finally, when we reached the police station, but no police men was willing to talk to us. They were feigning ignorance about the incident and kept on asking who Mohatsin was. They were cooking up fake stories to mislead us like he himself might have gone some where. Later, one police official said that Mohatsin was absconding and that he was booked under so and so cases. We said that if that was the case how was it possible that he was abducted from the house in a Tata Sumo. We gave them the number of the Tata Sumo which picked him up on the same day and asked them to register the FIR and initiate their investigation. On that, the police rather than lodging FIR they tried to evade the matter. But when we stood up by our demands, however, then the police tried to intimidate us by threatening to arrest us.

The Police forced all men into the lock up and misbehaved with the women. The lights of the police station were switched off. Acting out of self protection the women picked up the chairs in the police station and started screaming. This continued for some time. Later, all the women were forced into the police jeeps and were taken to Chanchalguda Police Station for Women, accompanied by women police officials. We were 29 women and some even had their children. That night all of us were forced to stay in a small place without food, water. In the group there was a diabetic patient and a heart patient also. That was a terrible night for us. The next day in the morning some senior police officer came in and took our finger prints and photographs. When that was over, it was already afternoon, sun was very bright and we were made to sit in police jeeps for long hours. Finally, we were produced before the city magistrate on March 6, 2008 where even media personnel were not allowed. There some women complained about the injuries they received in the police custody. The Magistrate sent two women and seven teenage girls to the hospital for a check up. On that day check up could not be done because doctor was not available. Then police went to the Magistrate to seek new orders for the check up. Hence, in this way their check up could be completed in five days for which I totally blame insincerity of the police. For five days those girls and two women were regularly taken to Gandhi hospital under police custody. And during that time they were continuously mentally harassed by the police. They were kept in custody for five days by the police, after which they were released.

All other women were sent to Chanchalguda jail for women. One woman had a daughter of two months whom the police took away. The child was kept outside the cell while mother was kept inside. The woman was crying for her child but police personnel were insensitive. The child too kept crying for the entire night for her mother. It was only next day when that case was brought before the Magistrate that the mother and the child were united. Therefore, similar incidents to harass psychologically continued for a week. After seven days, rests of the women were released on bail.

The Police alleged that we had attacked the police station and a case had been reported against us. Now this is something to take a note of, why would the women go with children and some older women to attack police station. We were booked under sections – 333, 143, 148, 448, 546 of IPC.

The supporters of Raj Thackeray are responsible for so much of devastation but none of them have been charged for any illegal activity. They even carry arms in open along with them. We went to the



police station for help; instead we were put behind the bars. We used the objects inside the police station in self defence and not to attack the police personnel. I think that police should also be questioned why women were maltreated and what they wanted to prove by arresting women. The charges registered against us in the FIR were bailable but later on they were converted into unbailable charges. We had to go to the police station every single day for a month to mark our attendance.

My bother was kept in jail for three months. He is now out on bail. He is the only brother we sisters are left with. Mohatsin was just 21, and was studying in 3rd year of Engineering at Deccan College of Engineering, Hyderabad when he was picked up by the police.

Mohatsin was produced before the court and booked under sections 120(b), 122, 124(a), 125 and 126 of IPC. Before his arrest he was also charged under the case of Murder with section 307 of IPC of my elder brother Mujahid Salim. Police implicated Mohatsin in that case out of revenge, because we filled a case in the court against the guilty officers. After keeping him in jail for three months he was released on bail.

Maulana Islahi, Hyderabad

I am Maulana Islahi from Hyderabad. I run a Madarssa named Jamiat-ul-banath, Sayidabad, Hyderabad.

Four years ago i.e. in October 2004, the Gujarat Police shot and killed my son, Mujahid Salim. We left the matter in the hands of Allah. Even the death of a dog on the side of the road, elicits some sort of investigation. However, my young and healthy son was shot dead, and neither the protectors of justice, nor the law enforcers of this country took any notice of it, or even conducted any enquiry about those responsible for the crime. In fact, six or seven people, friends who were present there at that time were booked in some case and by now many people have been arrested by the police in that case. This is where the situation gets bizarre; the number of people, who the police arrested for that case, increased from a few to sixty-four, a list in which my other son - Mohatsin, my wife and my daughter - Misulruba are also included. There are no children in my family, young or old, who have not been booked in some case or the other. What I find strange is that my son Mohatsin has been booked in seven cases. They arrested him on March 5, 2008 in such a manner as if an eagle would seize its prey. Since then, it has been a long struggle. When his mother and sister, as well as some other women from our locality, went to the police station, they too were arrested and put behind bars for a week. We had to shell out lot of money to get all the women out on bail. Approximately, Rs. 4.5 Lakh was raised with the help of friends and relatives for the bail of those women.

This is not a matter of one or two families. About fifty to hundred people have been killed, many others have been stuffed in jail, but this is not the only cause of concern. The real issue, the main issue is that of the nation itself. No nation or community can sustain after perpetuating such injustice and heinous atrocities against its citizens or members.

The 'intellectuals' and those in decision-making positions in the state must reflect on whether the



country is heading towards self-destruction. To save our country, it is important that those who are conscious and concerned must try to put an end to such violence and atrocities. This is not about me, or my family or some five or six households. This concerns the entire nation.

Abdul Rashid Rehmobhai Doodhwala, Baroda

I am Abdul Rashid Rehmobhai Doodhwala from Baroda, Gujarat. I am a dealer of bicycles and have a shop of selling bicycles. It is my family business also.

A brother of mine, three nephews and a relative were put in jail under PASA (prevention of anti-social activities), despite the matter being baseless.

On March 17, 2008, a young biker who was driving fast, in the narrow road of market hit a child of 8 years in the market area. When the shopkeepers nearby saw that, they came running and started advising that biker to drive safely because the incident could have turned into be a big mishap. Due to that, the atmosphere around there started heating up. Then, ACP Damodar Sahib arrived and he tried to intervene and cool down the people by dispersing them. But two cooperators Nitin Kachya Patel and Bhupen Kachya Patel, started intervening into the matter. They were BJP activists and misbehaved with ACP Damodar due to which ACP slapped Nitin Kachya Patel. Afterwards they went to Ahmedabad to get ACP Damodar transferred from there, which could not be done inspired of political approach they had. Gradually that matter started taking up a communal color.

I had my cycle shop in which my brother and nephews assisted me. On 19 March 2008, DCP KD Pandya came to my shop on the pretext of purchasing a bicycle but kept on asking about various persons by showing their photographs. Same day, later on, some BJP activists from nearby areas gathered in front of my shop and incited the neighbouring people and demanded for our arrest, stating that we were involved in anti social activities.

Later, we got to know that the police and cooperators had a meeting and the result was the arrests of five people i.e. my bother, three nephews and a relative. Though they were released on March 20, 2008 but on March 26, 2008 they were arrested again and eventually, booked under PASA.

Then, they were in Jail and all of them were sent to different jails. Abdul was sent to Porbandar jail, Shabbri to Amreli, Nizzamudin to Junagarh, Abdul Khadar to Bhavnagar and Riyaaaz was sent to jail at Jaam Nagar. They were they released, after 47 days.

Bibi Khatoon, Gujarat

I am Bibi Khatoon from Godhara district, Gujarat. But my village Rahmat Nagar is actually 4 km away from Godhara. I have three sons named, Shamsheer Khan, 34 yrs. (has two sons); Siddique Khan, 23 yrs. (has one daughter); and Nasir Khan, 18 yrs. (Unmarried)

On February 27, 2002 Sabarmati Express was incinerated, about which I did not have any clue. On the same day, in evening, the police came in plain clothes to our area. There was anxiety, fear among the residents and they were rushing here and there to hide themselves from the police because the



police could caught any body on mere suspicion and then they would be bearing immense tortures in the police custody. One neighbour of my came to me and said, “Khalajaan, even your son will be picked up by the police”. Then police came to my house, at about 5:30 PM and took away my children. I kept on asking why they were taking my children, what sin they had committed, but no one paid any heed to the tears of this mother. I was only told that with in some hours they would be released. Eleven other people were also arrested from Rahmat Nagar on that day. They have been in jail for the past 7 years. Police was in plain clothes.

One day, someone came to our house and said that my children had been arrested under POTA. I asked him what POTA was. He did not know either. My husband was in the market at the time and he got to now about POTA from someone in the market. When he came back to home, he found me fainted. From that day on, he was with me for four more years, after which he passed away.

My children were tortured in jail. We used to visit our children in jail. One day, my eldest son asked me to bring food for them. On my next visit I took a Tiffin box for them, but the police officer threw it away, scattering the entire meal on the floor. My son asked again for food and some clothes. Once again, the police officer did not allow me to deliver the food to my sons. They did not however, raise any objections to the clothes.

Later, two of my younger sons were moved some where else but my eldest son remained in the same jail. We were not informed where they had been moved to. We kept on searching for them. After 15 days, when I met my eldest son, he told me that even he did not know where the other two had been taken. Two days later my eldest son was also moved. For three months we had no information about them. One day I received a letter from my eldest son in which it was mentioned that they were in Sabarmati Central Jail in Ahemadabad. In his letter, he asked us to visit them in jail and also to bring some clothes for them. My husband and I, along with the wives and children of my sons, went to visit them in jail. My youngest son was still unmarried.

I do not have any idea that in what cases they are being booked. They never told me about any torture, perhaps fearing of that I would not be able to bear it because I remain sick. The only thing I know about the case is that now a petition is pending in Supreme Court.

I beg the jury members to do something to get rid off the false charges put on my sons under POTA. Once POTA is repealed, all the innocent people who are in jail, have suffered lot of physical and mental torture and whose lives have almost been ruined in jail, will finally be able to breathe a sigh of relief.

I have been forced by my circumstances to start begging on the streets and my two daughter-in-laws work as domestic help in order to keep our house running. Both of them get total of Rs. 300 per month. When my grand children demand for any thing I always find my self in dilemma and guilt because I can not fulfill even small demands of theirs which could bring smile on their lips. We do not even have enough money to hire a lawyer for my children.

Once POTA is repealed, mothers will get their children back and wives will get their husbands back in



Godhara. It is very difficult to stay alive like this. I request you all distinguished people to help us in this matter.

Mohammed Habib, Ahmedabad

I am Kalim Ahmed Karimi's father, Mohammed Habib from Ahmedabad, Gujarat. I am here to present his case. My family comprises of my wife, four daughters and three sons including Kalim. When Kalim was taken into police custody, he was of 29 years, was married and has two children. He had a shop to repair radio.

On April 3, 2003, Kalim went to a medical store to get some medicine, at around 11:00 AM. But he did not return till night. At around 10:00 in the night, some crime branch officials barged into the home and asked where Kalim was. I replied that he did not return since he had gone to bring medicine in the day time. On that note they said that they wanted to take me and my younger son Mohammed Yakub to the police station to interrogate about Kalim. I appealed them to interrogate at home but they did not listen. Instead, they said that they would drop us at home after interrogation. Eventually, we were taken to crime branch office at Gaekwad Haveli, Jamalpur.

There at crime branch office both of us were asked questions regarding family in detail for about two hours. After that interrogation session, I was shown the written statement of the information we provided to them and we were asked to sign it which we did. Afterwards, they said that because it was very late in the night so they would drop us at home in the morning. However, that ordeal and mental torture did not stop there and we had to hang about at the crime branch office till April 9, 2003. Though, we were not physically tortured but we were continuously enduring mental torture. On April 9, 2003 before letting us free we both were asked to sign four blank papers each. When I refused to sign the papers and asked them that what assurance they could give me that no tempering would be done with those papers in future. On that a senior police officer Mr. Vaghela asked whether we wanted to go to home or not. I even said that it was both illegal and illogical act to get sign on blank papers; but to no avail as the police was adamant to get the signatures. We were in mental distress and we desperately wanted to go to home therefore, finally we signed those papers.

When I came back, still we were clueless about Kalim. We tried to search for him but could not get any air of him. We all in the family were so apprehensive and after getting that treatment at the hands of the police, we could not muster the courage to report his missing to the police. Later, on April 27, 2003, to our shock news came out in TV and news papers that a terrorist involved in Tiffin bomb blast case that took place in AMTS bus on June, 2002 had been caught from Hyderabad. He was then, brought to Ahmedabad On April 29, 2003, Kalim was produced before the Sessions Court, Ahmedabad for the first time and from there he was sent in police remand. After 10-12 days he was again produced before the court and then he was sent in judicial custody.

When I went to visit him in Ahmedabad Central jail there he told me that he was picked up from the street by the crime branch official on April 3, 2003 and was then kept in illegal detention for 26 days. One day in between he was taken to Hyderabad from Gujarat and on April 27, 2003 he was declared



as terrorist before media in Hyderabad, alleging that he was responsible for the Tiffin bomb blasts case. Police also stated that he was actually caught from Hyderabad and that police version is factually incorrect.

Kalim was implicated under three cases and was trialed under POTA. Those three cases were 1) AMTS bus Tiffin Box bomb blasts case, June, 2002; 2); Haren Pandya (then Home Minister of Gujarat) Murder case on March 27, 2003; 3) ISI Agent case. In the first two cases he had been held guilty and court issued orders on May 12, 2006 and June 25, 2007 respectively. He was sentenced for 10 years and 14 years of imprisonment respectively in those two cases. While the case of ISI agent is still under trial. A special court had been constituted in the jail premises to hear the cases which were brought with in the paradigm of POTA.

In 2005, Tiffin box case was repealed in the High Court. From January, 2008 its hearings started in the court. When 70% of the hearing was completed bench was changed. Now, recently in August 2008 a new bench was constituted to hear the case.

In June, 2009, a bench chaired by High Court Justice Mr. Bhagvati Prasad and Mr. JC Upadhyay was constituted to hear Haren Pandya Murder Case. When 90% of the arguments were placed in the case from the defense side, bench thereafter, denied proceeding with the matter without assigning any reasons.

Mohammed Yasin, Ahmedabad

My name is Mohammed Yasin, from Ahmedabad, Gujarat. Mohammed Hanif Abdul Razak Sheikh is my elder brother. I am here to present his case. He had a business of manufacturing carry bags and tiffin boxes before arrest in March, 2003 and I was in the final year of B.Com.

My brother had been sentenced to ten years imprisonment in the AMTS Bus Tiffin Bomb Blast Case no. 12, by the Sessions Court. He had also been booked in a terrorism case under POTA, case no. 78, trial of which is still pending.

The crime branch police officials took my brother and me from our house at about 3:00 AM on March 27, 2003. The police told our family members that they were to interrogate us and that they would release us the next day. However, after taking us to the crime branch office, Gaekwad Haveli, they separated me from my brother and then beat us separately for almost two and a half hours. In the morning, they put my brother and me together. The police officers then started debating that who between us-my elder brother or I – they should implicate in a case. To this, a Police officer Ashok Singhal said that they should implicate my elder brother, as he was the only earning member in our family. My brother had a manufacturing business that made hand bags and school bags. The officer said that they could state in the records that he used to manufacture tiffin boxes, and that it would work as an evidence to book him in the Tiffin Bomb Case. The police detained us illegally for 12 days without producing us before the court. We were regularly physically tortured by the police. The police used to blackmail my brother; he was harassed to agree to whatever they asked of him, otherwise they threatened that I too would be booked in the same case. My brother kept on asking



the officers always that on what basis the police was accusing us and for what we were being punished; they always replied, "Do as we say or else you and your brother will rot in jail." My brother was beaten and tortured into complying with their orders. He agreed to do as they said so that I would be freed from detention. They released me after the twelve days of detention.

On April 9, 2003 my brother was produced in the court, before the Metropolitan Magistrate. He was granted fifteen days of police remand. During that time, they subjected him to excessive torture, perhaps even greater than third degree. They would strip my brother completely, lower down him into a tank full of water and would then give him electric shocks on the sensitive parts of the body. They told him to admit that he had made the Tiffin bombs, or else his body might succumb to severe torture.

After the 15 days of police remand my brother was produced again before the court. The Magistrate, Ranik Shah, already had a statement under the section 164 of IPC that my brother was asked to sign. My brother however, refused to sign the statement arguing that he had not committed any crime. The magistrate then turned to the police officers, who were present there, and said that perhaps they had not beaten my brother severely enough, which is why he was not acting as instructed. He asked the police to take my brother back for another day, subject him to extreme torture to teach him a lesson and force a self-confession out of him. As instructed, my brother was brutally tortured all night and could therefore not resist any longer. He finally succumbed and signed that statement under the section 164 of IPC in the court the next day. Based on that statement, the court sentenced my brother to ten years of imprisonment on May 15, 2005.

My brother is married and has four children. We re-appealed the tiffin bomb case in the High Court and the appeal was accepted by the court in January, 2007. The case however is still pending in the High Court. We did not have a hearing in our case as the court had been postponing the date. It seems that even the High Court Judge did not want our appeal to come through.

Meanwhile, my mother expired on Jan 4, 2007 and on May 13, 2008, my brother's wife also died due to a skin disease. I have one niece and three nephews. Even during those two big tragedies in the family, he was not granted bail. My niece has been unwell for the past two months and she has been diagnosed with a particular type of tuberculosis. I appealed to the court to grant my brother temporary bail so that he could be with his daughter during her illness. However, the insensitive court refused to grant even that, let alone regular bail. When my sister-in-law passed away at 4:00 AM in the morning on May 13, 2008, at 8:00 AM in the morning I went to try to get permission for temporary bail of my brother. After waiting the entire day, they finally granted him the bail, but only between 7 PM to 8:10 PM.

It hurts that the children have been denied of the care and love of both of the parents. Mother is no more and the father is in jail for the past six year, there is no clue when he will be out of jail to hold his children in his arms. Sometimes I think that not only Mohammed Hanif had been sentenced but his all four children also had been punished and they are growing up with this mental suffering. Apathy of the courts and government is clearly visible because the courts are not entertaining his case and



he has not been granted the bail on the most sensitive times. His arrest ruined our lives, our business was gone and the family came down to footpath. Till date we have not been able to soothe our wounds.

All I request of you is to put pressure on the government to grant my brother bail at least.

Abdul Malik Mohammed Yasin, Malegaon, Maharashtra

I am Abdul Malik Mohammed Yasin from Malegaon. I am treasurer of Jamat-e-Ulema, Hind, Malegaon. I am also secretary of Power Loom Action Committee of Malegaon.

I want to put before the jury that the riots which took place in year 2001 were not Hindu – Muslim communal riots. There is an organization in Mumbai which boycotts American goods and is working in Malegaon as well. They had prepared a leaflet emphasizing that Indians should only purchase and use goods made in India. Therefore, to propagate their ideas; youngsters associated with that organization were standing outside Jama Masjid to distribute leaflets on the day when Jumma Namaaz was being offered. A van of the State Reserve Police (SRP) was also present outside the Masjid and when the SRP personnel saw the distribution of leaflets, they tried to snatch away the material from those youngsters. In that tussle, many leaflets got torn. The Namaazis who were coming out of the Masjid tried to calm the two groups down, but the police started firing in between. As a result, 9 Muslims died on the spot and a women standing in the balcony of her house was also shot dead. The incident was presented as if it were a Hindu-Muslim riot. Due to that episode tension spread to approximately sixty nearby rural or semi-urban areas and in various incidents some 28 mosques were burnt and a Shiv Sena leader Mr. Parmukh Sonone was killed. Later, a judicial commission called as Patil Commission was constituted in which 135 witness from the rural areas submitted their statements. For one and half year that commission conducted enquiry, but its report never saw the light of the day.

After the riots, some other people and myself tried to ease the tension between Hindus and Muslims in the whole Nasik district while also closely observing the functioning of the government. I helped the victims of the riots who were poor and those who were left with no support system. The Government did not lend a helping hand to the victims while we built houses as well as mosques for them.

Later, the situation in Malegaon became unsafe, owing to which many young men were charged with smuggling arms and ammunitions in Aurangabad Arms Smuggling case of May 9, 2006. Many youngsters from Aurangabad and Parbhani were also arrested in the same case. Despite all that adverse situations we dared to ask the Maharashtra Government how that consignment of foreign arms and ammunitions worth crores of rupees managed to reach India, when there are government agencies safeguarding water and air territory of India. Since then legal battle is going on.

A series of bomb blasts took place at the graveyard and market on 8 September, 2006 in Malegaon in which 35 people died. When Sonia Gandhi, Vilasrao Deshmukh and RR Patil from Maharashtra, visited the victims of the Malegaon bomb blasts, I told them that the Home Minister of India was



responsible for those bomb blasts because all internal security agencies and the police were monitored by the Home Ministry. I also said that our country was a place where Hindu-Muslims had always lived together. The city of Malegaon was a place where weavers from all across India came and settled down, thus establishing it as the city of weavers, I told them. It is worth mention that it was the weavers as a community irrespective of their religion who first initiated the struggle against the British rule. I too, belong to one such family which fought against the British rule.

Today, India is an independent and free country and is on the path of rapid development; therefore any kind of rift or tension between the different communities of India is regressive. In 1950, the province of the Nizaam was just 60 km. away from Malegaon. When Indian forces moved against the Nizaam, hundreds of families moved from there and settled down in Malegaon and the near by areas. Malegaon is a place where weavers from Coimbatore, Bihar, Ahmedabad and UP, came and settled down. I am emphasizing this because the Muslims who decided to stay back in India after Independence were always against the Jinnah's idea of a theocratic state. And today the same Muslims and their families are being demonized.

Now let me narrate to you a strange incident. Once the SP of Malegaon came to my office and said that it were the Muslims i.e. Ahle-hadees group who were involved in the bomb blasts. That sent us an alarm and we, different sects of Muslims, decided that this was a battle we would have to fight alone and we would carry out our own survey to find out the truth. It would be futile to hope for anything from the police and the ATS. Afterwards our group from Jamat-e-Ulema met Sonia Gandhi, LK Advani and Mahesh Bhatt. Mr. Advani advised us not to ask for a CBI inquiry in the bomb blast case, as according to him, that would spoil the case. Even Sharad Pawar suggested that the CBI is not an organization worth to trust. We did not follow their advice and asked for a CBI inquiry.

Respected Jury, I want to attract your attention to this very fact as well that an American who lived in Bombay, was arrested initially on the basis of an email he sent in regard to the bomb blasts which took place in Ahmedabad; he was released and allowed to move out of the country without his passport being confiscated while an Indian citizen would get unimaginable torture at the hands of police.

In the end I thank the organizers for giving the victims an opportunity to share and express their sufferings.

Iftekhar Zaki, Manjalgaon, Maharashtra

I am Iftekhar Zaki from Manjalgaon, district Beed, Maharashtra. I am a social worker and uncle of Afroz Khan. I am here to present his case. Before his arrest he was the sole earning member of the family. He had a medical store at Beed.

On June 7, 2006, ATS went to Afroz's house at Manjalgaon and asked about him. At that time, Afroz was not at home. He had gone to his in-law's place at Burhanpur, Madhya Pradesh. Therefore, ATS was informed that he had gone out of Manjalgaon. Yet, the police did not pay heed to any talk and frisked the entire house. ATS official only said that they wanted to interrogate Afroz, without letting



us know their real intentions of implicating Afroz in the case of keeping illegal arms. Then they took away Afroz's brother Feroz along with them and warned that they would leave him only when Afroz himself would surrender before the police. They kept Feroz in their custody for that entire night. Strangely enough, the police was not even in the uniform but in plain clothes. It also made us suspicious that whether they really the police personnel or not. The family was in distress over that issue. Afterwards we discussed the issue with some lawyers and on June 8, 2006 filled a Habeas Corpus petition in the Session's Court. Then on June 9, 2006 though Feroz was released, but at that moment police again threatened us of dire consequences if we would fail to produce Afroz as soon as possible. At that we were dreaded for Afroz that he would not be encountered somewhere by ATS. Finally we called Afroz and after discussing the details with the lawyer Mr. Shahid Azmi, it was decided that Afroz should surrender. Later on, he surrendered before the MCOCA Special Court, Greater Bombay on June 13, 2006. Subsequently, the court ordered a remand in Police Custody for him and he was handed over to ATS. There in the custody of ATS he was subjected to brutal torture. He lastly, he gave up and confessed the ATS version in Aurangabad Arms Smuggling Case, that took place on May 9, 2006. It was the version that described an incident vis-à-vis, he had no clue. After that he was sent to judicial remand.

When his charge-sheet was issued, a plea for his bail was moved in the MCOCA Special Court. But, Magistrate Mridula Bhatkar rejected that plea.

His wife who was pregnant at the time of his arrest, she delivered a child who is suffering from a heart disorder since birth. Baby was admitted in Wockhart Hospital, Mulund, Mumbai, where it died. Yet, Afroz was not granted the bail.

Now, Afroz is in the Jail. A petition to revoke MACOCA had been moved in the Supreme Court. Also, the Supreme Court has issued stay order on further trial off the Aurangabad Arms Smuggling Case.

Ataur Rehman Sheikh, Mumbai

I am Ataur Rehman Sheikh, aged 61 years from Bombay. I am a retired machinist. I reside at Thane with my wife, two grand children and daughter-in-law.

My eldest son Faisal Sheikh was not staying with me for the last five years before his arrest. My youngest son Muzammil, shifted to Bangalore to join a software firm in the same month. While, another son Rahil Ataur Rehman Sheikh went to London seven months before our arrest, where he started working for a software firm.

My house was raided on July 20, 2006 by the Anti Terrorism Squad at around 9:30 PM; the squad was accompanied by officers who claimed to be part of the Anti Terrorism Squad. They frisked our house and took three computers unlawfully and whisked me away to an unknown destination.

For several days I was kept in illegal custody. I was then formally shown to be arrested on July 27, 2006 and an FIR was lodged against him. I was produced before the court and remanded to ATS custody. I stayed in ATS custody till October 9, 2006. Later on, I was transferred to judicial custody.



Afterwards, I was brought face to face with my children: Faisal Aatur Rehman Sheikh and Muzammil Aatur Rehman Sheikh. The police claimed that they have arrested them in regard to some terrorist case. Later, I got to know that they were actually implicated in the case of Mumbai Local Train Bomb Blast by the police as conspirators and master minds. Mumbai Local Train Bomb Blast took place on July 11, 2006.

Faisal told me that he was picked up from his apartment in Bandra on July 19, 2006, by the crime branch Unit-II and was detained illegally for days before handing over to the ATS on July 27, 2006. While Muzammil was taken into custody by the Crime Branch Unit –II officials on July 22, 2006 and was detained illegally for days before handing over to the ATS on July 27, 2006. He was taken into custody from his office in Bangalore and that was the 18th day of his job. The police claimed to have recovered maps of Mumbai and computer CD's from the accused Muzammil and Faisal respectively. Faisal was also accused to be the commander of Lashkar-e-Taiba and one who planted and implemented the blasts.

I, my wife, daughter and daughter-in-law were paraded before my arrested sons. We were abused and foul mouthed at by the police officers continuously. For all these days I was kept in illegal detention and also beaten up by the police before my sons, similarly my sons were beaten up before me. The women of the family who were called by the ATS daily were asked to drop their burqah (hijaab) before my arrested sons and my sons were humiliated in front of the women folk by hurling abuses at them. I can identify the police officer who did this to me and my children at the ATS office.

I was released after some days of illegal detention and was again called on August 11, 2006 at the ATS office in Kurla and again detained there for seven days. After two or three days my daughter-in-law were also called there after receiving threat that otherwise they will implicate the entire family in the case.

On the first day of my detention: I was made to sit throughout the day without allowing me to move about even for using the toilet. The second day: they took me before my sons who were handcuffed in the adjoining room at the Kurla ATS office and beat me and my sons before each other. The third day: I was again taken before my sons, who were handcuffed in the adjoining room, here one officer who had a receding hairline almost bald from front and black bearded, whom I can identify, beat me up and threatened me that the women in my family are outside and they will be stripped naked if I do not remove my clothes before my children and other police officers. Some other arrested accused were also brought there and I was stripped naked and paraded before them. My children pleaded and I too pleaded, but in vain. They continued to torture me and my children and humiliating us by using abusive language and words. The same day, my daughter-in-law was called and she was asked to drop her burqah before us at the same place, my children and me cried, so did my daughter-in-law but to no avail. They persisted and forced it. Once, I was taken to a different room and was beaten up. I was asked to call up my son Raahil and force him to return to India.

I was threatened not to engage any lawyers for my sons or I too would be implicated in that case. I was also told that whatever the family had endured should not be disclosed to anyone or any lawyer



otherwise the entire family would be implicated in the case.

On August 20, 2006 at 8.00pm in the night I was released from Kurla office of ATS and by the time I reached home it was 10.00pm. Before being left I was told to maintain silence about all that has happened to me and my children. Out of fear and reluctance of incurring the wrath of the police, I and my family were afraid but seeing no respite out of this torture and troubles inflicted upon us by the police we decided to approach for legal advice.

I would like to give a small time line of what happened thereafter:

- By September 25, 2006 all the thirteen accused were arrested under MCOCA.
- In October, 2006, 11 out of 13 accused gave their confessions.
- On October 30, 2006 ATS claimed to have fully solved the case.
- On November 11, 2006 the police got the sanction from the government to initiate the trail against all the accused.
- On November 30, 2006 the police filled a charge-sheet of more than 10, 000 pages in the Mumbai Train Bomb Blast Case.
- The confession was retracted in the MCOCA court.

All the accused were subjected to third degree torture and 11 out of 13 accused could not endure the torture, therefore, finally they agreed to the fabricated version of the police. Under MCOCA (the act applied on 7/11accused), a confession given in police custody can be used as evidence to convict against an accused. Therefore, torture becomes the ideal tool for the police.

Faisal is in Ratnagiri Jail and Muzammil is in Nagpur Jail. Earlier they were in Arthur Road Jail. On June 28, 2008, the accused in the 7/11 blasts, Aurangabad Arms haul case, and Malegaon case were illegally transferred by the jail authorities in Arthur Road. The accused (total 38) were brutally assaulted with batons, lathis and stones and bundled into vans and sent across to far flung districts of the State. None of the injured was given any medical aid or medicines. Some of the accused suffered multiple fractures that were visible even after 22 days after the incident as well. (The High Court ordered a medical check up after 22 days, and fractures were visible in many accused). The reason for this assault was that the accused were being pressurised by ATS officers who frequented the jail (illegally, without having any authority) to become approvers in the case. When the accused refused to agree to their demands, they were warned of dire consequences. Keeping in with that revenge plan, they accused were brutally beaten in the jail.

Now a stay order has been issued on the trail of Mumbai Local Train Bomb Blasts, Malegaon Bomb Blasts and Aurangabad Arms Smuggling cases by the honourable Supreme Court, till the investigation is completed in all the cases. In another instruction by the Mumbai High Court issued orders of judicial inquiry into the matter of beating of the accused in the Arthur Jail. Later on, the charges against the authorities were proven correct. The High Court ruled that the jail authorities



acted with vested interest and assaulted the accused. It also ordered a departmental inquiry against the jailors.

Note: Last year, in October 2008, the Mumbai Crime Branch made a startling revelation claiming that they had nabbed the 'real' culprits behind the 7/11 bomb blasts. The Crime Branch produced a confession from Sadiq Shaikh (alleged co-founder of the Indian Mujahideen) where he confessed to have conducted the 7/11 blasts with his group of IM members. All the names that Sadiq mentioned in his confession were encountered or arrested from the Batla House encounter.

The revelation sent shock waves across the entire judiciary and Mumbai's police force. It was now clear that the ATS had nabbed 13 innocent persons and forcefully thrown them behind bars on a charge they did not commit. The ATS quickly filed a statement in court and washed its hands clear of Sadiq, claiming that he was lying in the confession.

Maqdoomi Iqbal Ahmed, Maharashtra

I am Maqdoomi Iqbal Ahmed, from Malegaon and father of accused no. 5, case no. 23/6 named Dr. Farooq Anwar in Malegaon bomb blasts. I am retired deputy headmaster of a High school, Malegaon. I have four sons and three daughters. Dr. Farooq is my eldest child.

My son was a very busy practitioner. His dispensary was always full of patients. He was called at police station at 12:00 midnight from hospital on November 6, 2006 in regard to Malegaon bomb blasts. While, I was called at police station at 1:30 AM in the night and was told that Farooq was arrested by Bombay ATS in Malegaon bomb blasts case. That information was given to me in written on a small paper. When I tried to enquire further into the matter I was just told that I should contact Kala Chowki Police Station for further information.

From November 6, 2006 to December 20, 2006, twice he was sent for Narco test. During illegal detention he was tortured to become approver in Malegaon bomb blast case which he refused to become. He simply said that he would always be with the truth. On December 20, 2006 he was for the first time presented before the court and blood was dripping from near the ears because his ears were pulled so hard that they bled. He was also given electric shocks on lips. Even now he feels pain in lips due to those electric shocks. When I asked him about that he told me in low voice in the court that last day he was again taken for Narco test but it could not be found out in records. He was repeatedly hurt on the ears during Narco test and Dr. Malti who was authorized to conduct the test repeatedly pressurized to repeat the police version of confession. But he never confessed. On December 20, 2006 at 2:00 PM charge sheet was submitted against him under MCOCA. Meanwhile, in local police station of Malegaon charges were imposed under many sections of IPC apart from under MCOCA as a conspirator.

All the sects or Muslim organizations had demanded for the CBI inquiry. Every body in Malegaon knew that all the youngsters who were picked up by the police in case of bomb blasts had nothing to do with the conspiracy of bomb blasts. After a lot of protest by the people of Malegaon in regard to baseless arrests and illegal detentions, government approved the CBI inquiry on December 21, 2006.



In the charge sheet it is mentioned that on September 7, 2006 at 5:00 PM Dr. Farooq had a meeting with all the alleged conspirators. Whereas, the fact is that he was in his dispensary at that time and on that day had attended to 40-45 patients. After dispensary, he checked the accounts of his readymade garments business. On that day he attended patients till late in the night. As he was so much busy with his work how could then the same man could be at two places and cook up the conspiracy. It is also written in the charge sheet that on September 8, 2006 on the day of bomb blasts he again held the meeting at 8:30 AM while actually till 10:30 AM in the morning he was in his dispensary and had attended to 16 patients. After that he took bath and went to drop his wife at her parent's home. Then he went to Mosque to offer Jumma Namaaz. When he came out of Masjid he heard the blasts of bombs in graveyard. He immediately rushed home worrying about my safety because routinely I used to go to graveyard. When he came home and saw me he was relieved. He then told me about bomb blasts that took place in the graveyard of Masjid. Lots of people were injured and everybody in the city was rushing. Farhan hospital was full with the victims of bomb blasts. Farooq also went to the hospital to treat the victims.

A combined petition had been filled before the State Human Rights Commission on the behalf of all accused and their families in relation to forced confessions during Narco test. When Farooq consistently complained about pain in the ears and chest, then on the orders of court, jailer sent him to JJ hospital for treatment. On May 17, 2007 he had again requested to see ENT specialist but in spite of having court order jailer did not show him. This way whole month passed in pain and suffering.

Most of the accused in the Malegaon bomb blasts were literate, hence had some knowledge of law. Hence, they kept on filling applications about one or in the other matter. All that annoyed the jail authorities so it was decided to keep all of them in different jails. And when all of them were about to be moved the police personnel in the jail surrounded them and abused them on the name of Islam and being Muslims and all were beaten as well in Arthur Jail, Bombay. Farooq was then transferred to Ratnagiri Jail.

Some Advocates of Malegaon had formed a fact finding team and they studied and collected the evidences in regard to the whole incident of bomb blasts. Its report had been submitted to the government. I request the panel here to help us in getting rid of those baseless charges..

Aquil Ahmed Khatib, Beed, Maharashtra

I am Aquil Ahmed Khatib, from Tehsil Parlivaijenath, district Beed, Maharashtra. I am father of Imran Khatib, an accused in Aurangabad Arms Smuggling case. I am a primary school teacher. My family comprises of my wife and my five sons. Imran did his post graduation in Computer Sciences from Aurangabad. He was of 22 years at the time of arrest.

On May 30, 2006, my wife, my in-laws, one of my nephews Zubair, my eldest son Imran Khatib and I were going to Hyderabad as Imran had to take entrance exam for Oracle coaching at Hyderabad. A local Police Inspector, Kamatkar, came to Parli Railway Station and said that he wanted to take



Imran to the local Police Station to ask a few questions. He assured us that it would take just 10 minutes. I said that I would not leave Imran alone and persuaded them to take me along as well. Therefore, they took both of us and Zubair as well in the police vehicle along with 5-7 police officers. To our shock, they did not take us to the local police station but to Sirsala Police Station in Aurangabad, where they put both of us in the lock up. Two hours later, some local Crime Branch officials from the SP office in Beed, came and took us in their official jeep to Aurangabad. We reached Aurangabad at about 5:30 pm in the evening. Until that time, the police did not even ask us for water, let alone food or tea. A while later some ATS officers also arrived. The officers were Kishan Shenghal, Khandarkar and a third officer whose name I do not remember now. From there, they took us to a rest house. They interrogated Imran and then sent his photograph through his email ID to the ATS email address. They then told me that they were taking Imran along with them, for further investigation. This was around 6:30-6:45 PM. They released me at Aurangabad from where I came back home the next morning. On May 31, 2006, we received a phone call at home from the Kala Chowki Police Station, Mumbai, by a Senior Police Officer named Vasant Kajne at Kala Chowki Police Station. He said that my son was innocent and that they simply wanted to check his passport and mobile to confirm this. He promised to let my son free after checking his passport and mobile, unless they found any incriminating evidence. I left for Mumbai the same evening and took my son's mobile, his passport and another family member's mobile along with me. I handed all that over to Vasant Kajne on June 1, 2008. After checking all of them, he informed me that on the basis of his investigation my son could not be booked for anything and therefore they would free him from detention. I was asked to wait for some time. However, once the officer returned, he told me that he had received orders from higher authorities that they could not let Imran free and that he was under compulsion to obey these orders. Between, June 1, 2006 to June 7, 2006, everyday we went to the ATS Kala Chowki Police Station to meet Imran. At times, they permitted us to meet him and on many other occasions, they did not.

On June 8, 2006, my son and another accused, Mohammed Viquar from Manjilegaon, were produced before special sessions court, Greater Bombay which was constituted to hear MCOCA cases. Magistrate Mridula Bhatkar is hearing Imran's case. In the records of the police it was stated Mohammed Viquar, along with his mobile phone had been in police custody since June 4, 2008, while my son was had been in police custody since May 31, 2008. On June 1, 2008, I myself handed over Imran's mobile to the police officer Vasant Kajne. Yet, in the charge sheet, it had been entered that Imran and Mohammed Viquar conversed for 40 seconds on mobile on June 7, 2008. It is shocking that such inconsequential details were entered in the charge sheet.

It was only then, that I learnt that they had implicated my son in the Arms Smuggling Case of Aurangabad on May 9, 2008. The charge sheet filed in the case, shows that the ATS officer, Kishan Shenghal, had been investigating the Nanded Bomb Blast Case that took place in the night of April 4-5, 2006. Apparently, one day, while returning from his investigation in the case, he got information about the smuggling of arms in the area. Therefore, on May 9, 2008, the police stopped a vehicle near Ghrineshwar Temple, Ellora, which was a part of a group that was on its way to a wedding



celebration. Seeing the police, most people started running away. However, with the help of some passers by, Kishan Shenghal, Deshmukh and another officer, managed to catch a man named Aamir Shakil, who was then put in police custody. The police did not do the spot Panchamma of the vehicle that they had seized. In its version though, the police stated that this was because the area was secluded and there was no one in the vicinity to act as a witness. That night, a constable named Bhabal, alone, drove the vehicle to a police station in Ellora, 8-10 km away from the site where they had seized it. The Panchamma of that vehicle was prepared at the Ellora Police Station and at that time, according to the police register, it apparently contained arms and ammunition (approximately 40 kg RDX). I find it strange that such a large quantity of arms was being smuggled and no body in the Indian Intelligence Agencies could get any information about it, whereas Kishan Shenghal, a police officer, could.

On June 4, 2008, my son once was taken to an isolated place near the hills of Khandala and was asked to sign a blank paper. He refused. The police official then said, "OK fine, you just run away from here, fast." He refused to run away because the guards had been given orders to shoot him as soon as he attempted to do so. He was physically tortured there for some time. He told me all that when I went to visit him. He was in tears and was completely broken due to the fear of being killed by the police one day.

As I told you that I had handed Imran's passport to Vasant Kajne. Passport was not mentioned in the charge-sheet submitted against Imran, hence I asked Vasant Ajne, for returning his passport, but he kept postponing the matter. When I insisted, he replied that some day I might find it lying next to a corpse.

We also filed an affidavit in the court, challenging the MCOCA. The appeal was rejected in the High Court. The bail petition filed in court was also rejected on the ground that Akif Zafarullah one of the co-accused from Aurangabad had mentioned in his confession, that my son and he had shared a conversation about Ahle-hadees. The ATS asserted that this was a banned organization. I filed a petition, on behalf of Imran, challenging this assertion and stating instead that the Ahle-hadees was not a banned organization, but a school of Islam. However, the court did not entertain my petition and asserted that Ahle-hadees was in fact a banned organization. Afterwards I filed an RTI with the Home Ministry, asking whether Ahle-hadees was a banned organization. I got a reply that it was not. I have a copy of that reply with me and I can produce it before the jury.

My son is still in magistrate custody remand. All the co-accused had been put in a high security jail earlier, but were later moved to a general cell. On June 28, 2008, on the orders of the jailer, Swati Sathe, 39 accused of various bomb blasts were brutally beaten for one and a half hours. That was reported in many newspapers. Some of them even lost consciousness. Four or five of them were brutally injured; some even fractured their limbs. Those who became unconscious were put in an ambulance but were not given proper medical treatment.

When I tried to meet Imran after that incident, I was not allowed to meet him. They told me that they had moved him to Kolhapur Jail. When I went to Kolhapur Jail, the authorities there asked for a letter



from the local police authorities that I was related to Imran. When I put my request to the police authorities, they in turn said that I should have brought a letter from the jailer in-charge at Kolhapur Jail. Then, I filed a request before the court, and the judgment of the court in that regard is still awaited. All that took two and half month time. In between, I could meet Imran only once, when I had gone for the hearing of a case that had been filled against the jailer by the parents of accused, Swati Sathe in July 2008; there my son had been brought for a statement before the judicial magistrate. That day, I got a chance to hug him and I noticed that he had a fractured arm.

This is all what I have to say. Thank you for hearing me and I hope this tribunal would be able of some help.

Note : Approximately one month after the trial court issued orders that an ID proof was enough to let any body meet the accused, therefore, Aquil Ahmed Khatib was allowed to meet Imran Khatib in the Kohlapur jail. When the Malegaon bomb blast case's investigation was restarted, then the Supreme Court issued stay orders on further trials in the cases of Mumbai local train bomb blasts, Malegaon blast case and Aurangabad arms smuggling; therefore, no significant development took place in that case in the past one year.

Maulana Abdul Karim, Maharashtra

I am Maulana Abdul Karim, from Malegaon Maharashtra. I am heading one organization named Jamat-e-qaumi Manjilesura comprising of people from various professional backgrounds and Islamic sects. I am also in the business of power loom. My factory makes saris and ready made garments.

Many people have testified here and I was listening to them. I too feel compelled to put my views regarding what happened before the Malegaon bomb blasts. Malegaon is a Muslim dominated area with 75 % population being Muslim while 25% population follows other religious practices. For quite a few years Malegaon had gained a bad reputation for communal riots. Around nine such incidents to spread communal hatred had happened before the bomb blasts in September, 2006, and approximately sixty three Muslims got killed in police firing in those clashes. There are hills named Ankai hills in between Manmard and Malegaon. Exact 40 days before Malegaon bomb blasts, a drama was planned by the police in a very organized manner of confiscating RDX and ammunitions from Ankai Hills. We have an evidence to prove that it was an organized drama, because a reporter of local TV channel named Sahara was called at police station and he was told that the police had to take into custody some RDX and ammunitions which was lying somewhere in Ankai Hills. That reporter was asked to shoot all that with his camera. But when they reached there, they did not find anything over there or probably they reached 10 minutes earlier according to that reporter. Later they went to a nearby dhaba and had a tea. After half an hour when they went back to the same site they found a bag of RDX, some pistols and ammunition, told by the reporter. Therefore, with that instance, it became evident to me that the police and administration were behind the Malegaon bomb blasts. In that incident some 9 persons were arrested from Malegaon and Aurangabad.



The second incident happened at Azad Nagar. There's one shop in Azad Nagar named Abdullah electric shop; ATS Personnel from Mumbai went there at 12:00 mid night and broke the lock. Though the owner of the shop had his residence just besides the shop and keys of the shop could have been asked for. Hundreds of people gathered outside the shop. Yet ATS personnel got into the shop without informing the owner and took out two boxes of tubes which were very light in weight. When people asked that why ATS personnel were taking those boxes out, as those boxes had nothing illegitimate? They rather gave the clarification and insisted that those boxes contained some dangerous weapons including five AK 47 riffles which were then put into the police vehicle with an ease of just one hand by the ATS personnel. Now as far as I am aware, one AK 47 rifle weighs approximately 9 kg and 100 grams and 5 rifles make the weight approx. 45 Kg and 500 grams. And those boxes also contained 10 Kg of RDX as well. And those two boxes were slim boxes which could not bear such kind of burden. These are some of the instances which raise questions on role of the police and other security agencies. It reflects that just four days before the bomb blasts an atmosphere of fear was created by the police agencies so as to make Malegaon a vulnerable place in the eyes of its own residents also because the majority population is Muslims.

Six days before the blasts i.e. on September 2, 2006, 195 Kg RDX was found at the home of Shankar Shilge from Ahmednagar but that made very little news in the newspapers of Malegaon, Mumbai and Nasik. But if contrary had happened and a Muslim had been found to have even 100 gm of RDX, media would have made it the main cover story. Shankar Shilge used to buy waste and useless implements from the army cantonment. He was arrested by the police and confiscated the RDX from him. On September 9, 2006 he committed suicide in the police custody, which indicated involvement of the police in the entire matter.

On September 3, 2007 just three days before the bomb blasts a meeting was called at Malegaon Kabristan which was attended by Malegaon SP, Additional SP, Nasik SP and Maulana Imam the trustee of Kabristan. Nasik SP in that meeting warned that, that year's Shab-e-barat might be under some threat. Hence the police agencies decided that all the vehicles should be allowed to be parked outside 150 meters of the ceremony, he said. Not even cycles or fruit vendors and perfume sellers would be allowed to enter into that area, he emphasized. Hence, every thing was planned accordingly and all the newspapers carried that news on September 4, 2006. Any layman could sense after going through those news that it was going to be different Shab-e-barat.

Just 2 days before the blasts on September 6, 2006 Maharashtra was converted into an army cantonment on the occasion of Ganpati Utsav. In Malegaon only 500 pandals were erected and 2 constables were deployed on duty round the clock. Every pandal was also provided with metal detector. Day of September 7, 2006 passed by peacefully. On September 8, 2006, the day of Shab-e-barat, after the Namaaz of afternoon, bombs blasted in the Kabristan. Now, this has to be noted that the people were in an illusion that the Kabristan was gaurded by the police all the time but the truth was otherwise because no police personnel was on duty on that day. That proved that the police of Malegaon was hand in gloves with the conspirators. To save the lives of fellow police personnel or officers, the police department called them back at 12:30 PM in the afternoon from the Kabristan.



Some reconstruction of the road near the Kabristan was going on; even the labour employed there was given off two hours prior to the bomb blast. Report submitted by Suresh Khairnar Sahib stated that the police personnel were not deployed at Kabristan on that day but police register shows that the police was there.

One and a half hours before the bomb blasts at approx. 12:30 PM a youth named Azhar met a cycle-wallah on whose cycle bomb was implanted. That cycle had been fitted with an iron box on the rear end and Azhar because, he was in business of selling perfumes asked the cycle-wallah, from where he got that box made. Cycle-wallah told him that he got the box from where he purchased the cycle.

Anyhow, the manner in which Malegaon bomb blasts took place, senior police officials are also under suspicion for their role. Negligence and apathy of the Police department towards the security of Muslim majority areas was also evident from the fact that the DG Police Mr. Pasricha was in Delhi on the day of bomb blasts. Therefore, when he was questioned by the media in that regard he said that it was not significant matter because it was the result of infighting between the different sects of Islam and Ahle-Hadees was responsible for that. RDX was also used in the bomb blasts, he told media persons. That news was the front page news of Times of India and it was later on presented to DG Police by us. Immediately after that, all of us formed a delegation and along with Maulana Abdul Hamid went to meet DG Police at Mumbai. We argued the DG Police, that they had barely initiated their investigation then, how could he being in such a responsible position make such reckless statements. We also asked him if he had any intention of initiating tensions between Muslims by naming Ahle-hadees. Then next day his apology was published in the Times of India.

Looking into all the incidents before and after the bomb blasts we also decided to meet the Chief Minister. We demanded from the Chief Minister that even the senior police officials should undergo Narco Test for the role they played in Malegaon Bomb blasts. Now I request you all human rights activists to force the government to make impartial enquiry into the matter to provide justice to the families which lost their members.

The compensation which had been paid to the affected families was also very low from Rs. 25,000 to 1 Lakh, while otherwise at least 7-8 Lakhs are granted per head in case of death. In Malegaon bomb blasts 12 persons died and 316 were injured. Such a compensation package could never give relief. I hope from the tribunal to help us in this regard.

Salma, Maharashtra

I am Salma wife of Maulana Mohammed Zahid from village Phulsangi near Pusad, Maharashtra. I am here to present his case. My husband was an Imam at Bada Masjid in the village. He used to teach Quran-e-paak to children in the Masjid.

For the past two years my husband is in jail. But I do not have any information that when he will be released. He was tortured severely in the jail; he told us when I and my mother visited him in jail. I was married to him one year before his arrest. I am staying with my mother and one sister now as I



remain sick most of the time. I do not have father. And there is no one in my family to look into the case.

I would like my mother to talk further about the case because I am not keeping well these days.

Nisaben, Maharashtra

I am Nisaben, from Maharashtra. Mohammed Zahid is my son-in-law.

On the day of Shab-e-qadar bomb blasts had taken place in Malegaon. Zahid had gone to the Bada Masjid for Shab-e-qadar Namaaz, after which he returned home to his wife. About 2-3 hours later, he heard the news about the Malegaon Blasts. He however carried on with his work, of preparations for Shab-e-qadar at the Bada Masjid like cleaning of Masjid etc. he returned home at 9:00 in the night after all preparations of Shab-e-qadar.

Nasik ATS came to Zahid's home on the 8th of Islamic month Shawaal. He was not at home; hence they had been waiting for the return of Zahid. When Zahid came and greeted them, they caught Zahid from arms and legs. Few personnel even started entering into the house. At that Zahid said his wife was inside. Later Salma wife of Maulana Mohammed Zahid was asked to come out with head covered up. ATS personnel told her that they were taking him along with them. He was not allowed even once to talk to his wife. Malegaon is at a distance of 550 km from our village. Do you think it is possible, for a person to travel this distance on a cycle, plant a bomb and yet return on the same day? It has been two years since then and we have almost no information about his case.

We travel a long distance, with great difficulty in order to visit him, but the police did not allow us to do even that. They put him through a lot of pain and suffering. We too, had been made to suffer a great deal. Everyday a police car would come to our home, officers would scream and shout at us, and force us to give false confessions. Even small children were asked to give confessions. Everything from flour to mud, every small article, was taken from his house, but they found no implicating evidence. It has been two years and they have neither freed him, nor do they allow us to meet him.

I work as a domestic help, while at the same time, look after two daughters; my daughter (Zahid's wife) is also living with me. It is very difficult for me to travel such a long distance, only to be refused permission to meet my son-in-law. I am torn between the longing to meet my son-in-law and the immense burdens and responsibilities of running my household. We feel helpless in the face of such oppression and sufferings that were being inflicted upon us. We have nowhere to seek justice.

My husband is no more; I have no sons, only two daughters. Who do we turn to for help? I am afraid our sufferings might drive us to the brink of madness. Zahid is an honest and decent man, 450 people testified to his in his case. Students from the Madarssa where he used to teach also testified to this.

Jamil, Malegaon, Maharashtra

I would like to point out, once again, that Zahid who has been accused in the Malegaon blasts, used to live 500km away in Yavatmal. In fact, he had not even been to Malegaon for six months before his



arrest. He was an Imam of Masjid and used go to the Mosque five times a day to read Namaaz. He did the same on the day of the blasts. How, then, can a person be in two places- Malegaon and Yavatmal- at once?

People from his village submitted around 200 affidavits, testifying that Zahid had read the Namaaz at the Mosque, on the day of the blasts. I was able to meet him a few times, when I had gone to court in regard to my brother, Shabbir Masiullah's, case. Zahid mostly remains silent and keeps to himself. I don't think he shares his difficulties with anyone. He is a self-respecting person and refused to even accept clothes or other such help from me. He has been beaten and tortured in jail. He does not have an advocate, to protest in court on his behalf, against such treatment. After his arrest in November, a lawyer named Siddique represented him in a few hearings.

Nusarat Hussain Khan, Hyderabad

I am Nusarat Hussain Khan, from Hyderabad. I am here on the behalf of my nephew, Mohammed Muzaffar Mohammed Tanvir, who is from Aurangabad, Maharashtra. There is nobody at his house to follow up on his case therefore I am presenting his case before the tribunal. Also I am keeping the track of all the legal documents and his case. . He was arrested in regard to the Aurangabad Arms Smuggling case of May 9, 2006 and since then he had been booked under MCOCA. The ATS had allegedly seized some arms and ammunition on May 9, 2006.

On May 9, 2006, my nephew Muzaffar and his cousin Aamir Shakil had gone to attend a marriage at some place near Manmard in a Tata Sumo. On the way back to Aurangabad the police stopped the car in the middle of the way and seeing the police everybody in the car started running but police managed to arrest Aamir Shakil, cousin and neighbour. Muzaffar was however not in the car, because, he moved from the function earlier and came back to Aurangabad by bus at night. The same night, the police went to Muzaffar's house and enquired about him. The police was told then that he was at his aunt's (a family friend) house. Police went there and arrested him while he was having meals. The police asked him to come along to the local police station for enquiry because Aamir had been arrested on the way back to Aurangabad for keeping arms and ammunition illegally. Even when Muzaffar did not return along with Aamir in the same car, he was taken to the police station in the name of conducting enquiry.

After arresting Muzaffar, the local police handed him over to the ATS, and he was taken to Mumbai, the next morning. Muzaffar along with other accused, was produced before the Special Court to look into MCOCA cases on May 11, 2006 and almost immediately it was all over in the news that a dreaded terrorists with many AK 47's and 30 kg RDX had been arrested in the Aurangabad Arms Smuggling Case. He was sent to police remand for fourteen days which was later on extended to four months. After four months, charge-sheet was filled. Then he was taken into Judicial Custody, in which he is till date.

Our lawyer, Shahid Azmi, filed an application for his bail, which was rejected because he was charged under MCOCA. We then went to the High Court, where again, his plea for bail was rejected. We also



thought of going to the Supreme Court, but it is very expensive. A petition has been filed to revoke MCOCA in the Supreme Court, the hearing of which is on August 26, 2008. If MCOCA is revoked, then all the accused who are being tried under MCOCA will hopefully get bail. More than 20 young Muslims men have been accused in the Aurangabad Arms Smuggling Case. These young men even consist of engineers, doctors and other well educated Muslim boys along with people from the working and labor class. Essentially, everyone is extremely disturbed by the MCOCA.

The police said that a car full of arms and ammunition was seized on May 9, 2006 during which all the accused were arrested. Police had tortured him immensely in the jail to get the confessional statements which stands to be enough evidence for the conviction of any accused under MCOCA.

Muzaffar is coming from a humble economic background. He lost his father long back. He was in the third year of B.Com. He did not have any other concerns apart from earning a square meal for his family. Yet he was caught by the police. He has two younger sibling one sister and a brother to take care, along with mother, who is diabetic and a heart patient. His one sister is married. Before his arrest he was running a cutlery shop of his father and had a shop of selling SIM connections of various telecom companies. Every fortnight his mother had to visit doctor for check up.

Earlier his mother used to visit him at Author Road Jail, Bombay. But on June 28, 2008, 39 accused from Malegaon Blast, Mumbai Tran Blasts and Aurangabad Arms Smuggling were beaten up on the orders of jailer Swati Sathe. Later on, he along with other co-accused was shifted to Kolhapur about which family was not informed.

That is all I have to say. I wish if help can be provided in filling the case in Supreme Court. I am grateful to the organizers for giving us a platform to share our grief.

Note : Supreme Court issued a stay order on the trials of the Aurangabad Arms Smuggling case. It was emphasized that self-confessions were forming the base of maximum trials and no proper investigation had taken place in regard to the case. However, Muzaffar's bail application has still to be entertained in the Special MCOCA Court. Family of Muzaffar, is willing to take his case to the Apex court, but is struggling to manage the fees of the lawyer. He was the sole earning member of the family, and his family is hoping against the hope that soon he will be along with them. Though, the fact is that no development is taking place in his case.

Shahid Azmi - the lawyer was shot dead at his office on February 11, 2010. Shahid was the only lawyer who had the maximum cases showing that the police were fabricating evidence

Azil Parvaz, Madhya Pradesh

I am Azil Parvaz, from Unhel, district Ujjain, Madhya Pradesh. Two of my brothers had been arrested. The eldest one, Amil Parvaz, is in Indore jail while the youngest, Gadil Parvaz, is in a jail near Unhel. Amil was a SIMI member before it was banned in 2001, related to which he had already been fighting a case since 1999. On March 24, 2008 he had gone for the hearing of the same case, but did not return home. After 2-3 days we read in a newspaper that Amil Parvaz as well as Safdar Nagori,



Qamruddin Nagori, Kamran, Shibli etc. had been arrested by the police from Gulzar colony, Indore, where they had planned a secret meeting. They were then produced before the court at Dhar as a case was filed at the Dhar police station. However, the case should have been filed at any police station in Indore as they had been arrested from Indore. The police asked for remand and the court gave orders for 15 days remand. For the first seven days of remand, they were not even allowed to sleep; the interrogation would go on all night and they were given brutal physical torture. Amil was booked under section 122, 124, and 153(a) and in 25 and 27 sections of Arms Act. Apart from that he was also charged under 310 and 314 of Unlawful Activities. Then they were sent for a Narco test but we i.e. his family, were absolutely unaware of the developments in the case. The newspaper was the only medium for us to get any information about him.

In the mean time, on March 30, 2008 my youngest brother Gadil Parvaz was arrested from home, in the middle of the night, at 3:00 AM. I was at home at that time. Sanjeev Sinha, the SP of Unhel and the police inspector UP Singh of Unhel police-station, came along with such a large force to arrest Gadil as if he were a wild criminal. They climbed the terrace of the house, pelted stones and knocked wildly at the door. When we were a bit late in opening the door they barged in to the house forcefully. They started shouting Gadil's name, and then they arrested him. They asked me my name, where I was living and what I was doing. I replied, "I am Ajil Parvaz, a farmer and I live here." They also inspected the house took away our books; my mobile was also taken and was later produced in court as Gadil's. Gadil was produced before Nagda court and was sent in remand for seven days. He was beaten brutally by UP Singh while on remand. Apart from Gadil, his four friends were also arrested. One was picked from his home and the police started beating him at home itself. It was alleged that Gadil was running a terrorist training camp on his fields and the others had been assisting him and Amil Parvaz was teaching them to shoot and that in the month of Ramzaan a big camp was supposed to be organized, in which twenty terrorists would have supposedly participated. When the police went to the fields to investigate the matter; to look for bullet marks, pits where arms and ammunition were supposed to be kept, they could not find even one. But the police got it published in the local newspapers that there was a training camp in Unhel for training terrorists.

My elder brother Amil Parvaz was also charged for his alleged involvement in a conspiracy to take revenge for the Gujarat riots by blowing up top leaders of the BJP like Uma Bharti, Lal Krishan Advani, and Murali Manohar Joshi. It was alleged that he also had one training centre in Chaural (a jungle area) as well, therefore a case was registered against Amil Parvaz, Safdar Nagori, Qamruddin Nagori stating that, arms, ammunitions and some Urdu literature was seized from them. When all three of them i.e. Amil Parvaz, Safdar Nagori, Qamruddin Nagori said that if such illegal things had been found then why were they not allowed to identify them. In response, the IB officials said that the matter had been exposed so much in the media that it made it difficult for the investigating agencies to detach themselves from the case and hence they had to remain in captivity. At the same time, during the remand period, Gadil was given electric shocks on his private parts, and was beaten up by UP Singh till he fainted. He was told that he was pro-Pakistan, and that if he had to live in India he would have to recite the Vande-Maatram. Another boy named Ayaz, who was arrested along with



Gadil, his whole beard was uprooted during physical torture. They were then taken to Ujjain; there they were interrogated by the police officers of the stature of SP and IG. IB officers also interrogated them and in between they contacted the Haryana police and informed them that the guilty of the Samjhauta Express case had been arrested. Gadil and others were told that the Haryana Police could come to interrogate them. The Haryana Police came and asked Gadil whether he knew the stations between which the Samjhauta Express ran. Gadil answered that he did not know about any place other than Indore and Ujjain. Other boys were also asked similar questions and the Haryana police got similar responses. After that the Haryana police went back. When the remand time was over all of them were moved to jail. They are still in jail and on August 30, 2008, five months of their arrest will be complete. They were booked under sections 122, 124, 153(a) of IPC as well as sections 3, 10, and 13 of Unlawful Activities. No one till date has been granted bail. Earlier, when the case was in the lower court we had a lawyer to fight Gadil's case. But when the case was transferred to the High Court, that lawyer stepped back from the case. The reason for this was that Noor Mohammed Sahib, who was the lawyer in Amil's case, had been beaten many times in court by fellow lawyers and, BJP and VHP activists. He was therefore afraid of such a thing being repeated with him as well. We could not get any other lawyer. Therefore, Gadil and the fellow boys could not get dates for their case. When ever I went to meet my brothers in jail I had to give the jailer Rs. 50 each time, yet I was allowed to see them for just 15 minutes.

One boy Rubab was arrested a month back, on the charge that he had sold a mobile to Amil along with a SIM card. UP Singh, the Police Inspector of Unhel police station demanded Rs. 50,000 from Rubab's father within 3 days, as a fee for not booking him under any case. If he failed to do so, he was threatened that his son would be booked under section 124 of IPC. Ultimately the matter was settled for Rs. 40,000, but UP Singh did not promise that there would not be any action against Rubab in future.

My parents are very old. My 80 year old father is a heart patient and cannot hear properly. My mother is diabetic and is also almost 80 years of age. Amil's wife, Shaheen, was also booked along with him. She was accused of running a women's wing named Shaheen. She has been shown as absconding, but she is actually staying with her parents because otherwise she could be caught any time. I am under a lot of mental pressure. I do not know whether to attend to my parents or to help my brothers. I alone have to follow their cases and the responsibility of my entire family is also on my shoulders. Along with that I am receiving news that the police are planning to put me behind bars too.

Every other day my photograph or Amil's Photograph is published in the Dainik Sahara, an evening newspaper. Even Muslims in Unhel think that we are terrorists. Muslims in Unhel are live in constant fear, as a result nobody is ready to speak in our favor. They fear being caught by the police, and accused of being SIMI activists. This is the whole scenario and I request all those sitting here to help us to get rid of these charges.



Abdul Hamid, Tamil Nadu

I am Abdul Hamid alias Sewak Kumar from Coimbatore, Tamil Nadu. In 1993, I converted to Islam. Before my arrest, I was working to collect old newspapers and old utensils for recycling. In the spare time I worked as a real estate property agent.

I was arrested in regard to serial bomb blasts that took place at Coimbatore on February 14, 1998. On July 19, 1998, I was taken away by the police from the street on the pretext of questioning about the houses I was planning to sell. But later I was kept in illegal custody for a week and was asked questions related to my education; date of birth and about my family. I was subsequently charged with renting out a house to a Tailor Radja who was alleged to have assembled the bombs in that house before February 14, 1998. Those bombs were alleged to be blasted on February 14, 1998 in Coimbatore. They always tortured me to accept that I was also involved in hatching the conspiracy of Coimbatore bomb blasts. I was black-mailed that if I would decline to do so, then my wife would also be arrested. In that manner my confession was taken by the police. Besides that, the police had no evidence to support my arrest and to lead me to conviction.

On July 27, 1998 I was produced before the Session Magistrate. He issued orders of my judicial remand on the basis the confession the police took out forcefully. I was framed in a case under section 120 B, 614 explosives act. I was then taken to jail. After that many applications for bail were submitted but were rejected by the courts. In August, 2007, finally I was acquitted by the Magistrate and it was stated in the court order that there was no clinching evidence against me for which I was kept in jail for 9 years.

When I was arrested I had an eleven months old child. In my absence my wife had to work. She sold milk, worked to label the products etc. to keep the house running. She even had to take the loans. Mine and my family photographs were published in the newspaper after my arrest and owing to its repercussions it became difficult for my family to stay in the same locality and therefore they had to shift to a Muslim majority area. My Hindu parents were also harassed; due to which, they had to take out my younger brother out of the school. My brother-in-laws prevented my sister to visit me or to my family. If any male relative visited me then they were humiliated by the police every time. Any eatable that my relatives would bring for me were destroyed before they could reach me. When I came out of jail nobody gave me any job. I face social isolation and was disillusioned in my life after spending 9 years in jail.

There were 107 accused along with me in the jail regarding the bomb blasts case. Out of them two died in the jail itself in the last nine years. One accused, in the jail whose trial was pending got a serious renal infection, yet court did not grant him bail and no orders for his treatment had been issued. All of the accused who were released along with me were struggling hard to survive. One person sold his kidney and blood for the survival.

When I was in jail few police men told me that I was booked in that case because I was a Muslim, had I remained Hindu, then I would not have faced all that.



Aftab Alam, UP

I am Aftab Alam, from UP. I am working in the Electric Supply Corporation of Kolkata. I was married in March, 2007. My family comprises of my mother, four sisters, two brothers, all younger to me and my wife.

A Few months ago, on December 27, 2007 I was arrested by the UP police and was aired as a master mind terrorist responsible for bomb blasts on the Sharanjeevi Express and the Sankat Mochan temple of Varanasi.

On December 18, 2007 I was approached at my home by a few persons who were police personnel in disguised as bank officers. I was told that somebody wanted to take some sort of loan in my name. I said that I did not know the person concerned but they insisted upon me that I sign some papers. I refused and asked them to show me some photograph of that person. Then, they said that they would show me photographs on the next day. I also replied that I would sign on the next day. After that on December 27, 2007, I got a call from them and they told me to go to a place near my house. I said that I would be coming in a short while. When I reached there the CID people caught me and put me in a Tata Sumo. They took me to an abandoned room. There I was told that I was an area commander of HuJI and all the bomb blasts that took place in UP were conspired by me. I was beaten up whole night by 10-12 drunken personnel of CID. I was constantly compelled to accept that my name was Mukhtar alias Raju from Bangladesh. Whatever, clarification, I tried to give them was futile. I even asked them what evidence they had that I was Mukhtar alias Raju and not Aftab Alam. They said that they caught me after two months of investigation as they had been continuously following me and that was no less evidence. After keeping me there for two days, I was sent to Lucknow with STF in a Tavera car and later taken to Lucknow head-quarter. I was allowed to wear jeans T-shirt only in that cold weather and was beaten with leather belt to give a confessional statement. They had even stripped me in order to beat me. An iron rod was used to beat me on legs. I was kept for three days in remand. I was made to stay awake for the whole night. For a week then I was in jail. After that for one week I was again put in remand. Then, one day UP ADG Brijlal Shukla came and asked me whether I was Mukhtar alias Raju or not. He further said that few other people who were arrested in case of bomb blasts identified me as Tariq Khalid. Then I said that if that was so, they should be brought before me and let them say the same. He then asked me that if others would confess that I was the same person, would I accept it. I said that with such beatings any boy would have to confess. However, when they brought one person to identify me he gave negative response that I was not Mukhtar alias Raju. Then ADG said that I would be presented before the court on January 17, 2008 and under section 169 IPC I was acquitted of all charges.

In the mean while all the relatives had left us. My mother would go alone to the STF head-quarter to get me released some how. Alone she would to go to meet lawyers in regard to my case. Finally she got a lawyer who helped her and dealt case responsibly.

It is to be noted also that on November 23, 2007, the day of the bomb blasts I had been on duty. I have a signed copy of my attendance. After seeing attendance prescription ADG said that perhaps they



were wrong in apprehending me. Therefore, I was finally released on January 17, 2008.

In the end I would like to request you all from different human rights organizations that kindly compel the government not to upset the innocent people. The IB, the CBI, the Task forces all these are for the security of India, but even after inquiring for two months they could not apprehend the right person. Instead, they force the people to confess to a crime which they haven't committed. Due to that lots of lives have been ruined.

Justice Bhargava

Had you been taken to any court?

Aftab Alam

No, I was not taken to any court.

Justice Bhargava

But for remand?

Aftab Alam

For remand too, I was kept in STF head-quarter only

Justice Bhargava

So there was no court?

Aftab Alam

Only officers used to come. They used to come for an hour or so and for the rest of the day, there were constables who lived there to beat me up.

Justice Bhargava

Didn't you file any petition in the court from December 27, 2007 to January 17, 2008? Didn't you file any complaint on health grounds or regarding torture?

Aftab Alam

The Doctor used to come every 48 hours. But he just used to enquire about us from a distance. If you were a Muslim, you were not even asked. On the day of my release one constable told me that I was released because I did not know Urdu properly and did not have beard either.

Note : Aftab resumed his job back at Kolkata. However the impact of brutal torture was that he was on medication and total bed rest for three months. Even now he suffers from severe pain in his legs occasionally. He experiences difficulty in climbing up to repair the malfunctioning electricity cables. Therefore, the brutal torture committed by ATS had a prolonging effect on his professional life as well.



Sher Khan, Muradabad, UP

I am Jung Bahadur's son Sher Ali from a village called Milkamroo Muradabad, UP. I am here to present his case. Our village is 5 km. away from Muradabad. I work by the highway as an auto-mechanic and repair punctures. My father was working as a milkman. We are six sisters and four brothers in our family and my mother is a heart patient.

The police took my father away at around 11:30 PM on February 9, 2008. Two police men knocked the door of my house in the middle of the night. When my father asked who it was, they replied that SP sahib's vehicle had got punctured on the highway and that needed to be repaired. My father called me in order to wake me up. By the time I went down stairs, I saw that those two police men had called some 12-13 other STF personnel. They grabbed my father by his hands and tried to take him away to the police station for interrogation. In the mean time, entire family woke up. My father asserted that the police should interrogate him at home itself and that he would not go anywhere with them. When my mother tried to stop the police men from taking away my father, they misbehaved with her. In that scuffle, she fell down, her glass bangles punctured her skin, and her wrists were injured. Immediately then, the police threw a thick blanket over my father's body and forced him into the police vehicle. We had no information about him that entire night. But later on we got information that the entire night he had been kept in a nearby sugar mill.

The next day, on February 10, 2008 at 6:00 AM, the police declared him a terrorist. All the residents of our village, whether Hindu or Muslim, were extremely upset at my father's illegal arrest. They gathered together, got into Lorries and went to register their protest with the SSP. My mother pleaded before the SSP to have mercy and let my innocent father free, but all that was in vain. Rather, the police did everything they could to get the villagers to disperse. We did not get justice anywhere. We sent telegrams to the Chief Minister, Mayawati; Leader of the Opposition, Mr. Mulayam Singh Yadav, and the State Home Ministry; other influential persons and government officials, but no one paid us any visit or heard our plea.

When we went to visit my father in jail, even on the informed dates, we were denied permission on many occasions. Police men in jail abused us and demanded Rs. 200 to 250/- per visit. We are a poor family. At the time of my father's arrest, one of my sister's was married while the other two were still engaged. However, their engagements were broken off because my father had been labeled a terrorist. Could anybody tell me how a person, who worked day in and day out, as a milkmen and a daily wage worker, to feed his large family, would commit such a heinous act of terrorism? When we visit my father in the jail, he always reminds us that we must have faith in Allah; that there is nobody but him to help us. That is all that I have to say.

My Father was arrested in regard to the Bomb blasts that took place in CRPF camp of Rampur on December 31, 2007. He had been booked under sections 147, 148, 149, 302, 260, 323 of IPC. He is now in Bareilly Central Jail.

Note : No hearing of the case has taken place in the last one year. Each time on the due date of



hearing he was produced before the judicial magistrate but no hearing took place and new dates were issued. Besides those two new sections 121 and 122 have also been imposed upon Jung Bahadur in the last one year.

Mohammed Shoib, UP

I am Mohammed Shoib, from UP a lawyer by profession. I would like to start by narrating the events of Abul Bashar's arrest. Abul Bashar was from Azamgarh and was teaching in a madarsa in Hyderabad. Under the false pretext of his marriage, some STF officials were trying to gather information about Bashar and his family. On 14 August, 2007, they lied and told him that they were taking him to meet his in-laws and instead arrested him from Dinapur, Azamgarh. However, in their records they entered that they had arrested him on 16 August 2007, from Lucknow.

In Maulana Hakim Mohammed Tariq' case similar events took place. He is also from Azamgarh. I am fighting this case on his behalf. On 12 December, 2007, he was travelling on his motorcycle from Rani Ki Sarai to Mir-e- Sarai, when some STF officials stopped him on his way. They put him in their car and took him to the STF headquarters. A constable rode his bike to Banaras. Some people, who were present at the time, asked the officers why they were taking Hakim away. They replied that he had left his house in a fit of anger and that they were taking him back. He was however, detained illegally.

In Maulana Mohammed Khalid Mujahid' case, almost identical events took place. Maulana Mohammed Khalid Mujahid was from Jaunpur and was teaching in a madarsa. The STF took him away on 16 December, 2007 from Mariyan district, Jaunpur. They entered in their records that both Mohammed Tariq and Khalid Mujahid had been arrested, along with a large consignment of arms, ammunition and RDX, on 22 December, from Barabanki Railway Station, UP. The police records also state that on the same day as their arrest, two other men, Sajjad-ur-Rehman and Mohammed Akhtar, were arrested from Jammu. Interestingly, even though the four of them were apparently arrested on the same day, police records mentioned that the two men from Jammu had been arrested based on the evidence gathered from the confessional statements of Mohammed Tariq and Khalid Mujahid. In the same case, Aftab Alam Ansari, was arrested on 27 December 2007, from Kolkata. Police records and newspapers reported that he had been arrested in connection with the blasts that took place in courts in Lucknow, Banaras and Faizabad. Even his arrest as per the records, was based on the confessions of Mohammed Tariq and Khalid. The date of his arrest i.e. 27 December 2007 was falsely entered into police records as 28 December 2007 while he was presented in a Lucknow court only on 2 January 2008. That day his mother came to me in tears and pleaded before me to do whatever I could to save her son. She had with her, some papers, as evidence to prove Aftab's innocence. I presented those papers before the court. Based on that, the STF and the ATS, declared that Aftab was innocent, that they had no evidence against him. This report was presented under article 169 of the CRPC. Therefore, as per an order passed on 16 January 2008, Aftab was released on 17 January 2008. Aftab's case is not the only such case. There are many such cases in Lucknow, like those of Mohammed Akil and Sahadat Rashid, in which the court released people, detained by the STF or the police, due to lack of implicating evidence. Besides this,



there are other kinds of irregularities as well. Naushad was arrested by the STF in June, from Alwar, Rajasthan, but it was entered in police records that he had been arrested in Lucknow. Similarly, Ali Akbar, Jalaluddin, Noorul Islam, Sheikh Mukhtar and Mohammed Abid, were all arrested from Kolkata and from 24 Parganah Pashchim of West Bengal, whereas police records again showed that they had been arrested in Lucknow. Nasir, who used to work at a construction site, was arrested from Haridwar and once again, that was entered into the records as Lucknow. Police records seem to indicate, that apparently 'terrorists' from all over the country, in fact even Pakistan and Bangladesh, have somehow gathered in Lucknow. Therefore, according to the reports of ATF or ATS Lucknow was the haven for the terrorist activities.

I would now like to list out, date wise, the many times that I was attacked.

On 5 March 2008, some lawyers attacked me. Then again, on 5 April 2008, I had gone to Barabanki to argue for Mohammed Tariq Qasmi and Mohammed Khalid Mujahid's bail, where some lawyers threatened my life and asked me to withdraw my Power of Attorney. I was scared at that time and therefore I withdrew it.

On 30 April 2008, I had to frame the charges and present my arguments regarding a case, at the Barabanki Court, but I was under a lot of pressure because the police had not given me the requisite documents, in proper condition. The charge sheet prepared by the police was completely illegible. I argued in the court that if such was the condition of the charge sheet, then how they could expect me to be able to present my case. The judge replied in a disinterested manner that I should just prepare the charge as I pleased. As I was preparing the charges, some lawyers surrounded me. I was fortunate that there were many police officers in the court that day to protect me from those lawyers. The police put me in the vehicle in which they had brought the prisoners, and took me away from the court compound, or else I might have been killed that day.

On 13 May 2008, I was attacked at the court of the Lucknow Chief Judicial Magistrate.

On June 1 2008, lawyers from Allahabad called a press conference. In that meeting, held in a hall at the Allahabad High Court Bar Association, it was decided that all the lawyers would fight collectively the Faizabad Cases. A lawyer from Faizabad, K. K. Rai, among others, produced his Power of Attorney. I made a suggestion that, the hearing of the Faizabad cases, should take place in the Faizabad Jail. That was accepted and the hearing is now taking place there itself.

On July 28 2008, I submitted an application to the Additional Sessions Judge stating that, as per a Supreme Court order, prisoners should not be made to wear handcuffs in court. This is stated clearly in the Supreme Court Directives; to not obey this would amount to contempt of the apex court. However, the Additional Sessions Judge decided, on 12 August, that this was a matter of national security and therefore the prisoners would have to wear handcuffs in court. Meanwhile, my client was brought to court and his signatures were taken. I was in the middle of a conversation with him, when a group of 15-20 lawyers barged in and attacked me. Someone from their group said, "He is the one who defends all these terrorists. Beat him up." As I ran out of the court in order to protect myself,



another group of lawyers came to my rescue and took me to a chamber. When I went to lodge a complaint, my FIR was not registered. Therefore, the next day i.e. August 13, 2008, I wrote a petition to the SSP and the District Judge, Lucknow. I had hardly returned to my chamber, at about 12:30, that a group of 15-20 lawyers again came there to attack me. They shouted abuses at me and said that I should not think that my life will be saved, by submitting petitions to the SSP and the District Judge. They pulled me out of my chamber and started beating me up. They even tore off my clothes and threw me on the street outside the court. After that, I was made to walk around the court in that state.

Mohd Shaheen, Rampur, UP

I am Mohd Shaheen from Rampur. I work as a carpenter in the houses. I am here on the behalf of Mohd Sharif and Gulab Khan. Mohd Sharif is my elder brother while Gulab Khan is my brother-in-law.

Mohd Sharif and Gulab Khan are in Bareilly Central Jail, as accused in the Rampur CRPF camp bomb blasts of December 31, 2007. Mohd Sharif was picked up from Nepal. He was living there with his family since 2005 and had a small business of knitting shawls. His family consists of his wife and two sons. One of his son's is mentally challenged.

Mohd Sharif was brought to Rampur from Nepal on February 6, 2008 and on February 9, 2008, the police declared him a terrorist. We received that information, when a reporter of a Hindi daily newspaper, Amar Ujala, came to our house in the morning of February 9, 2008 and asked us whether we knew that Mohd. Sharif was involved in terrorist activities. Family members expressed their ignorance with regard to that allegation and asserted that those were false. Later that news was flashed in TV channels like Aaj Tak. In the charge-sheet issued against Mohd Sharif, the police mentioned that he was caught while he was traveling by a Rampur roadways bus, but that was factually incorrect. Cases were booked against him under the section 347 and 348 of IPC.

My brother-in-law Gulab Khan was residing in a village, Shahdar in Bagh Bareilly. He had a workshop of manufacturing iron gates, grills which are used in residential construction. Some police men went to his house on February 8, 2008 on the pretext of some inquiry and asked him to follow them to the police station. However, he refused to do so but still he was forcefully taken to the local police station. On February 9, 2008, when Mohd Sharif was declared a terrorist, the reason for the police visit to Gulab Khan became clear to us. Later on he was moved to Rampur. When the relatives went to the Rampur police station to ask about the whereabouts of Gulab Khan, the police feigned ignorance as if they were ignorant about his illegal arrest. In the FIR the police recorded that Gulab Khan was arrested from Rudrapur Roadways and was implicated in the case of bomb blast case at the CRPF camp in Rampur. Gulab Khan was booked under 302, 307 sections of IPC.

My brother and brother-in-law had been in Bareilly Central Jail since the day of their arrest. Till date there has not been a single hearing in the case, instead the dates of the hearing are postponed every time. All of us in the family are worried that they are being punished for an act that they did not commit, yet without any proper judicial proceeding or investigation, their lives would be ruined inside jail. We are a poor family and we could not afford any lawyer. Mohammed Shoaib sahib our



lawyer is already fighting the cases of many accused in various bomb blasts. We understand that it is difficult for a single lawyer to attend to all the cases. But no other lawyer was ready to stand up for us.

Whenever I or any body from my family tried to visit them in prison, we were usually discouraged to do so. On one occasion, that I could meet my brother Mohd Sharif, he told me that CBI officials had called him to meet at a place in Nepal on February 5, 2008. When he reached there, a blanket was thrown over him and he was abducted. Only upon reaching Rampur did he realize that he was in India. His case has not been heard in the local courts till date and I request you to look into this matter.

Asadullah Khan, Hyderabad

I am Asadullah Khan, from Hyderabad. My son Akramullah Khan died in the Gokul Chat bomb blast that took place on August 25, 2007. We were promised a job but government did not fulfill its words. The government gave us ex-gratia only. I know that we Muslims are destitute and vulnerable, hence I plead before you to help us so that we can at least sleep in peace. I have five daughters and had one son who was pursuing graduation but got killed in those bomb blasts. Now I do not have any body to share my tensions or situation with. I am on the verge of retirement but my future seems bleak to me. However, I am grateful to all of you, the jury, and the people who are organizing this tribunal for trying to understand the situation that the minorities are going through. It is high time that concern should be given to the welfare of minorities.

Dr Abdul Salam, Kerala

I, Dr Abdul Salam, am representing the Confederation of Human Rights Organizations, Kerala. The general impression that people have about Kerala, is that the “war against terror” is not really prevalent in Kerala, because it is a state where the BJP has no MLA, so far. Political power keeps changing hands between the United Democratic Front led by the Congress and the Left Democratic Front led by CPM. In recent days, a trend has been noticed, especially after the Nandigram issue, where news is being spread by the media that Islamic terrorists and naxalites are getting together to fight against the government. This could however, also be, because in Kerala there are many people's land struggles and to side step this issue, Muslims are being used as scapegoats. I would like to share with you certain such instances, which have occurred in the last two years.

On August 15th, 2006, around 18 people were conducting a seminar on the role of Muslims in the Indian Struggle for Independence. They were all arrested. The police's version of events was that they had been put in jail because they were conducting a camp for the SIMI. Around thirteen people were acquitted immediately, but five people were kept in jail for over 50 days. After that they were released on bail because the police failed to submit any evidence against them.

Another incident also occurred in the same year on November 20, 2006. An 18 year old boy named Mohsin was arrested from Trivandrum in connection with a letter bomb that was sent to a post office near Thiruvananthapuram city. He, along with his father and a friend, were all arrested. This immediately became a major story in the media. In the news it was reported that they had



connections with the Lashkar-e-taiyaba and the Al Qaeda. Twelve days later, another boy named Rakesh Varma was arrested in connection with the same case. However, this time the tone of the police and the media changed and they stated that the boy suffered from mental illness. He was doing it for fun so, no charges were put against him but the case against Mohsin and his father is still pending even after two years.

In an another incident one Kashmiri youth namely Altaf Ahmed Khan who was running a handicraft shop for the last five years in the Kottayam district of Kerala, was arrested stating that he was possessing a mobile phone in the name of a lady. Police said that it was discovered when his application for a passport was verified by the police and then the police established his connections with the Hizbul Mujahideen. Kashmir police stated that he was in jail from 1996 till 1998. After that he had no connection with any organization in Kashmir but even then he was behind the bars for 60 days, after which he got a bail. During that period all the shops in Kumli of Kottayam district were raided by the police There was an instruction from the police that the Kashmiris who owned shops would not have a showcase in front of the shop as well as they would not put up a curtain which they were doing traditionally. According to the police it was to keep check if they (Kashmiri shopkeepers) were not meeting any terrorist in the guise of the curtains.

I would like to remind the jury about the case of Abdul Nasir Madani and the other 8 Malyalies who were put in Coimbatore jail regarding the 1998 Coimbatore blasts. They were put in jail for 9 and half years and were denied bail as well as parole. Abdul Nasir Madani was denied parole even when his grandmother died. After keeping them in jail for nine and half years all of them were released being found innocent in that case.

I would also like to tell you that recently about 700 people were termed as Pakistani citizens. They are those who went to Pakistan for jobs just before partition and the Independence of India or immediately after partition. Now they wanted to come back to their parents or grandparents or they wanted to come back to their native place but what happened is whenever they come to Kerala they are labeled as terrorists. They are accused of having links with the terrorist organizations, hence, the police catch them and deport them to the border, and this is happening everyday. Each and every time when they come back to Kerala there are RSS people or some police people from the intelligence, cause this uproar and so they are produced before the court and then are deported to the border.

There are so many similar cases, two Malyalis have been caught recently and are languishing in the Indore jail because they are accused to be SIMI activists and one is in a jail in Karnataka, Yahya lyash, a computer engineer. His bail was rejected on the pretext that he knew where the meetings of SIMI were conducted. Such is the condition in Kerala however, considering the situations in Gujarat, Hyderabad and all other places, the things may be slightly better, yet Muslims in Kerala are also targeted like in many other parts of this nation. Baseless stories are cooked up and disseminated by media, intelligence people, politicians and police like their ships or containers come from Dubai with loaded AK 47 rifles and bombs.



Ravi Chandar, Hyderabad

The State Minority Commission chose me to investigate into allegations on the arrest of various young boys belonging to the Muslim community consequent to the Mecca Masjid blast, the Lumbini Park blast and the Chakbandar blast. I went with a forensic expert to the jail, had opportunity to engage in conversation with most of them on the first occasion and all of them on the second occasion. After my meeting with the detainees I also met up with the members of the families of these victims, this was about a few days before ramzan last year. It was very obvious that there was a pattern. I was immensely worried about the manner in which the police allegedly carried out their investigations. If I take that long story fast forward six months down the line today the police has confessed to the fact that none of the 21 persons detained are accused in any of the 3 bomb blast cases. This is a pathetic reflection of the intelligence of the local police, this is a huge grotesque understanding of the power with which they can muzzle investigation and the tragedy is that even today there is no process in place by which the police officers are required to be accountable. A system governed by a civil law will have to be put in place to make the police accountable. You had 21 people in jail for 6 months, they come back and say sorry these people are not accused they have only been guilty of carrying jihadi literature.

I read Satanic Verses when the book was banned. Is the police going to arrest me for that? I am sure a lot of people read DH Lawrence when he was banned or James Joyce when he was banned. Bertrand Russel stood in front of Westminster Abbey and protested when a world war was going on. The strength of a civil society is to ensure that you tolerate an opinion which is not yours.

I strongly believe that more than the police the system itself has crumbled and failed. I am shocked that bail applications were filed and filed and filed, all that the judiciary today requires is a public prosecutor to stand up and state before the court a) the investigation is going on, b) he is required for interrogation and c) there is a prima facie case. On these three charges Mahatma Gandhi can be rearrested today, there is no man in this country who is safe against these three allegations, nobody and yet the judiciary shows stoic indifference to the methodology followed. I think foras like this will play a great role if we can help sensitise the citizen about the kind of pressure it needs to bring on the judicial system and somewhere help in trying to sensitise the judicial system to what's happening on the streets of India that they need to revisit the reality shores of this country.

I also believe that when these young boys went through this great ordeal it was Kafkaesque, believe me it was terrible. No meetings, no discussions, and no promises no judicial order is going to bring back the faith of 23 people in this Indian system again. I think that is a huge challenge. I admit to the fact that terrorism is a terrible problem and is not easily solvable. I don't think the police find it very easy to sort out this problem. Bombs blast, it is ugly, it's dirty, and people die. But understand that every citizen is a sitting duck be it a Hindu, be it a Muslim anybody there is poverty on the one hand and promise on the other. I am sure terrorists are intelligent enough to show the carrot to people who don't belong to a single community. Let's not underestimate their intelligence, they are not Indian police. Therefore, we need to understand that every man's lost cause in this cause is a man



won to the cause of terrorism. If you can't save them from the net of terrorist groups at least don't push them that side.

I have already presented a detailed report to the Minority Commission, I am sure the Commission will forward a copy to you. I am here only to sensitivise and reiterate that more than a month after I submitted the report I went back to the prison, all of them were still there, no action was taken. It looks like one sudden morning the investigation agency woke up to the fact that these people are not accused. Why is it that we are so casual about civil liberties? Why do we believe that okay let him stay for three more days it is all right? Even after an order of bail is granted by the court we say security is not finished let them stay tonight. Why is it that we don't understand that one night in prison is not the best, is not the least that civil society can hand over to anybody? There is a growing indifference to it. These kinds of mindsets that we have they become inoculations against human rights and believe me the attack on civil liberties of one sector of persons is the beginning of the erosion of civil liberties, it is not the end. I don't believe that somewhere the police are anti-Muslim in their sensitivity. I think they are anti-people in their sensitivity. This is very dangerous. It is incidental that today we are dealing with the large incidence of how its happening with a certain community or a certain section of community which for a variety of reasons don't have a voice or the right connect to be out of jail in a short while. When my report went public apart from the few compliments that I received, nothing happened. These poor boys continued to remain in jail for a long time, why, is it that even intense support institutions are failing? I am sure there are political leaders who garner support from these communities. There are leaders who get great mileage from this community. Where did they all disappear in the hour of need? I think this is a question that you all will have to address to yourselves, answer it. I believe that instead of making this entire issue a people versus people issue, instead of perpetuating a near community hatred the Muslim community can play a great role, they can come up and say no we are not anti-Indian. I think they need to say this in a louder voice, not that it is in doubt, it is not in doubt but a louder voice with which you can say it or be it in the manner in which the speaker before me was talking about this software engineer from Infosys, Rashid, I am sure all of us love our country as much as somebody else. I hate somebody coming and telling me I don't love my country. I know that when a Muslim cricketer scores four runs and a Muslim claps he is called anti-national but you have British citizens of Indian origins sitting in Lords clapping when India wins a match. They are not anti-nationals? So we have this kind of a doublespeak and we will have to fight it, it will not come to you on a platter. The police are totally desensitized. Unless there is some methodology by which they are re-sensitized I don't see a solution, I don't see hope. Yet in the larger believe that India is genuinely secular I hope I have not lost hope.

Justice Bhargava

Did you file any application in any court, district court or the munsif court wherever the matter was pending or in the high court under any provision?



Ravi Chandar

I didn't and I'll tell you why. I was not fighting any litigation on their behalf. I was appointed as a commission so as an independent individual I said here are my recommendations, here are my findings, please use it

Justice Bhargava

Not you personally, I want to know whether any other advocates or any activist file any application?

Ravi Chandar

People were threatened not to give evidence or file anything.

Ajit Sahi, Delhi

Friends my name is Ajit Sahi. Four days back I had gone to Azamgarh to investigate the case of Maulana Abul Basher Quasmi who had been arrested by the Gujarat police on the alleged grounds of being mastermind of the recent Ahmedabad bomb blasts. There I met Shahid Badr Falahi the ex-president of SIMI. He has a clinic of Unani medicines in Azamgarh. He studied Unani medicine from AMU. He took me to a village named Binapara, 35 km away from Azamgarh.

I have been traveling around the country for the last 4 months. I work as a reporter for the Tehelka magazine. I was asked with lots of questions by the people wherever I went, Kolkata to Kozhikode in Kerala, where I was invited by the Minority Rights Watch Group. They asked me why I had decided to investigate and report this story. My reply to it was simple. I said that in all the newspapers I read, it was being reported that SIMI was responsible for this or that, here and there. When I looked closer into these reports, I found that these were based either on the information given by the police or by the investigative agencies.

In the 1980's when I started my career as a journalist with the Indian Express (at that time Indian Express used to be a people's news paper). At that time we were at least conscious of one thing that the information given by the police or government officials would be treated as false on the prima-facie. In my short experience of about 20-22 years I do not recall ever receiving any correct information from the police. Perhaps, only in the Hindi films only the police stood to have a chance of being correct. In the situation, where every other day bomb blasts were taking place, when I noticed that a lot was being spoken or written in the media about the SIMI, but somewhere lacking the authenticity. Hence, I decided to investigate the matter myself to get to know the actual reasons. First, who is responsible for such heinous acts against the people? And the second, even more pertinent was to find out the real culprits behind the blasts, because if the police was accusing the innocent people for those crimes, then the actual terrorists are still, obviously roaming free. And if that was true, then such bomb blasts will continue to take place. Therefore, I initiated investigating these cases.

Maulana Nassiruddin, whose brother just testified here before you is one such case. The case against



him is completely false. The police had no evidence against him except for a confession the Nassiruddin apparently gave in the police custody. There is one law in the Indian constitution called as the Indian Evidence Act, enacted in 1972. It has been 136 years now since it has been in practice. Under section 25 of this act it is stated that any confession given by the accused in the police custody can not stand as evidence against the accused. Now, if such confessions cannot be presented before the court as evidence, why can not the courts stop their practice altogether? One after the other there are so many cases that have been put to trial on the basis of confessions and confessions alone. Mujahid Begum is present here; her case too is based on sole on the 'confession'. The Mumbai Local Train bomb blasts cases that I have written about are also based on confessions. So, are the Malegaon cases or Safdar Nagori who was arrested on the basis of someone's confession. From Tamil Nadu to Uttar Pradesh, all those who have been arrested have been on the basis of confessions. Whether, Muslims or Christians or Dalits, their cases as all based on confessions. There is nothing else to support those cases. No finger-printing, no DNA tests, not even a strand of hair as evidence, except the alleged self confessions in the police custody. Most of the times, the police receive some piece of secret information from some unknown sources, that in such and such place, 4-5 people have gathered. The police reach there and simply arrest these people. Now you may ask me, how I know this. I did not know any one of this earlier, but could know when one by one I started investigating the cases. When I initiated my investigation, it was sheer my good fortune that SIMI was subjected to fourth ban in February.

As all of you probably know, that there is an act Unlawful Activities Prevention Act, of 1967. An act that was unprecedented in this country at that time. Individuals and organisations booked under this act were denied the fundamental right to form associations and unions under the section 19 C of the Constitution and therefore, the organisations like SIMI, can then be easily banned by the government. The first ban in SIMI was passed on December 27, 2001. According to this act, a ban would be in force for the two consecutive years. From the day, that ban is placed, a tribunal under the High Court Judge is constituted and it was supposed to conduct an enquiry into such a ban and declare with in six months, whether such a ban is valid or not. However, a small part of the act also states that if the Central Government finds the situation is exhaustedly dangerous then the ban can be placed with an immediate effect. Since, the first ban was enforced on SIMI, after every two consecutive years ban was again placed and the tribunal on the other hand kept on attesting the ban legally. There are many organisations like the ULFA that get banned but no one from these organisations contested such bans. However, each time SIMI was banned Shahid Badr Falahi ex-president fought and challenged the government decision of banning. I am neither defending him, nor am I from SIMI. I am a reporter. I am presenting before you what I have found during my investigation. He appealed in the Supreme Court against all the three tribunal decisions. But till date Supreme Court has not heard his plea. The fourth time tribunal removed the ban over SIMI. Within hours the Central Government approached the Supreme Court and within half an hour of that, the Supreme Court put a stay order on the decision of the tribunal.

Few people here were talking about the faith in the judicial process, but if the judiciary acts in such an



irresponsible and hysterical manner, how its decisions can be trusted. The judiciary must be held accountable otherwise how can we trust the judiciary? In 1909 about 99 years ago, Mahatma Gandhi wrote a book named Hind Swaraj. It is available for Rs. 10 at the Navjeevan Prakashan Ahmedabad. It is a book that I must suggest you to read. In that book he has rhetorically said that a lawyer and judge are cousins. In the Congress party he beckoned the lawyers to quit the practice and join the Independence Struggle. In our country today, I do not consider the courts are effective at all; at least this is what I have gathered from my travels around the country in the last four months. I do not mean to sound pessimist here but I do not think that today we can expect much from the judiciary. Once I interviewed a magistrate in Bangalore for our magazine. He was telling us about a particular case in which a one dollar note and a paper with the address of a website were found in the pocket of a boy who was arrested by the police. According to the magistrate that apparently proved the boy was internationally connected and also had technical expertise.

Third time the ban on SIMI was placed on Feb 7, 2008. I decided to go and look at the tribunal's functioning. For that I decided to meet few people from SIMI but they refused. They argued that the media had wasted a lot of their time and had been always unfair to them. They said that they had no faith in the reporting of media. I went and met the lawyer who fought the case of SIMI. The lawyer said that under UAPA, if an organization is banned then the organization or any member of the organization can challenge such a ban. However, the same law also says that once, the organisation is banned then if you are associated with the organisation or continue to call yourself a member of that organisation then you can be immediately arrested and sentenced to three years of imprisonment.

Then, I started traveling with this tribunal to various places across the country. We visited 9 places out of which in 7 places, I was the only journalist. We first went to Trivandrum followed by Bangalore, Hyderabad, Chennai, Udaipur, Aurangabad, Bhopal and Bombay. The SIMI lawyer refused to go to Ahmedabad as he felt that Gujarat was a hostile place for them. I went to Ahmedabad alone; I traveled there and tried to get the details about the cases in Ahmedabad. I will not go into the details of the cases here as they have already published in the Tehelka. But the crux of the matter is that there is no strength in any of the cases. This is not a question of being Muslim or being a Hindu, this is a legal issue and there is absolutely no strength in any of these cases. I have read the first three judgments in this case. Those judgments of the three high court judges were utterly shocking.

I would like to share some personnel experiences with you all. I usually do not wear a kurta pyjama, though I am wearing one today. At the tribunal I was wearing sleeved kurta pyjama and black shoes. I had also not shaved my beard. The judge there asked me if I was from the government since the only people present were the lawyers of both sides. I replied, "lordship, I am a journalist". At that time tribunal was in Trivandrum. Probably, they thought I was an IB official.

In Udaipur when Jawahar Raja (the advocate for SIMI) argued SIMI, was not responsible for the alleged acts of terrorism, the judge said, "Mr. Raja, you say that SIMI is not doing this, if you are not doing this, then who is? He replied that it was the job of the police to find out, who was responsible for those crimes, not his.



Mr. Raja worked extremely hard on the cases. He would study the minute details of each law. In fact when the tribunal ended, a government lawyer (who I would not like to name) approached Mr. Raja and whispered that his son was just about to complete his law degree and that he would like his son to intern with Mr. Raja. The point is that all these cases are false. There have been only one or two convictions based on these allegations. There is one conviction from Aurangabad, or from somewhere in Maharashtra. I am forgetting the details, the conviction is one month imprisonment and a fine of Rs. 200/-. It seems quite unfortunate that an alleged anti-national is only sentenced to one month in prison and a fine of Rs. 200/-. This is probably because most of these are false case. In the morning, the lawyer told us that actually most of the accused are finally discharged.

Now let me tell you something about the confession. Under section 25 of the Indian Evidence act 1872, confession is not admissible as evidence and shall not be moved against accused. I read all this in the thick volumes of the Criminal Major Act and the Criminal Minor Act. If one unfamiliar about these acts, it is difficult to understand the truth regarding any news from newspapers. For one thing, reporters in this country do not seem to know, how to write. They know neither English, nor Hindi, not even reporting itself. Their writing ends up confusing the people. The simple thing is that confession cannot be proved in a court of law, because it cannot be proved as evidence. Even the British realized that the police can be so cruel that they beat up the accused in order to get the confession out of him. In the CrPc (which decides the manner in which the criminal cases are tried), there is a section 164 that was added perhaps in 1970 or 1973, that if a confession is recorded before the Magistrate, then it can be used as evidence.

The question before us is now very simple, suppose if I am a Police Officer who has arrested Safdar Nagori and have managed to get an honest confession out of him, then why could I not immediately approach a magistrate and get this confession recorded to be able to use it as evidence? After all this seems like the most obvious step. However, months and days pass but the police do not record the confession before the magistrate. Why? The answer is simple, it's because the confession is obviously false. These are things that we all must understand. If you have to fight this battle, you do not need the best lawyer; you must fight it on your own. I am not saying that you do not need lawyer, but to make yourself familiar with the law is of more significance. Under section 164 of the CrPc, if there is no evidence, only a confession, then the Court has to grant the bail. In the Supreme Court most cases function like this, lawyers would better tell you about that.

Let me tell you about a case in Surat, I wrote about it in the magazine. It is on the page no. 33 under the head line "SIMI here, SIMI there and SIMI everywhere", because the government seems to find SIMI responsible for all crimes. On December 27, at night 124 people were arrested from Rajshree Hall in Surat by the Gujarat Police. All 124 of them were accused of being SIMI members. Their cases have been in court. Since, December 2001, i.e. almost for 7 years, all of them young an old were in Jail for about 11-12 months. They were granted bail by the High Court. The bail order stated, "It has been prima facie found, no incriminating material was seized from these people." Yet they were all kept in the prison for 11 months. At the end of my story was published on August 6, I have written, "When live bombs were diffused in Surat last week, police and intelligence agencies announced that they



were keeping a close watch on 5 SIMI activists from Surat who were arrested in 2001.” One of the five activists, Sajid Mansoori, has been arrested, just 10 days ago as one of the 10 accused in the Ahmedabad bomb blast case. On the basis of his confessions, Abu Bashir was arrested. Both of their confessions were matched. Nagori's confession was matched with that of Amil Paraz whose confession was in turn matched with Maulana Nassiruddin's son Nasir. Nasir's confession was matched with that of Muteen Yasir, who was arrested by the Hyderabad police on July 15 and against whom several cases are pending in the court since 2001. This is an entire plan conspired by the police and it is important to expose it. Someone asked me a written question that if SIMI was banned in 2001, then who is responsible for the bomb blasts that have taken place ever since? I am a reporter and cannot be the part of any conspiracy theory. I only know that there is a prejudice at work in how these cases are being handled. I do not want to make use of the same prejudice and blame others. I would like to focus on the fact that if those who you are accusing are truly guilty then they must be hanged. However, you must first provide proper evidence to convict these people.

I would like to share few more interesting stories with you. Jawahar Ullah runs an organisation in Tamil Nadu called Tamil Munnetra Kazhgam (TNMK). Twenty years ago he used to be SIMI member in Tamil Nadu. However, later a rule was passed, no body over the age of 30, could be a SIMI member. Perhaps, as alleged by the government, there are still the member over the age of 30 years, but the government has no proof of this. Therefore, we cannot believe that government allegations in this regard and we have to rely upon the details provided by the SIMI in that case. Jawahar Ullah received a notification from the government, in the background of which a note was attached stating that he was a SIMI member. In that notification government included almost any Muslim organisation whose name it came across through out the country and associated them with or run by SIMI. TNMK was included in that list. I have written about TNMK on my report. Jawahar Ullah went to the tribunal in Chennai and he was asked that why his was included in the list. The government lawyers looked through his affidavit and the background note and could not find his name. Jawahar pointed out that his name had been inserted on the page 17 of the background note. Finally the government lawyers found his name. The government lawyer could not answer why his name was included in the list. They turned to the Judge and said that Jawahar had come unannounced and hence they needed time to find out that why his and his organisation's name was in the list. The government lawyers took the defence lawyer aside and in turn asked him, why his name was included in the list?” to this the defence lawyer replied, “How can I tell you! You have written our name, you must tell why you have done so?” this is the kind of nonsense that took place there. I traveled to many places in the course of this investigation. I met many Muslims across the country. I find the condition of most of the Muslims, who I met quite despairing. I am not saying that I have met all the 15 crore Muslims in this country. But, I would definitely say that 100-150 Muslims that I have met in Tamil Nadu, Aurangabad, Udaipur, Bhopal and other places are definitely in unfortunate state. The tribunal was taken from place to place, so that public too could attend it. In Bhopal, however, only the police was present at the tribunal. People were standing, far away across the road from the tribunal. In such circumstances, I could notice that on the second day at Bhopal, 8-10 poor and helpless people were



standing near the place where the tribunal was being held. Some of them were wearing skull caps while others were not. I went and spoke to them. Their stories were terribly disturbing. Some one's son was in jail, another's father; someone's family members had been picked up by the police and put in the jail. They had no idea what to do. They were residing in the small villages and tehsils that were about 100 to 300 km from Bhopal. They had read a small newspaper report that a tribunal concerning SIMI was to take place in Bhopal. And, those poor people actually had no idea that what the tribunal was and had no idea what was happening inside. They came there because their family members were in jail without any sort of evidence.

I would like to conclude by saying that one should not lose hope. I am only a reporter but from all the history that I have read, I can contemplate that in the past too there had been lot of injustice happened to humankind. However, people have always fought for the justice and won their fight. 16 years ago, on December 6, 1992 I was working with the Doordarshan for a program "Farak". When Babri Masjid was demolished, I myself was present there. I used to consider myself as secular. Today, I consider myself Hindu. In an interview to Yoginder Sikand, recently I retorted that I consider myself Hindu and believe in Gandhian philosophy and principles. If I am a Hindu, I believe in Ramcharitmanas, Sri Ram as well as Bhagwat Gita. Both of these texts and Mahatma Gandhi teach me that Muslims are my brothers. Mahatma Gandhi also said that Hindus and Muslims are like my two eyes and if either one of them is taken, I would not survive. Today I am standing with Muslims because religion only teaches me to join you in your struggle. I know that if something happens to me tomorrow, then you would support me in my struggle.

Kavita Srivastava, Jaipur

Friends, I am grateful to the team of Anhad for giving me opportunity to speak here in this tribunal. I appreciate the mammoth preparations that Anhad did to conduct this tribunal.

I was assigned the task of bringing accused or victims of the police torture from Rajasthan, but because bomb blasts took place in Bangalore, Ahmedabad, Surat and Jaipur recently, hence a deep fear has penetrated in the mind-set of the people. On August 14, 2008 when the Gujarat police declared to crack down the puzzle of who were behind the blasts; Muslim population started panicking expecting the arrival of Gujarat police to apprehend the people. Hence they completely denied from coming to Hyderabad and stated that Andhra Police was as cruel, and out of the fear of being arrested they did not come.

When a political game of polarization and alienation is being played in the name of national security by the state, political parties and some fundamentalist organizations; a subtle sense of fear or other is propagated by the state to get a wider acceptance and sanction from the majority for its communal actions and propaganda which polarize the people. Afterwards, begin the suspension of the basic civil rights for the sake of security of the nation.

Whenever any bomb blast takes place, those who die or get injured, they can be from any religion, class, caste or gender. No bomb that explodes in a public place is targeted to kill people from one



community, but if any bomb blast takes place at a place where the gathering of only one community is present then it is targeted at that community specifically, for example at religious places. Therefore, in PUCL we conducted an extensive survey to find out the percentage of deaths of people from specific communities. We found out that among those who were killed 23 % of the people came from Muslim families and the rest of them were Hindus from all castes hierarchy. Muslims constitutes 12% of the total population and those who died were 23% of the total no. of deaths. After the blasts every one helped other, blood was donated in the emergency time, and no body had the time to bother who was donating blood to whom; simply because, humanity was above all the concerns.

However, the later on when we went onto the field, for survey, we found that the scapegoats were the Bengali-speaking Muslims. Now, the question arises why? It was because, they were different from the majority population on the basis of the language; they were targeted as foreigners that is from Bangladesh. In Jaipur, Bengali –speaking people have been living from 400-500 years and they were from both the East Bengal and the West Bengal. It was difficult for a Hindi-speaking people to discern that who belonged to the West Bengal and who was from East just from their appearance. Hence, many Bengali-speaking people were arrested under the section 109, alleging that they did not have legal identity cards. But the fact was that they were carrying identity cards, like Voter Id card, Ration card. Then we moved an application for the bail, on the behalf of all those who were in police custody, which was rejected. Police asked to submit a surety bond or validated statement from any local acquaintance. Then we moved to the Rajasthan High court and the court ordered that there was no need of that kind of bail statement, since all of them had valid identity cards so, they could be granted ordinary bail. Finally all the 140 people apprehended by the police got the bail. But for the time being when they were in the police custody, all of them were beaten black and blue.

ABVP, the students wing of BJP, initiated an aggressive campaign calling for ouster of that Bengali-speaking population. Some 240 people were forcefully sent to New Jalpaigudi station from a direct train, a station just 20 km away from Bangladesh border. Actually it's the river that forms the border between Bangladesh and India. When they were being deported to Bangladesh, many of them attempted to return. Now they are in Behrampur jail of the West –Bengal. There are some 20,000 Bengali-speaking people in Jaipur and Vasundhra Raje also thought of getting those colonies evacuated which are inhabited by the Bengali-speaking population. Some people have been displaced; many others are still fighting the legal battle against the government. Those who were displaced said that they were forcefully evicted from their houses and bastis. They were told by the officials that they would be allowed to go only when they themselves would break up their homes and dug the pit to burry themselves as a part of their last rites. We sent many reports in this regard to NHRC, but it also turned its back on the issue.

Shamim Maulvi was arrested in regard to Ajmer bomb blasts. He was kept in the custody for 25 days and was brutally tortured. Finally when it did not stop, he warned the police of committing suicide if it would try to go near him. Another person named Rashid, who was employed with the Infosys – a



computer software firm, was arrested in Ajmer Bomb Blasts. He was then expelled from that company after 20 days without stating any reason. Now, it is significant to take a look here that what stood to be the incriminating evidence against Rashid. He had a collection of books like – Terrorism-Facts and Myths by Ram Puniyani, Radiance Magazine with the registration number and published by Jamat-e-islami Hind, Kanti Magazine published by Jamat-e-islami Hind, Life of Prophet Mohammed in Urdu written by Dr. Ishrar Ahmed, Basics of Fundamentalism written by Kamran, and a report published by PUCL, “The Jaipur Terror Scapegoat”. He was the member of student's wing of Jamat-e-islami, Aligarh Muslim University that formed the incriminating document.

On August 14, 2008 when Sajid Mansoor and then Abu Basheer were picked up by the police, since then the activity of the police escalated in Rajasthan. Hence, in similar way many people were arrested in the name of being SIMI activist. Dr. Amanullah Jamali was caught on June 9, 2008 and was freed on June 12, 2008 after enormous torturing and beatings. And now in recent development, police stated that Dr. Amanullah Jamali's signature seems similar to a member of Indian Mujahideen. Later, three more doctors – Dr. Alim, Dr. Anwar Hussein and Dr. Abrar, all were arrested. They are now out of police custody. Dr. Anwar Hussein was studying at AIIMS and Dr. Abrar was in the final year of SMS, Jaipur. Many others were also taken into the police custody. However, no arrest warrants were issued against any one and they were just simply dragged or whisked away to Police station. Section 160 of CRPC says the witness should be summoned in writing. And also, there is no transparency in investigation. Sometimes they keep a person in police custody for 15 days, 18 days, 2 days and 3 days or for just for 12 hours. There is no system or proper procedure of conducting investigation but the police attitude expresses that police has only one motive that is to water fear in the minds of minority so that they would always be in subjugation of the majority. Police thinks that when you implicate anybody in the case of hatching conspiracy everyone will sit quite in the name of national interest. When I made a call to the Police officials questioning that what they were doing? They in turn accused me of not acting in the National Interest and warned me of not getting involved in it. They also asked me of not taking out a procession in that regard to challenge the concept of National Interest. I said that nowhere had I asked them not to be active but what I was demanding, not to target one community without any proper ground.

One more thing we experienced in Rajasthan; on one hand police said that they would not book a case against those doctors because it cared for their academic record while on the other hand, they informed the media that they arrested the mastermind terrorist or so on. Then, the News Channels are even more forward. Aaj Tak flashed the news like, “Doctor Death” or “Doctor Terror” was in the police custody and that they had wrapped the bombs used in the Jaipur Bomb Blasts in Surgical bandages, Ammonium Nitrate was picked up from SMS Medical College to manufacture the Bombs. News Channels even claimed that the bank account of terrorist is in Jaipur.

Every one whoever was being taken to the police station had no clue about their involvement with the crime for which they were taken by the police. After remaining in the police station even for few hours when a person comes out, he finds that his life had taken a strange trajectory, where, he finds



himself socially alienated even among the peers. It is a high time for the media to introspect its functioning otherwise we are leading towards a very dangerous situation.

In Rajasthan, no political party came in support of those accused. We approached them, but Congress rubbed the dust by saying that they were in the middle of Election times; hence that was an insignificant issue for them. BSP, politicians said, they would consider the matter while Left has long back stopped aligning with the people like us. This is a political matter and has to be fought back politically. On the basis of violation of Human Rights we can succeed in getting one or two acquitted. But to get the dust cleared off, from the larger picture, a political movement has to be launched. Hence, I feel the need of formulating a political strategy to combat the state propoganda of profiling the youth from one community.

Suresh Khairnar, Nagpur

They reached Nagpur from Jammu and Kashmir driving a 25-30 years old Ambassador car full of arms and ammunition. They purchased shoes of Action and Bata brand from Patna. The police stated that it has even bill of those shoes. Police also said that they were roaming here and there in the Nagpur city for two-three days. They took the total view of the RSS head quarter from all corners and angles. Today, RSS headquarter in India has become a battlefield. 4-5 security guards are at every gate, to keep guarding it round the clock. Its security is so tight that no body can penetrate through it easily. Its security is similar to that of an army headquarter. Hence, in such a situation how come those terrorists could go near it and without doing any thing all three of them got killed while the bombs which were stuffed inside the Ambassador car, not a single one was detonated. It was alleged by the police that it was an attempt of suicide bomb attack on RSS headquarters by the terrorists of Lashkar-e-Taiba and those skilled terrorists of Lashkar-e-Taiba, were carrying so much of ammunition that could blow up half of Nagpur.

Now, recently we were trying to file a writ petition to find out the whereabouts of the Ambassador car and thus were discussing the case with the lawyer. After the blasts the vehicle- Ambassador car, about which the police was talking so much, was in the police custody, guarded by a police vehicle. Hence, we went to the police station with a permission to observe the car closely. We found out that the car was very old, a shattered piece of 25-30 years. It could not go more than 30-40 km in one go, so it was a herculean task to drive it all the way from Kashmir to Nagpur. Also we noticed that there were marks of the bullets of all size on the car, i.e. small to medium to large. When we asked the police that the bullets of different size were used they said, no all were of same size. We then decided to call up a press conference in which we mentioned in detail our findings vis-à-vis police version. Hence, the very next day after the press conference, that vehicle was removed from that place by the police.

We are sure that the incident of June 1, 2006 outside RSS headquarters was a 'Fake Encounter'. Let me explain it further, we could find out the Maulvi who performed last rites for those three dead bodies some, 4-6 months ago. He said that he was woken up in the middle of the night at approximately 2:00 AM. The Police was in civil dress and he was not pre-informed by the police



about their arrival, hence he was not prepared for the act. They just barged into his house and picked him up. They asked him to call up some one from where three Kafan could be collected. He said at that time of the night it was very difficult to organise the coffins.. At that they got angry and asked him to do as instructed i.e. to perform the last rites. Hence, he had to perform all the rituals of burying the dead bodies as a part of their last rites. In that process he could get the chance to look at bodies closely and he found out that all the bullet marks on the bodies were on the rear side and not a single on the front. Further he said that all the bodies were looking very old. He said that the bodies seemed absolutely decomposed and the flesh was sticking to the hands. Then the question arose that the shoot out incident happened on June 1, 2006 and three got killed, then obviously, by convention their bodies would have been taken to mortuary and they were preserved? Therefore, how was it possible that those bodies got decomposed so much? To solve that puzzle we asked a copy of post-mortem report. But, the Dean of the Nagpur Medical College denied giving us that report. I clarified to the dean that post-mortem report was not a classified report and it could be made public. She completely denied to give us the copy of the report.

Afterwards we received three letters from the then Police Commissioner of Nagpur, who is in charge of State Crime Branch of Maharashtra these days; to question our credentials. In those letters, language specifically implied to dissuade us so that we go on back foot to defend ourselves. In the letters, we were asked with various questions and we asked to meet him in person. It was also alleged that we were fabricating the truth without properly understanding the police version and also that our version was totally biased. Later, I tried to meet the Police Commissioner at his residence, office and even made calls, but did not get any kind of response. Then the Police played another game, it managed people to write letters to media people and in letter to the editor column to mould a public opinion against us. Those view points that were expressed in letter to editor column, we tried to find out their actual identity and we noticed that no where full names were mentioned but the last names such as Kamble, Gaikwad etc. were published. We approached the owners of the news paper directly and asked about the existence of people like Kamble and Gaikwad, which latter they accepted that those letters were prepared by the journalist of the news paper only. Would you believe that such a big thing happened outside RSS head quarters on June 1, 2006 and on June 3, 2006 the newly appointed BJP's president Rajnath Singh was present there, but he did not speak even a single word in regard to the shootout? Instead he talked about the farmer's suicide in Nagpur. Next day many photographs of the smooth working of RSS shakhas at both dusk and dawn were published in news papers. Praveen No agitation was launched. No demand to call all India bandh or even Nagpur was put forth.

Before that in Nanded blasts on April 6, 2006, it was found that there was a bomb manufacturing centre in the house of a retired engineer, Raj Kondawar. Its is to be noted that that the whole process reflected that the incident of June 1, 2006 was organized by the RSS itself with the help of police to cover up the episode of April 6, 2006 in Nanded. And it is an irony, that whole media was flooded with Nagori's case, while there was no mention in the news about those two bomb blasts in the electronic and print media in which RSS's own people were involved. There is hardly any media in the country,



which is free from control, whether it is the electronic media or the print. Except for a few channels at the local or national level, whose existence now after the Nagori and SIMI incidents is very doubtful. Today there are hardly any channels, to which we can give something exclusive, and they will highlight it. Even a top media house like the TOI has been consistently for the past one year presents a biased view. Except for a few big names like Soumitro Bose or Mahapatra, rest of the Times News Service has always been biased.

I have got some examples of this. If for a minute I assume hypothetically that TOI is conducting great investigative journalism, then what are the investigative agencies like the IB, ATS, CID, CBI, LIB, RAW doing. The way these things are coming out since the past one year, despite this we do not even get an opportunity to present our point of view on the case in the Delhi court. Such kinds of acts actually corners the entire community and push them on the margins, that may result in collective anger, if nothing would be done at appropriate time. The systematic and selected targeting of young Muslims employed in software companies is on the rise. And the matter of concern is that all the political parties on both sides of spectrum are insensitive about the entire political situation vis-à-vis terrorism and communalism, including left parties.

My experience of Bhagalpur riots of 89 to recent communal clashes of Pusad and Digada, tells me lots of things around us are constantly changing but the pattern of carrying out communal violence has remain unchanged. And the security forces right from Rapid action Force, or Police, or other paramilitary forces, there isn't any change in their dealing with the minorities. Off the record and sometimes even explicitly the police officers express their prejudices for the Muslims and wow to teach them a good lesson.

Such situation is not the headache of Gujarat only, but rampantly existing in non-BJP ruled states as well, which indicated that that there is hate politics has been imbibed systemically by a large population and the consequent is communal massacres. And the security forces personnel have been brought up in this very society where hate-politics is being fanned these days. And once the security forces are drowned in such hate-fanning acts, the half of the work of fanatic organizations like RSS, Bajrang Dal and Abhinav Bharat is done. How communal are our defense and security forces can be judged through the number of Muslims they have? In Maharashtra Police cadre only two Muslims are there at present among officer ranks.

In the end I thank the organizers for making such a daring attempt of organizing this tribunal and taking up such a burning issue amidst all odds.

Vrinda Grover, Delhi

After hearing the things here I feel it is now becoming a challenge to put forward legal provisions and methods. It is also a challenge to formulate new methods to fight against the incidents that have been discussed here.

What do we understand by Communal Violence, which is a very commonly used phrase. Today the definition of this term has only expanded. Should we see the series of encounters in Gujarat as



Communal attack by the State or should they be seen as isolated incidents? I feel that now we probably need to understand the definition of Communal Violence in a new way in a new context. Communal Violence as it is commonly understood as that there are two parties belonging to two different religions where there is conflict, loss of both life and material possessions. There is rioting, looting, violence and a lot of gender based violence which had remained under the wraps for a long time. It is often called as communal riot by the media and the public. The ground reality today is challenging the legal framework that we have with us. Though the legal frame is not able to perceive the reality and when we try to redress we often encounter a lot of disappointment and it becomes difficult to understand what is really happening. Something major is lacking in that frame and that lacking has to be fulfilled somehow.

Whenever judgements are made in this regard in India it is not acknowledged as a pattern or as a principle in law. Only a little is said or written about police officers. There is limitation either in the understanding or in the law. Both of them are involved in impunity which has a pattern which is not being recognised by the law.

As per the law, there are many reports on the violence and offences, both in the form of government enquiry reports and also in various citizens reports, where it is clearly shown that apart from the riots in 1947, where the riots were spontaneous and where both the parties suffered heavy losses, the riots like those took place in Gujarat, Delhi in 1984, Khandamal 2007-08 were not spontaneous. We can very clearly see the role of the State and non-State actors. We will focus on the role of the State as we are seeking accountability for State impunity.

There is extensive involvement of the State agents and the State Institutions in this facade where they side with the majority. They side with the majority not only against Muslims but also against other Minority groups. Many things have been revealed in Khandamal which show similar pattern to that of Gujarat in 2002, only the scale differs. The term "Riot" as it has been identified by the Indian Penal Code doesn't comprehensively describe what has happened there. Thus when we file a case under communal riots the role of the State is not studied. In the Indian Penal Code the offences are always against individuals, women, public servants, offence by one group against another group or by individuals against the State. There is no possibility here that the State can be the "offender".

On one hand, Fundamental Rights have been given to the citizens to restrain the power of the State while on the other hand the Indian Penal Code and in the Criminal Procedure Court Evidence Act, both have a colonial origin and therefore cannot perceive the State as a possible offender. In fact it is assumed that the State cannot do it and is therefore be protected, it gives immunity to the state and with it the public servants too received immunity. Communal violence and massacres subvert and question the fundamental premises on which the Criminal Justice System is based. There is a rationale and pattern behind the helplessness and despair felt, when we apply to this Criminal Justice System, by on the behalf of the relatives of the victims. The frame never places any blame on the State and also gives the State powers of sovereign immunity like in Section 197 and Section 45 for the Army.



The rationale which explains why the public servants require protection while he/she are working for the public, cease to remain functional in the situation which is before us today. The Supreme Court and the law Commission say that in cases of corruption that sanction should not be applicable because corruption should not be something you are involved in as a part of a public office. Is killing, raping and aiding and abetting this then a part of a public office in India? Why should a prior sanction be required when those are the offences that a public servant is responsible for? Why is there no debate on it in the highest Judiciary of this country?

In the case of the Police, there is reference to insulation and autonomy from political masters. It is believed that the torture that is meted out in the police stations and the jails are being engineered on the instruction by a Minister? This is not so. Biases in the police force and the jail department are institutional, be it anti-Dalit or anti-Minority. We can move forward only when we recognise this. For this there is no legal weapon. The legal procedure naturally doesn't prove fruitful when we continue to apply the yardstick of normal times in extraordinary times. Even in normal times we know that if you are a woman, a Dalit or a minority, lodging an FIR is a difficult task. This task becomes even more difficult in a situation of communal or caste conflict.

There is no space left. When a trial starts, as I have worked on many such cases, you keep trying to explain that the Ranganath Mishra Commission report on 1984 says that the people were not able to lodge FIRs at the time of the incident for so many reasons; the judge refuses to take cognizance of that report. We are asked to prove why the FIR was filed after so many days? Why can't the judiciary take the notice of the fact that going to the police stations at that time could have been fatal to the complainant?

People always ask for a CBI enquiry. If we study the CBI file, then it would be hard to believe in the autonomy of the CBI. I have never seen an investigation like this where all the defence evidence is being collected by the prosecuting agency. It is not an independent agency. There are not only political reasons but also prejudice and partisanship. Again and again we turn to this system because we don't have any other option. We will have to rise up to this challenge and work together and think of a solution.

Tehelka showed that the prosecutors in Gujarat were in the pockets of the Gujarat Government. The Government which engineered riots is being asked to prosecute itself. It is because the legal framework is a colonial framework. No change took place in the legal framework when a new Constitution was being framed after the Independence. Therefore, that framework requires to be changed. The greatest challenge is in the field of violence against women, especially sexual violence, which is a significant part of communal violence. There is no legal definition for this and neither is there any understanding of what to do in such cases.

To win one Bilkis Bano Case, a lot of efforts had to be made by a large number of people. Where is the enabling apparatus in the system? Where is the victim and witness protection system? The responsibility cannot be taken by individuals and human rights groups because of lack of human



resource and other resources. There is need to fix responsibility of the State to provide some hope for Justice. Today, even for Kandhamal, there is a petition for transfer of the cases in the Bhubaneswar High Court. The rule of law is very clearly not functional in this situation. In Kandhamal there are not as much resources as were in Gujarat and whether the victims will be able to go outside to another state for the case, in case of a transfer, is doubtful.

We have to see communal violence beyond the major conflicts and clashes. In 1987 more than 40 people were killed by the PAC in UP and the case is still being heard. The Court does not seem to be feeling any urgency. After 22 years and 8 months, the case has now been sent to the fast-track Court. We are not able to decide whether to laugh or cry at this order. All the PAC people implicated in this case are still in the PAC and not even one of them has been dismissed. Thus when we talk about internal mechanisms and accountability within the system, they might work in the case of corruption but not in the case of communalism, institutional bias is intrinsic to the entire system from top to bottom. We already have evidence of this and we need not spend more time to establish it.

Around 1973, the Status of Women report was brought out; it led to the setting up of many institutions, frameworks, legal frameworks and other enabling apparatuses. It is ironic that today when we talk about Muslim women, the framework and apparatus are already available and yet the situation is not accessible. Thus the challenge is big. We cannot bring about changes just with committee and Ministries and the requirements are much larger.

There took place a discourse to frame of a new law after the Gujarat Carnage, a legislation that would voice the concerns of the victims. UPA promised to come up with that in its first and second term. A draft was prepared, which was really bad, as it gave more powers to the State, the civilian authorities of the State, the administrators and the Police. This kind of facade happens when the State too is involved. The representatives of the State who are involved must be made to face the consequences. Thus power and responsibility must be fixed for public servants. It's an alien concept in the Indian democracy because the law is based on the old framework. The understanding required to make the new law is present in the World. In the new law the State's complicity has to be considered. There are some jurisprudential concepts like command responsibility in the law to put the State representatives who are guilty in the witness box in the Court.

In the law, in definition of terms like riots, murder and rape there is no reference to the context in which it was committed. Although genocide is a grave crime and the term must be used very carefully, the phrase crimes against humanity can be used in many places where we can talk about systematic targeting of people of a certain identity. This can be used in the present environment of communal violence. There is a need to use these terms.

Under the law, when it comes to State power and abuse and how the State uses this power and the commission of crime, there are two examples with us today: One is that of custodial rape under part 2 of section 376. For the first time a link was created between State authority, exercise of power and commission of crime. The same links need to be created for the religious minority in India. The



second example is that of the SC/ST Prevention of Atrocities Act, where a section talks about wilful neglect of statutory duties by public servants. This kind of prejudice is recognised here in the law. More frameworks are needed to be created to deal with prejudice through law. Also, pressure needs to be put on the UPA Government to say that the present Communal Violence Bill that is pending needs to be reformulated.

Vineet Tiwari, Indore

After the riots in Indore in July 2008, we went to the homes of the victims and their families on Id a few months later, to express our sympathy. In poor homes, there was no space or strength to have the luxury to mourn death for too long, they were forced to resume their daily life.

In Madhya Pradesh, especially since the BJP came to power, statements were made by Ministers such as that there was a grave threat from Bangladeshis, that there are Pakistani spies among there. It was easy to understand how those statements created an environment of distrust and fear. Specific slums like a Bengali slum which was targeted stating that they were Bangladeshis. Similar was repeated in many other cities.

It is common to find that Muslims being harassed in the name of cow-slaughter. We often hear in the news that the Bajrang Dal had rescued a truck filled with cows which were being taken to be slaughtered and that the drivers escaped. The butcher community is systematically targeted by spreading this kind of propaganda. It is the attempt of communal forces in the government to break the economic spine of the Muslim community.

There were many small communal incidents in Indore before the 2008 riots. One such incident happened in a place called Katpathi Baakhhal where 30 to 40 butchers which included both Hindus and Muslims were caught. The Police declared a curfew and caught those people under the allegation that they were trading beef. They were later released under the condition that they don't utter a single word after being released.

In another case, a couple, where the man and the woman belonged to different religious background appeared before the Indore High Court bench with the permission of their parents to get married. This information was given to the Hindu fundamentalists by their lawyers. The Hindu fundamentalists proceeded to beat them even within the premises of the Court. When we talked to a lady lawyer who is also associated with the Muslim Mahila Sanghatan, she told us that within the premises of the Court a full fledged functional Hanuman temple was established and that no questions are raised as the Court is dominated by the RSS lobby.

The lawyers who agreed to argue the cases of those who belonged to SIMI were harassed not only in the premises of the Court but also in front of the Judge. They were not allowed to argue their cases. In the case of a young boy who has been imprisoned for being linked with SIMI, when the original lawyers were unable to acquit the boy, the parents hired a lawyer who was a member of the RSS. The lawyer convinced them that he would get their son acquitted of charges as there was no evidence linking him to SIMI. But the case is being repeatedly extended for long period like 6 months, which is



harassment of the boy and his family. Off the record, the Judge told the lawyer that if that boy was acquitted then he would replicate Godhra in other places.

In the case of Sadhvi Pragya and Colonel Purohit, some people from Indore were also imprisoned. When one of these people was picked up by the ATS, the Hindu organisations began saying that the ATS was harassing the Hindus. When an elderly person passed away in the family of the accused, he was immediately brought back. All the Senior BJP politicians went to the house of that person and their photos were printed in the newspapers. That accused had been presented as a hero like Bhagat Singh who was being taken to the Court. Nothing has been done in that regard.

Some time ago, the leading second hand car salesman, Saajid Carbazaarwaala had married a Sindhi girl. Afterwards his entire business was targeted and ruined systematically by the police. To see those who have offended against you on a daily basis is enough to mentally disturb a person. It is the environment in which they are living. I feel that the next time I will go there I would not find them there anymore. They would have probably left the place. There are many such situations present before us.

After the recent 2008 riots, for two years during Muharram, a red stone was placed in the Karbala maidan where the Hindus wanted to do a 'Puja' and incidentally Muharram was on Tuesday on which day the Puja was also to be performed. There had been small incidents before Muharram which resulted in the arousal of anger in the Muslim community in Indore. On the day of Muharram, while there were thousands of people in the Maidan, the administration announced Maidan to be evacuated for half an hour in which time the Hindus could perform their 'Puja'. Announcement was also made that Muharram programme could resume after 'Puja'. When it was announced by the collector, the Muslim community was not ready to follow announcement. After some dialogue, a mild lathi charge was ensued which gradually progressed into outright violence and resulted in a stampede in which many people were hurt.

The same method was used in Bhojshala. At that time the BJP Government had just come to power and wanted to prove it to be secular. The Muslim community in Dhar, Bhojshala requested the Government to follow the law, but the Government rather asked them for compromise. That was done so that the Muslim community themselves would withdraw. What eventually happened was that the Hindus had a day-long Saraswati Puja for which in a very systematic manner, people, especially tribals were brought to the city in trucks. They had put up camps outside the city. After that crowd had assembled on the grounds, the administration made an announcement that the ground would be evacuated to allow the Muslim community to offer Namaaz. No Muslim was ready to come forward for it and eventually thirteen Muslim people were forced to go to the ground where they offered Namaaz in thirteen minutes. It was recorded on video by the Police and publicised to showcase their secularism.

When I interacted with Muslims in Dhar, they said that a wall had been built to demarcate that on the other side is a Muslim basti and where do they go from there then. Many had left their colonies and many even left the city. That pattern has been the same since then. I am forced to accept when senior



people remark that in this democracy at least the little that is here is there but at the same time I am not surprised when anyone refuses to acknowledge this as democracy. Where is the democracy when we cannot eat what we want, live as we want to, or pray as we want to? Just by saying that we are a democratic and secular country does not ensure a peaceful existence.

In 2008 at Indore a few days after the incident, news spread that a Muslim boy had sexually molested a Hindu girl and when the people intervened it resulted into a quarrel. Since that incident took place in a Hindu area adjacent to Muslim area a riot was instigated. In it, bottles filled with petrol were thrown over the Mosque that was on the main road which angered the Muslim community. It aggravated the conflict between both the communities. The incident was reported in the newspapers the next day and was reported that six people from a House were arrested. When we went to the area to find out what had happened, we were told that 6 people living in a House in front of the Mosque were arrested.

We went to that house, which was very small, they informed us that 2 out of 6 were minor and one was handicapped were arrested at night. They were accused of being part of the riots. When we went to meet the SP along with some people from the Communist parties, we found that the SP did not even know that two people were minors. He made a phone call to the Police Inspector, reprimanded him and asked him to release those people. 3 days had passed since we met SP but the family members did not even know where those people were kept and were not able to meet them. They did not know what charges were levelled against them and what had to be done. They just went from one police station to another.

When we met the SP he remarked that it might be an example of State impunity. He ordered the Police Inspector to release the people and gave us assurance of their release. We remarked that innocent people were unnecessarily arrested and harassed. The State gave us the feel as if innocent people were favoured simply by releasing them after arresting or detaining them illegally. Even at the IPS level officers do not have the sensibility and sensitivity to handle such situations and it is even worse in the lower cadres.

After that incident when Gandhians took out rallies, the situation cooled down here. When the Amarnath Shrine board issue was raised, eight times more people were killed in this city than those who were killed in Kashmir. A state-wide bandh was called in the morning. From 6 in the morning 25-50 people kept sitting with sticks in their hands on the corners of the beginnings of Muslim slums. Without any regard to age or gender they mercilessly beat all those who passed that way and could be identified as Muslims. When we went to the hospital some of the people who were injured in this incident told us that they were going to this area to get vegetables. That attack continued till around 12 o'clock by which time about 100-150 people had been attacked. When the people in that area went to the police station they were asked to run away. In response, the people started throwing stones at the police station. The police responded by firing, and more police force was deployed in the two areas. The firing then spread to a third place which was about 8 kilometres away.

I will discuss the case of two people who were killed in that incident. Imraan, who was a fourteen



year old labourer, was returning home on getting to know that there was a curfew. He was stopped in front of the police station. His younger brother who was 12-13 year old was also with him who later testified said that he was stopped by a constable who asked his name and declared that he should be killed. The gun was stuffed in his mouth and shot in the middle of the road. There are photographs of before and after this incident.

A man who was working in the hospital and was drying the hospital clothes on the roof was shot on the head and killed. Many people died in the hospital. One Hindu person was also killed because he was Sindhi and his clothes probably resembled Muslim clothes. This incident was shown on the television for 3-4 days which was telecasted "live" for all those days and the people who were watching it at home remained scared and assumed as if the incident was continuing. Nobody came out of their homes for three days. After three days, when we went out as a group and visited the homes of victims, the police received the information if it. Our group was composed of college students and some social workers suddenly 50-60 policemen surrounded us and then we were threatened.

After that episode we tried to keep supporting the victims and encouraged them to fight their cases. During that time we also contacted our other colleagues who work in that area and sent a report to the Minority Commission on July 7th, 2008, on the basis of this report the Minority Commission arrived after 15 days. Three lakh compensation package was announced for each victim which was given after many months. No relief services like facilitation in establishment of milk shops or payment of the children's school fees were given to the victims till date as had been promised.

When people were taken to the hospital, efforts were made to give the patients spurious drugs. The labels of those drugs were kept for some time but nothing was done in that regard. I have also recently come to know that all the cases have been withdrawn.

It has to be remarked that fear can be rampantly felt among the youth. The individual fear gets converted into anger when consolidates in the form of a group. I was talking to a friend of mine where the question was raised whether the Muslim youth in India had grown to accept themselves as secondary citizens of the Nation. I felt that the Muslim youth especially the middle class and the upper class Muslim youth have actually started accepted their status as secondary citizens and there is a deep feeling of angst within the community. When we think of finding solutions, it is important that the community feels secure.

Not only the Muslims but all the deprived communities are facing State Impunity. State impunity has also been directed to other religious minorities like Christians, and Dalit caste groups. Under the name of AFSPA, people living in Kashmir and in the North East are also being targeted. Under the Security Acts innocent people are accused of being Naxalites are killed indiscriminately.

Iftikhar Gilani, Delhi

During the NDA Government in 2002, I was in jail for about 8 months under the Official Secrets Act. After 8 months the authorities themselves took back the case and I was released without any



charges. When I was arrested a question was raised in the Lok Sabha as to why I was being arrested and the Minister of State replied that I was arrested in National Interest. Later, when I was released another question was asked as to why I was being released another Minister of State said that I was released for Public Interest. Somehow, a huge gulf seems to have been created between National Interest and Public Interest. Not everyone is as lucky as I have been able to get released without any charges and to be able to continue with my life.

My concern is that our Justice System is deteriorating. While I was in jail there was also a completely illiterate auto driver who was imprisoned under the Official Secrets Act. He had gone home to Sikandra where he was waiting at a bus-stop when a man from a Maruti car showed him a piece of paper and asked him whether he knew the address. He, being illiterate responded that if the address is read out to him he might be able to help. Meanwhile another person from the car gagged him and forced him inside the car. In his semi-conscious state he overheard one person saying that he was not the man they were looking for. Later they discussed that since he was tall and fair, he would do.

After I got released, I requested my lawyers to help this man with his case. They were able to almost demolish the case made against him. The only witness in the case was a STD booth owner outside Nizamuddin Railway Station who said that the police had already approached him and had told him that a man would come with a piece of paper which has to be faxed. It later came to be known that the number to which the fax was to be sent belonged to the Indian Embassy in Islamabad. In the Media it was claimed that this illiterate man was an expert map-maker.

On the day of the judgement the judge asked him how long he has been in jail to which he replied that he was imprisoned for 51 months. The judge remarked that she will make it a round figure of 60 months. When this man started crying she tried to soothe him by saying that it was only 9 more months and that he would get a rebate for it. He was finally committed to five years of imprisonment, after the sentence had been given the judge directed the policemen to take him to the Legal Aids room to file an appeal to the judgement. Evidently she knew that her judgment was wrong.

While in jail I was not ill-treated by the police as they realised that there is a very high chance that they might be questioned for it in future. I was kept in the ACP's room. The constable who was guarding me told me about a Kashmiri youth who was caught and one million dollars were found with him. He said that he was silent despite being beaten up and asked me to counsel him to confess. I spent one night with this Kashmiri youth and got to know that he was badly beaten and that he was only a shawl trader.

The American Government had issued a one Million Dollar note which was to be used only by the Millionaire's Club and which was condemned in the 1990s during the Gulf War. This note is now used for decoration by many people and the Kashmiri man has bought it for 10 to 20 rupees in Kolkata. He was accused of financing terrorist organisations in Kashmir. He was finally forced to confess in return of being released after 5 years.

My case was based on a document that I had downloaded from the internet which is openly available



in the public domain. First the police was asked to verify whether this was true and they got an affidavit from a cyber café owner saying that the document was not available on the internet. On our insistence that the document was available the judge asked us to prove this in the court in the next hearing. In the next hearing the judge did not allow us to use the telephone line to gain access to the internet and dismissed our claim.

Next, the Press Council of India passed a resolution that any document which can be downloaded from the Internet cannot be called an Official Secret. This resolution was presented before the judge who did not accept it saying that she did not recognise any Press Council. Later, after I was released, the same judge became the Secretary of the same Press Council that she had refused to recognise. The hearing for my bail application was conducted 6 months after I was arrested and our plea for bail was rejected by the judge on the basis that the documents that I had showed my inclination towards liberation of Kashmir.

The document was actually about the Balkistan, National Front in Gilgit which was actually fighting against Pakistani Government. The document said that a case should be filed against Nawaz Sharif and Musharraf for the atrocities committed by the Pakistani forces in Kargil. The judge had not even bothered to read the document and simply rejected the bail application because the document mentioned 'atrocities of forces'. Most of the innocent people who are imprisoned under false charges face a lot of problems even after being released especially in getting jobs.

Jyoti Punwani, Mumbai

There were different kinds of criminals in the Bombay communal violence of 1992-93. According to me the most significant offenders were the police who were actively violent while being in the uniform. The names of 31 policemen were listed in the Justice Shri Krishna report. They had committed different kinds of offences both mild and grave. I will only refer to three of them as examples which will help in understanding the nature of offences committed by them and how they were protected from any punishment.

According to the Justice Shri Krishna report, RD Tyagi, the once Police Commissioner of Mumbai, raided the Sulaiman Usman Bakery where 8 innocent people were killed. Justice Shri Krishna says that there was no reason to kill those 8 people and cases needed to be filed against Tyagi and his associates. The report came in 1998, after which some people went to the Supreme Court. Chief Justice Anand took Mr Tyagi's case and asked what had been done against him. Later then, a case of murder was filed against Mr. Tyagi, but he was never arrested. Mr Tyagi appealed for anticipatory bail, the government was not willing to oppose it, and however, due to public pressure it was opposed. This plea was rejected but Mr. Tyagi eventually managed to get bail.

When Mr. Tyagi was going to be arrested the government made a Special Task Force (STF) to implement the report, which included special handpicked people who were secular according to the government. That 'secular' minded Special Task Force told Tyagi that if he came to their office and gave his statement he would not be arrested, which he promptly did at the STF office. He



immediately submitted a plea as of having heart problem and consequently was hospitalised and he remained in the ICU till he was bailed. Conclusively, he was not in police custody for even two minutes.

None of the police officers against whom cases had been filed spent even two minutes in police custody. Five people who were at the junior level posts were only suspended for few months till the trials were initiated. In the case of Mr Tyagi, the government appointed a special Public Prosecutor who was a very Senior Criminal lawyer Mr. Feroz Vakil and argued with full force against Tyagi's bail plea. But when a discharge application was filed in the court by Mr. Tyagi seeking the bail from the trial before the hearing of the case, that very same secular minded STF did not inform the specially appointed Public Prosecutor that the discharge application of Tyagi was about to be presented in the court. Thereafter, another Public Prosecutor presented the discharge application, and argued against it in such lenient manner that even the judge asked that Public Prosecutor since when he had become Mr Tyagi's defence lawyer. This Public Prosecutor argued against the discharge application and obviously the application was accepted. The government did not appeal against this, in fact a victim has now appealed against this and the case is being heard in the High Court.

The next case is that of Hari Masjid, where 4 people were killed inside the Mosque and 2 people were killed outside the Mosque. Here the Justice Shri Krishna report says that the case needed to be registered as there was no reason for opening the firing. From the beginning the STF has been saying that Nikhil Kafse was not guilty and he was only doing his duty. They themselves told the court that they only took the statement of the police and nobody else which was the basis of conclusion that Kafse was innocent. The judge presided over that case and listened to all the witnesses. The case proceedings were attended by the public prosecutors, the police's lawyers and the Shiv Sena's lawyers. After hearing all the witnesses, the judge issued a notice to the police to bring forward witnesses in its defence. There was no response to that notice, as the police believed that nothing would be done against them.

When the Shri Krishna report came, I met some policemen and asked if they were anxious about the statement issued by the judge that went against them. They retorted that in spite of that statement, the Government could not and would not do anything against them. They were very confident about it and that was exactly what happened. In fact, some policemen said that the report was wrong. The investigating team (a Police body) talked only to the police and not to other witnesses and placed themselves in the right that was accepted in the power circles. And it was accepted by the Congress government. Apparently, the Congress government had promised that they would implement the Shri Krishna Commission Report.

In the Hari Masjid case, Farook Makkar fought for a CBI investigation single handedly. The court forced the central government to conduct a CBI investigation. The very next day a case against Kafse was filed for murder but no arrest was made. At that time we felt that what had happened in the case of Mr Tyagi would happen. Then we were told that the Congress government went to the Supreme Court without informing anyone and had been granted a stay on the enquiry. The government



lawyers told the media that the poor man has suffered a lot already and should be excused. What had he suffered? The suffering of the victims and their relatives was not at all considered.

That was not ordinary police firing. It is quite common that some shots are fired during riots and innocents get hurt. But, at that time people were sitting in the Mosque. It was their right to sit in their Bakery, Mosque, and Madarssa where they were killed. The police went into the building to kill those people at point blank range because they looked like Kashmiris.

A 16 year old boy Shahnawaz Wagle who was arrested among many others from a chawl near the Mosque, was killed. His sister filled an affidavit stating that he was forcibly taken from their house and while he was being dragged to the police van he was shot in the back. Before that he was beaten with the bonnet of the rifle, dragged on his knees to the van. And later on, by the time he was taken to the hospital he was dead.

The Shri Krishna report said that an enquiry needed to be conducted on that tragedy. A DCP had conducted an enquiry which stated that he was killed during the riots. The report said that this was not an enquiry but aneyewash and the death was a cold blooded murder. The STF took up that case and they recorded the statements of Shahnawaz's mother and sister but still concluded that he was killed during the riots. Everyone whoever was arrested from the chawl that day had witnessed that incident.

In that manner, the Congress government protected the police. If we look at the Kafse case the government moved very quickly to get a stay on the enquiry within months but it had taken seven years to prepare the case against Kafse. There are many other more heinous crimes which had been talked about by the report but nothing can be done about them due to lack of witnesses. There were witnesses in these three cases and if the government would have wanted it could have punished the guilty police officers.

In Mr Tyagi's case it can be understood that he was the commissioner and might not have fired the bullets himself but Sub Inspector Kafse who had fired the shots himself, it was hard to understand why so much effort had been made to protect him. It is government's unwritten law that no policeman should be punished for his crimes.

The Congress government claimed that they would implement the Shri Krishna Commission report and that the law would take its course. The names of 31 policemen had been listed, out of which cases were filed against only 9 and 8 were acquitted. Only one case is left, there all the charges were applied. In that case, I had gone with the victim to record a statement with the STF. The policeman had beaten him so much that he had a fracture, he even showed medical records but no charges of assault were filed against the policeman. The policeman was accused of only tampering with evidence.

10 policemen were declared completely innocent by the police. Action was taken against 9 policemen where they were reprimanded. Other measures included compulsory retirement of a policeman who was anyway nearing retirement, stopping of increment for 6 months, or being kept



at minimum pay-scale for 2 years. Those policemen had committed offences like handing over a dumb and blind child to the Shiv Sena who killed the child and tampered the evidence. Whenever that issue went before of the Supreme Court, repeatedly no judges were willing to actually go through the file. Judges were presented with 500 page long affidavits which they did not read. Instead, the judges asked for quick verbal summary. The first petitioner in the case was Mr Naseem Arif Khan, who is presently the Minister of State Home. He is no longer a petitioner because he is now the part of the government.

Apart from the Police, the biggest offender was Bal Thakaray. People felt that he was not punished, but the greatest punishment that had been given to him was that he was not re-elected. Since there was no evidence against him no legal action could be taken against him. As far as some of his writings in Saamna are concerned, the cases filed were later removed when his party again came into power. In some cases it was remarked that his comments were only made against pro-Pakistan Muslims and did not include all Muslims. This was upheld by the Supreme Court.

In 3 to 4 cases, efforts were made by Chhagan Bhujbal, but those cases were only for demonstrative purposes and were dismissed by the magistrate on the pretext of passage of so many years. It took 6 years for the government to reappeal. Dismissal took place in 2001, and was reappealed in 2007 and again the case was dismissed. The only case against Thakaray was on the basis of Thakaray's telephonic conversation with his followers where he asked them to beat the Muslims and which was overheard by a journalist and a RPI leader. The journalist repeated the statement before Justice Shri Krishna while the politician Mr. Chandra Kant Handore refused to appear before Justice Shri Krishna. When the STF asked that politician to give them his statement, he refused to do so, as it was evident that he was afraid of Bal Thakaray. Later, the Congress government appointed the same politician as the Minister of Social Justice.

There were two cases against Madhukar Sarpotdar, Shiv Sena Politician and son-in-law of Bal Thackeray. One case was under the Arms Act and the other under Section 153 A. He gave a speech where he made comments against the Muslims. He was acquitted in the first case as an Army Major who was eye-witness turned hostile and refused to recognise the weapons which were found in the procession of Madhukar Sarpotdar. In the second case, Sarpotdar received one year of imprisonment and Rs 5000/- as fine. He was convicted, even though that judgement was being appealed. Last year, for the first time after the 1992-93 riots a Hindu was convicted.

Two special courts were constituted where for the first time Shiv Sena people were convicted, two corporators were convicted and two associates of Saporkar were convicted. Some Muslims were convicted, but here for the first time the Hindus were also convicted.

Although the special court was named after Justice Shri Krishna, neither the Magistrate nor the Public Prosecutors were given the Shri Krishna report, They were not told which cases were sensitive and important neither the notes or evidence produced before the Commission were given. In spite of that they were convicted because of the Magistrate and his commitment to the work. If that special Court would have been constituted just after the riots, you can imagine how many people



could have been convicted.

The final offenders are those who were actually violent on the ground during the riots. These people are at the lowest level. There were about 12 to 13 TADA cases which were filed after the riots and which implicated more Shiv Sena people. TADA cases were also filed against Muslims but most of the TADA cases were filed against Shiv Sena people. However, only the Muslims were convicted. If I say that the magistrates are communal it would be considered as contempt of the court.

There were three sensitive cases, the accused who were Muslims were convicted even though there was no evidence. I hope that the judgements were made under the view of sensitivity of the cases and not because the accused were Muslims. In the other TADA cases there were no convictions as all the witnesses turned hostile and nobody was willing to speak against the Shiv Sena. The only punishment they received was that they had to stay in jail for 2 years as bail was not permissible in TADA cases.

There was only one case where there were no hostile witnesses. The witness was a woman who, along with her daughter, was stripped naked. She was able to run away but her daughter was not able to do so. She and one of her daughter's friend who was a Hindu went and lodged complaint against the Shiv Sena neighbours who were the offenders. The friend got married and the Police said that they are unable to locate her. Despite the mother's statement and her recognition of the accused in the court, the magistrate refused to convict on the basis of the statement of a single witness and the accused were acquitted.

Around 60% of the ordinary Indian Penal Code cases for rioting and looting were eventually closed. 1358 cases were closed because the police did not know the accused. But the people had given both the names and addresses of the accused in those cases. Justice Shri Krishna said that those cases need to be investigated again. Our government opened only 8 out of these 1358 cases and even there the cases have either been closed or the accused have been acquitted. So much time has passed that the people have forgiven each other. They say that reopening the cases would cause unnecessary distress. But we must not stop fighting the cases in which the police had been implicated.

Irfan Engineer, Mumbai

I am associated with the Centre for Study of Society and Secularism. A Muslim in India will continue to be beaten and attacked if he tries to stand up, assert or practicing secular way of life as long as he would continue to resist Hindutva fold.

I was working in a Tribal area called Dang in Gujarat. During that time around 30 cases were filed against me, but not because of my Muslim identity. It was in 1992-93 and I did not perceive any bias or discrimination in the eyes of the police. A Tribal man bailed me out for custody. Usually, threatening is done by the police, but it was the First Class Judicial Magistrate threatened the Tribal man in order to impress upon him to retract from bailing me out. The Judicial magistrate said that I was a Muslim man and he should not rely upon me.



If we go to any Magistrate court we would hear the names called one after the other for granting bail, it would be evident that few Muslims and more Hindu names would be bailed out. If we observe who is being granted bail, the amount of security being paid in lieu of bail we would see that there is a clear bias in the deliverance of orders of the Magistrate.

Findings of the total number of people locked up in the jails of India if are analysed, suggest that the proportion of Muslims in jails against their total population in the country is far larger in comparison to any other community. In Maharashtra, Muslim population is 10.6% whereas Muslim population in the jails of Maharashtra is 32.4%. In Gujarat, 9% are Muslims and the Muslim population in the jails is 25%. In Karnataka, Muslim population is 12.23% and 17.5% in jails are Muslims. In Assam there is a Muslim population of 30% and 28% of the people in jail are Muslims.

An IPS officer who was also at one time the Additional Director in UP, Mr V N Rai conducted a study on how the Muslim and Hindu people perceive the police. When asked whether they would consider the police to be their protectors during a riot, 97% of the Hindu people interview said "Yes" while 93% of the Muslim people said "No". It is just a mirror image of the bias. Communal profiling is done in the police stations on a daily basis. It is very interesting especially in regard to the abusive names which are given to the Muslim inmates on the basis of their religion. In the jails, the Muslims and their religion is often insulted. They are forced to do things like urinating on the Koran.

We have also studied the reports of many Enquiry Commissions on Riots which have revealed police lapses like use of excessive force on the minorities, non-enforcement of curfew in majority areas, allowing mobs to loot and kill and actively assisting mobs by giving fuel, fire cover or misdirection., deliberately not countering rumours and registering FIRs, deleting names from reports or recorded FIRs where the victims have identified the perpetrators, not conducting investigations after the FIR complaint has been registered and closing these complaints as Summary A and Summary B.

Vidyadhar Gadgil, Goa

When we talk about Goa we don't link it with communalism. Though, the stories like which we have heard from other states have not been happening in Goa. Communalism is not that active in Goa. One question that comes up is that would the same happen in Goa one day. The Hindutva forces have not been very prominent in Goa. But since the Ramjanmabhoomi Aandolan they have slowly grown and for the first time came into power in Goa in 1999.

The first communal riots happened in Goa in 2006 which had never happened in Goa before. The riots were in protest against a Madarsa or a Mosque which had been recently constructed. Discrimination against Muslims is also on the rise. If it is reported that 8 to 10 people are offerenig Namaaz in a house, the police would come and take away the people to the police station and the people would be ordered to stop offering Namaaz.

Two months ago a tragedy happened. After the Terror attack in Mumbai, the security measures were increased in Goa as it is a coastal state. There was a Madarsa in Vasco, where Muslim girls from Goa and outside used to study. The police went and took away all the girls to the police station for not



having a Migrant Identification card.

In South Goa, Margaon there is a Muslim Cemetery on a Hill top which was donated by a Muslim Family around 150 years ago. From that time it is the only Muslim cemetery in and around Margaon. From 1990 there has been demand for one more cemetery by the Muslims. This was because the population of Muslims had increased due to migration from other states. The Muslim population which was about 2 to 3 percent has now grown to about 5 percent. Therefore, burial of dead bodies has become a problem in itself. Many Muslims in Goa either go to Karnataka or towards Balgaum and Hubli for the burial of their dead. That problem was expressed to the government and in 1999 a resolution was passed in the assembly to give a cemetery to the Muslim community. But, nothing has been done in this regard to that decision. Land acquisition procedure had been initiated in Panaji and in Margaon however, it could not be done successfully because the land was owned by a Catholic person and it instigated a lot of conflict between the Catholic and the Muslim Community. It was later joined by Sanathan and Hindu groups. Finally in 2007 the Muslim community requested that the Land Acquisition proceedings to be aborted in order to maintain the peace in the society.

Such is the situation that the Muslim community cannot demand for its right since doing so disturbs the peace. Three months ago another attempt was made to acquire land for a cemetery in a village near Margaon but was unsuccessful as the village Panchayat decided against it. There is lot awareness regarding environmental issues in Goa. There is great interest and is a very strong movement in that direction. And these movements are strongly backed by local Panchayats since there is great awareness among people about local governance. The government even cancelled four SEZs which were planned in Goa.

This has inadvertently created a majoritarian system where the rest of the community comes together and decides against a cemetery for the Muslim Community. The main opposition is not people from the BJP or the Sanathan groups; the opposition is mainly from the Catholic community.

There is no such political organisation for the mobilisation of the Catholic Community. The government in Goa is of the Congress and 60% of the MLAs are Catholic. Everyone agrees that the demand made by the Muslim community is justified but no elected representative wants the cemetery in their constituency. The MP from South Goa had said during the election that a cemetery should be given to the Muslim community but when it was proposed that a cemetery be made in his constituency he opposed it. How can this situation be solved? Many possible solutions were explored. It was suggested that inter-community understanding be fostered, the church was approached for it. Inter-Faith meetings were conducted but nothing productive resulted out of them.

The media took up the issue in a big way. Columnists wrote that the demand was valid and that the link that was made between the demand and migration was wrong. Since the media took up this issue there was hope for some resolution. The National Commission for Minorities has taken suo moto notice of it and their team is coming to study the issue. The National Human Rights Commission also gave a notice to the Goa government as to why after so many years that demand



was not met. The notice now has been forwarded to the District Collector. We hope that this problem would be resolved now.

Haji Noor Mohammad, Gujarat

I am from Gujarat. The mosque in our village is about 50 years old. When we had started to rebuild that mosque but the work was stopped by the village Sarpanch due to protests by the VHP, BJP and some other Hindu groups. We were given repeated notices to remove the material which had been kept for rebuilding the Mosque. They slowly took the land away from us by writing reports against us in the police station. We remained silent.

On 17 .02.09 the Maulana's Room and the two shops were demolished by about 500 villagers and Daboi Taluka Panchayat's BJP member Jitender Bhai Bapala took away the material and threw it away somewhere. We got afraid and wrote to the Baroda DSP, IG and the Daboi DA and SDM. There has been no action till date; nothing has been done against the demolishers and those who stole the land. That is how the Muslims in our village are harassed. We hope to get justice and that the work on the mosque would be completed one day.

Ghulam Hussein Kaagzi, Gujarat

I am from Kausamba Zilla in Gujarat. I have 8 to 10 small businesses there and also run a small Madarsa. Two years ago a rickshawallah was caught and beaten up. Mutton was obtained from his rickshaw and it was claimed that it was Beef. He was beaten and taken to the police station. The two women sitting in the rickshaw were also taken to the police station. After that his rikshaw was broken and no legal case was initiated against the rickshawallah and the two women. Neither was anything done against those who had beaten the rickshawallah.

I had been involved in making passports for 30 years. I was framed for being involved in the fake passport business. After two months I was taken into custody and put in jail for 40 days. Everyone knew that it was a false allegation. The passports shown by the accusing party showed the passports that I had made for some people who wanted to go on Haj and there was nothing illegal in it. Two year have passed after that incident and even then they were troubling me.

I wrote an application to the Gandhinagar IG, and Police Commissioner. The copy of that letter was also sent to the Chief Minister, Collector and DSP. I received a letter from the Police Commissioner and he directed the DSP to look into this matter. In that letter I had written that I am innocent and had been framed falsely and illegally. If, I am guilty then those who provided the other documents like the Collector who issued the Voters' card, the Mamladar who issued the Ration card and the local Panchayat which issued the proof of residence were also guilty.

Abdul Sattar Sheikh, Gujarat

I am from Gujarat and am living in Kapadwanj, Gujarat. Till 2002 I used to live in a village called Dhansura in Sabarkatha. We were displaced during the carnage. When we went to the police station to file an FIR, it was not registered. Later, in Mudasa Camp, the police came to file a general FIR for



Dhansura and themselves wrote down the loss and a general Panchnama. They did not let anyone file an Individual FIR. My elder brother had suffered a loss of Rs. 15 to 20 lakhs and I suffered a loss of Rs. 10 to 15 lakhs. Till date, despite extensive writing about it we have not received anything except Rs. 1250 given to us only once. The same treatment has been given to the businessmen from Demai, Sathamba and other nearby areas. They have also left Demai and Sathamba and are now in Mudasa and Kapadwanj and are troubled when they try to engage in Business. In such a situation how is one to even do business in these places.

In Dhansura Agricultural Produce Market Yard where I had a warehouse built by me. The land belonged to the Market Yard and I paid annual rent for that land. After the carnage we were not able to pay the rent. The market, without giving any notice, took custody of my warehouse and took out the material. In that regard we contacted lawyers but nobody was ready to fight our case. The RSS and Bajrang Dal were so active in those areas that nobody was ready to work with us, help us or listen to us. If any person tried to move forward then their children or family were picked up and framed so that he could not do or say anything.

The second issue is that my daughter Ayesha Sheikh had made a name for herself in Sports and she had got a chance to go to Manchester. The Institution did not finally allow her to go, reasoning that her passport was issued late. My daughter was handicapped and she had applied for jobs and been to interview for jobs at many places and yet did not get a job till date. The only reason that she did not get a job was that she was Muslim. She even applied at the Fair Price Shop in Nadiad where she did not get a job despite her qualification.

Haroon Hafiz, Madhya Pradesh

I am from Madhya Pradesh and I consider Madhya Pradesh to be the most backward state in regard to the status of Muslims. In Bundelkhand area the Muslims were and are the focus of attack. The Muslim community has been broken through economically and educationally, no attention has been paid to it.

Today, the condition is such in my district that you would not find a single Muslim woman who has passed class five and who consequently can be given duty in the Aanganwadi, so Hindu women from other areas are given the charge of that duty. I have proof of it with me. And if any Muslim woman manages to come forward, then she is rejected under the influence of RSS, Bajrang Dal or the Shiv Sena. In this way the Muslim community is oppressed and the government supports it openly.

When we are denied education then all other avenues through which we might develop were also denied to us. Without education we are not aware of the law, aware of our rights, how to fight for and win our rights. In addition to that the Muslim Maulvis should not support the idea that the Muslim woman should be kept behind the Purdah, be housebound and should be denied education. They should be proactive, go to school and get educated. Education plays a major role in the progression and empowerment of women and subsequently in the progress of any community. If the children would not be educated then they would be definitely defeated and beaten in their future.



We have seen, heard and read about how the Bajrang Dal and Hindu fundamentalist forces have been attacking the Muslim community and the community has been suffering to which government is not sympathetic.

The main business in Bundelkhand is that of making Bidis. The second business is that of domestication of livestock and the rest are homeless people on the streets. There are no Muslims involved in agricultural activities that are completely in the hands of the Hindu community.

The main business of the Muslim community in Bundelkhand used to be that of domestication of livestock. They used to buy from Rajasthan and Madhya Pradesh and sell in Orissa and Chhattisgarh. It was a very big business. Their vehicles were caught by the police with the help of the RSS and the Bajrang Dal. They were harassed and the animals were kept in Gaushalas. The case is still pending in the court. Apart from it the Muslim community is also harassed in the name of cow-slaughter. If any person from the Muslim community has to file an FIR, it is filed after more than 24 hours would have elapsed and permission to file the FIR has to be given by a Senior Hindu politician. But if a Hindu person goes to the police station, his FIR is filed immediately and a due investigation is initiated.

If a Muslim girl runs away with a Hindu boy, nobody says anything but if a Hindu girl runs away with a Muslim boy it causes a lot of protest and disturbance. For instance, the daughter of Ramesh Soni Jadia ran away with a Muslim boy, and that has resulted in the desertation of 16 Muslim houses. The police entered any Muslim house even at night and searched the Mosque to find the couple. The RSS, Bajrang Dal, BJP and members of the Congress party made a written demand for the return of the girl within 48 hours and have said that if the demand would not be met, there would be rioting.

H R Pathan, Gujarat

I am from Mehsana district in Gujarat. I am an advocate handling a case where the victims wonder if they are at fault for being Muslims. They are from a village in Mehsana called Kharawada where around 20 families used to live. They had asked the Gujarat Government to provide them with a piece of land for a cemetery. When their application went to the government, a meeting was called by the VHP leaders in the village where the Muslims were told to stop reciting Quran and offering Namaaz, stop going to the Mosque and close down the Madarsa, if they want to stay in that village.

Muslims asserted that it was their right and they approached the chief secretary of the department of Panchayati Raj in the Gujarat Government. But he did not take any action of the complaint made to him. The villagers told them to abandon the village but they refused as they had been living in that village for the past 150 years. They rather asked how could they leave their land and cattle and where would they go? On the night of 15th August a clandestine meeting was conducted and was decided that on the lines of Sardarpur village where about 40 the Muslim people, the Muslim families living in Kharawada village should receive the same treatment. Some good Hindu villagers informed them about that plan and suggested them to leave the village in any way possible.

On 24th night they left their village leaving behind their homes, land and cattle. A day after leaving the village they submitted notice to the Gujarat police's DGP, DIG and DSP, the District Collector,



Mamladar and the Vishnagar Police Inspector about the incident along with the Testimonies of 100 victims and 100 Hindu Thakur witnesses who confirmed the injustices done to the victims. Even though it was a cognizable offence till date the government has not launched any FIR nor has any action been taken in this regard.

After that we wrote to the Central Government due to lack of action. We faxed to the National Human Rights Commission, the Prime Minister and the National Minority Commission. Indian Express reported the incident. After the article, the District Collector called us and asked us about our demands, gave us false hope and sent us away. I want to ask the system that should we be scared just because we are Muslims. The Muslims in Gujarat are already in destitution. Muslim political leaders pay visit to the community during the elections but at the first sight of danger abandon the community.

Gafoor Hussain, Gujarat

I am from Kharoda village, Mehsana district. We used to live in Kharoda village for the past 150 years. We had a cemetery 25 KM from the village which falls in the Vijapur Taluka. After the 2002 carnage, the Muslims were told not to bring bodies of the dead there and look for a cemetery in their own village. Then we applied for a cemetery in our village. There is about 200 acres of grazing land and we asked for 1 or 2 acres for a cemetery. The Gram Sabha rejected our application. Then we applied to the Collector and the Mesul Minister but it was of no use.

A Gram Sabha was held. There were a few people from our community and were told that if we want to remain in the village we will have to follow Hindus rituals and customs and not live as Muslims. Later on, a secret meeting was called on August 15, 2008 which was attended by people from outside the village as well. It was decided to replicate the Sardarpura incident in Kharwada. A few good people informed us about this. We again approached the villagers, asked for forgiveness and said that we would no longer ask for a cemetery but for the sake our women and children, let us remain in the village. We were again told to stop reciting Quran and offering Namaaz, stop going to the Mosque and close down the Madarsa, if we wanted to stay in that village otherwise all relationship with the village would be severed.

We were not able to sleep from 15th August to 24th August and finally left the village on 24th August and went to Bhattnagar and met our relatives and our lawyer. We then sent letters to Delhi, Gandhinagar and the Mehsana Collector. Till date no action has been taken in regard to this.

Deepak Bhatt, Bhopal

I am going to talk about ghettoisation in both the urban and rural spheres and the formation of Muslim slums. I will also be talking about how this has affected the work of the Muslim women.

I was looking at an old Gazetteer from Madhya Pradesh which talks about the Muslim population, mainly Shiekhs, Pathans and other Muslim people. The Muslim and Non-Muslim population used live together, but slowly after 1990 the population started getting segregated on religious lines.



Religious polarisation led to ghettoisation and since then it has been increasing slowly and this is very dangerous. The living and housing conditions in these ghettos are pathetic.

Recently in Bhopal a masterplan, 2021 has been announced which aspires to make Bhopal like London and Paris. It has been announced for a population of 32 lakh. The population of Bhopal at present is between 17 and 18 lakh out of which 9 to 9.5 lakh people live in slums. But nothing has been said as to where those people from the slums would be accommodated according to the plan; the Muslims that live in those slums are not even considered. There is no alternative plan for the Muslim slums. 40 slums have been recently displaced. The relocated slums are now clearly polarised as Hindu and Muslim slums. Muslims were left with no other alternative to go anywhere and have been relocated 40 kilometres away on barren land.

The colleges in the Muslim Area like the MLV College have been relocated to a new place, another Science and Art college called Benazir College where two attempts were made to relocate it. This meant that the students have to now travel large distances to study. Private builders are building colonies using Hindu names where unofficially Muslims are denied access to living. Like in Mumbai it is hard to get a house on rent in Hindu areas.

Many Muslim women used to be engaged in various handicraft activities in places like Bhopal, Chanderi, Ratlam, Ganjbasoda, Sagar, Devli and Mau. Due to the growth of mechanisation and globalisation these women lost their livelihoods. The government is unwilling to do anything in this regard. In Budhanpur many Muslim women were engaged in singing and dancing to earn their livelihood but today they have somehow been made to progress into prostitution. They are being forced into this due to lack of other options for livelihood.

Y J Rajendra, Karnataka

I am from Karnataka. I teach in St. Joseph's College and am associated with PUCL. We are closely monitoring the development in Karnataka, especially Southern Karnataka which is slowly becoming a capital of hate campaigns and such conditions are gradually spreading in other parts of the state. As the BJP is in power in Karnataka we have to be even more alert. After a year of having the BJP in power, we had a fact finding report on Cultural Policing in South Karnataka: Attack on Minorities and Muslims.

Attack on Muslims and Christians are taking place on every day basis. Only the reported cases see the public light. The fundamentalist forces in Karnataka like Shri Ram Sene, Bajrang Dal and VHP have consolidated their position and have started playing with the Muslims and Christians. We have studied 27 cases out of which 20 are attacks were on Muslims in different contexts. The fundamentalist forces and the state administration are working in tandem in this process of state sponsored hate and terrorism. We have submitted this report to the opposition leaders and to the previous Governor of Karnataka. We have not been able to get appointment with the current Governor of Karnataka who was recently appointed.

The police and the RSS parivar are working together and are making people feel insecure. The Parivar



is actually conducting vigilante investigations and for this they use networks of drivers and conductors which they are preparing and exploiting. The situation is very tense, especially in schools and colleges where the boys and girls cannot openly talk to each other. Even while travelling they cannot converse. If they do so, the message get passed on to the Bajrang Dal or the Ram Sene who then meet at one point and target the Muslims; there are cases like this which have been studied by us.

In the name of Cow-slaughter and protection of Gau-Maata, control over food is also being established. They are even controlling the clothes worn by people; they are not letting girls and women wearing Burkha to enter schools and colleges. There is opposition to this but it is very weak. When complaints are made they are not registered by the administration. When a person from the minority community goes with a complaint no complaint is filed but if someone from the fundamentalist forces goes, his complaint is immediately taken note of.

It's not Just the PUCL which is bringing all this to public domain but even the State Human Rights Commission's Chairman S R Naik passed an order where he says that it is a Constitutional Rights issue, you can't take law into your hands and that it is the responsibility of the state administration and the state to take care of such developments. But despite this order, nothing has been done and the Home Minister defends by saying that this is not the case. The Human Rights Commission report has also observed that there is no improvement in the law and order condition in the areas where places of worship have been attacked. The commission is tired of repeatedly reminding the government to take action against these self-appointed moral police.

The situation is being monitored not only by the PUCL and Human Rights Commission but also by the Left organisations, Dalit Organisations and communal harmony forums but our efforts are not very effective as the BJP is in power. Under these conditions we feel that we need to work together and come up with some new strategies. Even the judiciary is under pressure and imposing restrictions. The PUCL is looking for intervention from the central government and this message needs to be conveyed to the central government.

Dr Baharul Islam, Assam

Assam has the second largest percentage of Muslims in India (31%) after J&K. Six decades after independence, the Muslims are still languishing in utter poverty, political exclusion, and developmental deprivation and above all living under an added social stigma of being called "suspected Bangladeshia". Ironically though, all these years, we elected MLAs, MPs and made people ministers from all parties but none could think of something that will help the community in a far reaching socio-political perspective. The so called secular national party gives a seat in the cabinet to Muslim as a token but do not to talk about the real problems of the community that they represent.

Even after sixty years of freedom, not a single Technical, Medical or professional higher college, not to talk of a university, has been built in any of the Muslim dominated districts of Assam. An



application for starting a Unani Medical College in Assam is lying with the Assam University since 2002, and till date it is not given an “NOC”. At the lower lever the teacher-student ratio in the Muslim districts compared to other districts of the state tells a lot about the years of discrimination.

On the so-called over publicized 15 Point or Multisectoral Development plans for minority districts, there is a systemic blockade or at least delaying of projects. In fact there is a systematic plan to siphon off Minority funds in duplication of projects with other departments. Invariably every effort to do something concrete for socio-economic upliftment of the community is frustrated by bureaucrats in every department of the state. Short term soaps like small contractual works, seminars and meetings to garland politicians are always encouraged but any long term community development initiative is blocked directly by official 'technical reasons' or by putting up an antagonistic insider within the project itself.

No wonder that though there are 31% Muslims in Assam the government appointed very little number of Muslims in Grade III & IV jobs in the state. Though an Act was passed 26 years ago to follow the population pattern in appointment at the Grade III and IV levels, the state govt did not make the “Rules” to implement the Act in all these years. Hence, the bureaucrats are not bound to follow the population pattern in appointment.

Discrimination and marginalization of Muslims is not an aberrations but it appears to be a well planned conspiracy to keep the Muslims as uneducated, neglected and left behind so that they can be threatened and 'managed' at the time of successive elections. Otherwise, why a group of around 17 Lacs Bodo population in Assam who unleashed a violent agitation that took many lives for years are now gifted with a special package of Rs. 500 Crores while for around 85 Lacs Muslims in the state only Rs. 12 Crores is allocated in the state budget (that too with 63% administrative costs like salaries etc)? Is it the reward for Muslims in Assam for not launching an agitation like “Divide Assam 50:50”? What message does it convey?

Another aspect of this systemic deprivation pattern of so-called 'Minority Development' is visible in the gap between what the so-called 'secular' leaders talk in the media and what their own official machinery does in practice. The true colour of minority development politics in Assam that has a lot of announcements in public and full-page advertisements in newspapers but in reality there is a built-in system within the government not to do anything in time that will help the minorities. It will give Haj subsidies, Iftaar Parties and all such temporary things but no long term help for the community to develop educationally and economically.

Above all, there is this tendency to suspect every poorly clad, bearded Muslim to a “Bangladeshi Infiltrator” in Assam. The majority of Muslims in Assam lives in river bank areas that are eroded every year and when they lose all they have they tend to migrate to other parts of the state and even other places in the region in search of food and work. But, everywhere they are suspected as “Bangladeshis”, their paper snatched away, made to parade publicly in a humiliating way by local vigilantes, and pushed around. Adding fuel to the fire, though 99% of the extremist groups are 'non Muslim’ in the Northeast region, every time there is a bomb blast it is presumed conclusively that it



the work of “jehadi” or “fundamentalist” groups even before the inquiry starts. For three days after the 30 Oct 2008 blasts in Guwahati, all the media were united in pointing their fingers at some 'jehadi' groups dropping names of Muslim youths. But, after three days when it started to come out that a Bodo Group (NDFB) is behind the blasts there was stoic silence all around. The news channels suddenly stopped showing borrowed footages from Afghanistan throughout the day!

Against this backdrop are the numerous ethnic cleansing clashes that have left thousands homeless and living in “relief camps” for decades. Twenty-three years after 3,300 men, women and children were massacred in Nellie; survivors want to bury memories that won't go away. The State's callous indifference to their continuing plight hasn't helped. Teresa Rehman, in her famous Tehelka report dated September 30, 2006, says: “The Nellie survivors wage a daily fight to numb their senses and their pain — a fight they will perhaps have to wage every day of their lives. And the grim reality that is their present does not offer much succour as they grapple with the demons of the past — no infrastructure, no development, a meagre compensation and no justice. They all ask the same thing: “As human beings, don't we deserve a fair hearing in the court of law and a compensation that is adequate given the magnitude and enormity of our suffering?” Similar lots from the 1993 violence in Bodoland areas are still living in the relief camps of Kokrajhar, Bongaigaon camps even after 10 long years, with absolute bleak future, would not have been there even now. The latest addition to this is the displaced victims of ethnic clashes in Udalguri and Darrang districts in 2008.

Now security, right to life with dignity, as well as an avenue to earn their livelihood has become the prime concerns for the Muslims in Assam. The question is: Will they get justice and equitable share in development? What about the successive government that failed to deliver what they promise? The very observation of the scenes at the Muslims villages in Assam, the few number of schools, motorable roads, lack of drinking water and basic health services makes it clear that there is a systemic discrimination against them. And, no nation, however mighty, can talk of real development with a large section of its minority remaining at the outer circle of its prosperity.

Zakia Soman, Gujarat

In March 2005 the Prime Minister of India appointed the Sachar committee to study the socio-economic conditions of Muslims in the country. The Sachar Committee submitted its report in November 2006 which was placed in the Parliament in the same month.

The key findings of the Sachar Committee were: poverty and backwardness in terms of education, income, jobs and political participation. They also highlighted how the situation is compounded by the sense of fear and insecurity in which the community lives. The Sachar report was welcomed by all as it reinforced that the exclusion of Muslims was not a matter of perception but was unfortunately a reality.

Following the report the Cabinet approved a follow-up action on recommendation on 17 May, 2007. This plan involved 76 recommendations/suggestions, in all spreading out to 22 different ministries of the Government of India. It was announced that those follow-up actions would be achieved



through what was now rechristened as Prime Minister's New 15 Point Programme. Under the New program special development initiatives for 90 MCD [Minority concentrated districts/towns/cities] were announced. Measures leading to affirmative action – setting up of an Equal Opportunities Commission and developing a diversity index, National Data Bank (NDB) and Assessment & Monitoring Authority (AMA), Unorganised Sector Worker's Social Security Bill, delimitation of constituencies would be looked at, as was suggested.

The issue of access to credit would be addressed through opening of more branches, priority sector lending, transparency, creating awareness, micro-finance, entrepreneurship development training (EDP), enhancing authorised share capital of NMDFC. The access to education was sought to be improved through opening of schools only for girls, emphasis on school education, literacy campaign, improving enrolment, study centres, teacher's training, girls' hostels, Madarsa modernisation, text books, promotion of Urdu language. Care would be taken towards representation of minorities in selection committees. Trainings for sensitisation of government officials, civil rights centres, posting of Muslims in such places would attempt to address the sensitization of the mindsets. A multi-media campaign too would be undertaken to sensitize the public. A Wakf Development Corporation, amendment of Wakf Act, framing of model Wakf rules would also be undertaken.

The ministry of Minority Affairs claimed 100% achievement of all the proposed follow-up measures in June 2009. Consequently, one must presume that the poverty and backwardness has been addressed. Nothing, as we all know, can be farther from the truth. All of us know the answer to the question – have Muslims progressed? Have they become educated? Have they ceased to be poor?

While the Sachar report and recommendations present the stark truth about the grim reality of the status of India's largest minority there is lot of hogwash which is going on when it comes to seriously following up on the recommendations. Fear is that this report too may go the usual way. There are several problematic areas with respect to taking forward the recommendations. There is a lack of a political will to make a difference. What otherwise would explain the fact that there is no legality given to any of the steps suggested. There are no teeth given to those measures and they are not binding on states. We would not have been in the dire situation we are in if there was a concern or a sensitivity in the minds of the successive government to start with. Now, how can we assume that they would be commitment to pursue these measures? The much-touted educational scholarship scheme has a cap at its head which reads: This is a Demand Driven Scheme. So, if Gujarat or M.P or Chattisgarh, and even the Congress-ruled states, do not feel the need for this scheme, it is perfectly fine. No wonder, our women activists were told point-blank by the officers in Gujarat: we don't have any schemes for you people.

There is also the question of priorities, faulty and half-hearted planning apart from deliberate mischief when it comes to implementing the PM's New 15-point program. Also the budgetary allocation of 1740 crores in the 2009-10 Union budgets is not sufficient to address issues of such deep exclusion. No special care is taken to alleviate the plight of backward Muslims and even



women. There is very little or no awareness about the 15 point program in the community and in the NGO sector.

Even when it comes to something as simple as the Scholarships for Minorities' scheme the awareness is lacking. When we conducted a meeting in West Bengal with civil society groups in 2007, very few had even heard of the scheme. In Kerala, the announcement was made barely 72 hours before the deadline. It took a mass agitation from the students there to further postpone the dates for more students to apply. Even where a student succeeds the scholarship amount is too small and with too much complex paperwork. Another problematic area when it comes to education is the over dependence on SSA which we all know is a controversial program. There is little awareness about the KGBV for girls and it is too much to expect that Muslim parents will suddenly locate the KGBVs and enroll their daughter there. Specially, when there are no moves from the government.

The Ministry of Minority Affairs also stresses that where existing schemes of Ministries/departments can fill the requirements of such MCD towns, they have taken necessary action. The civil society demands to know as to what changed in these departments overnight that they went out and included Muslims in the ICDS, SSA, polytechnics, opening of bank branches, ITIs etc – all places from where they have been historically excluded. When there have been no Anganwadis in Muslim neighbourhoods in spite of the various Supreme Court directives, how do we now believe that they have all come about in such a short period?

Everybody who works on these issues is aware of what the NMDFC really is. None of us have known lives changing because of the financial help provided by NMDFC. They have no money to help the community, they are dependent on the respective states for allocations and worse, it is common knowledge that they are strangleholds of politicians.

And the key question about the communalism prevalent in our system and the consequent fear and insecurity in which the community lives remains largely unaddressed even after the Sachar report.

We want to see some real demonstration of political will in addressing the socio-economic exclusion of the Muslim community. If the UPA means business why can't they appoint a monitoring committee comprising of parliamentarians? Why is it so difficult to undertake sensitization of the bureaucracy and administration at all levels? Why can't there be penalties for erring officers on the lines of the POA (Prevention of Atrocities on Dalits Act)?

The so-called secular political parties have hood-winked the Muslim community for far too long. They cannot sit complacent in the belief that the Muslims will vote for them for fear of the communal parties. They have to begin addressing the real issues of the community. It is the responsibility of the government to see to it that the largest minority is enabled to participate in the socio-economic processes of the country. It is a question of state accountability to its citizens on which there can be no middle way other than genuine participation.

Nagma M, Karnataka

I am from Karnataka. The situation in Karnataka is similar but not as severe as that in Gujarat.



Recently since the BJP came into power in Karnataka the situation is slowly worsening. Recently, Muslim boys have been arrested for allegedly being Terrorists in Bhatkal, Hubli and Bangalore. We protested against these arrests but were told to keep quiet or we would also be linked with the terrorists and taken away.

We are working for education among minorities. But, on the field we were asked what the point was of being educated. Since, these days educated people like software engineers are being targeted and called terrorists. There was violence in Bangalore during the time of Ramzan in Muslim colonies after the BJP came into power. Eighteen boys were arrested and put into jails by the police amply indoctrinated by RSS ideology. Poor children who were involved in street vending, young boys of fourteen to sixteen years of age were severely beaten because they did not pay 'hafta'. In Hospet, a young woman was being forced to sell her house for being a Muslim. She has been tortured by the MLA Anand Singh.

In the case of granting scholarship of Rs 500 to Muslim children, children need certain papers and have to pay Rs 500 to the lawyers for that purpose. Thus, this amount needs to be raised. In case of Aashrey Yojna where 1500 houses have been sanctioned but out of that the Muslim people have not even got 500 houses. We are protesting against that. The authorities claim that the Muslim people don't want houses which are being given outside the city, and that they don't come forward to claim them and are therefore given to others. It is not so, but the people are not aware of the scheme and it is not even announced in the newspapers. We demand that the NGOs are brought into work on the issue of informing about various schemes for the welfare of minorities and if information would be spread among the concerned people they would be able to avail of those schemes. While issuing the loans, banks have their own biases. They don't grant loans to Muslims and are actually denied, stating that the Muslim people don't return the loans and are thereby sidelined, the data speaks otherwise. Even though the government is formulating schemes and other support mechanisms for the Muslim Community, the community is not being allowed to avail of these schemes and services.

Nishat, Rajasthan

I dream of an India where there is peace and justice and the state would protect people against oppression and injustice. This is not the time for swords but to use newspapers. For this we need to be educated and literate. Today we are recognised by our poverty and lack of access to basic amenities and infrastructure like clothes, schools, teachers, roads etc.

I consider myself born out of riots. I was a home bound woman wearing burkhas. I had heard the name curfew from my grandmother when not even birds dared to flap their wings, windows remained closed and guns were fired. I always wanted to witness a curfew but in the curfew that I witnessed I saw thousands of people on the streets with cans of oil, weapons and sticks in their hands and shunning the Muslims. We all know who is running the nation today. It is the RSS. Be it any party they are insidiously continuing to run the nation. They didn't even spare Mahatma Gandhi. They honour Godse. People with Godse-like thoughts and attitudes have grown and spread all across the nation.



When any scheme is demanded by the Muslims, they are actually requesting the state to help them in leading their lives with dignity. They are not able to live a peaceful and dignified life. They are in a perpetual state of tension and are always anxious for the safe return of our children back home.

Most Muslim people don't know about the welfare schemes that have been initiated for them. They don't know what has been promised to them. When a Muslim baby is born, the nurse at the hospital comments that a terrorist has been born. Girls are told in school to go and die in Pakistan. If a Muslim calls the police informing them about two dead bodies they would reply that it is not their liability. Where do Muslims go?

Muslims have suffered and witnessed lot of atrocities. I have seen two young men from my family being killed in the riots. We had tried to find the traces of one and found the remains of both the young men. They were twenty one and twenty three years old and both had been married for just one and a half years.

If any message is formulated through this meeting, the biggest message should be that the RSS should be banned. These people cannot be Indians who are garbed in Hitler-like clothes and promote violence in the entire Nation. We have been silent for too long. Our silence has been interpreted by them as support but now we need to raise our voices in protest against them.

Whenever a budget is passed, 15% is necessarily for the Minorities. Our organisation studied Rajasthan for the Sachar Committee. We went from village to village and were deeply moved by the condition of the Muslim communities that we came across. In the event of any robbery in the neighbourhood, the police immediately accused the Muslim people. They force their way into Muslim homes and abuse the men in the family brutally in front of their wives and children, accused of being Pakistani and are shunted to the police station.

When a Muslim person tries to get accommodation in a good colony or residential location they are denied and dissuaded to have a house there. Huge protests are orchestrated against him. The police and the administration would not do anything against the person who is selling if he is a Hindu but seize the Muslim who would be interested in that property. For years a Muslim is forced to go to the court and fight for his house. Muslim children are not given admission in good schools. What do they do? Whom do they approach? We are not alone. We are not fighting for ourselves because we remain silent.

During the riots Muslims are the severest sufferers, their houses are destroyed, property is looted, men are killed, and women are not just killed but even become the victims of worst possible, sexual, mental and physical violence while children are robbed of their childhood and parents. The people who talk of Sita and Gita rape women to prove their masculinity. What kind of culture is this?

In all those government departments which have to deal with the Muslim community, no administrators have been placed as yet or are under-staffed. I had gone recently to get relevant data for this programme. The condition of the work in those departments is such that even the clock is hanging upside down.



Professor Apoorvanand, Delhi

In the last three years, in Rajasthan, the school textbooks that were printed were not scrutinised by any education officials. Due to the efforts made by Kavita Srivastava, who is sitting in the Jury, it was finally done eight months after the Congress came to power in Rajasthan. That struggle was important because for millions of children in India, these school text books are the most important literature available to them.

We examined the school text books of the last eight to nine years that were prepared for students in different states. It was observed that most of the central actors in those books were Hindus. The mythology and culture centre in those books were Hindu. It was not done consciously but unconsciously also Hindu traditions and culture is what Pundit Nehru called the unfortunate default setting of the Indian Nation. This default setting increases the role of the state which has to consciously work towards secularisation of the system. It had implication on the composition of the committees that were constituted for the preparation of textbooks. There was a deep imbalance in these committees since Muslims, Dalits and women were severely under-represented.

In the National Committee constituted to prepare NCERT textbook for Sanskrit, when the discussion came towards selecting a National Icon, a member remarked that a lot has already been said about people like Rani Laxmibai and suggested the name of Aruna Asaf Ali. But her name was eventually dropped by the committee because despite being a National Icon, she was a Hindu woman who married a Muslim man and would spoil the children. Next the name suggested was of Pundita Rama Bai. Her name was accepted because she was a Sanskrit scholar. But the next day the members came to know that she had converted to Christianity and had married in court. They expressed that this fact should not be mentioned as it would spoil the children. The Indian educationists are very troubled by the possibility that the children would think about marrying in court and that would tarnish the character of the students. I have given this example to give you a glimpse of the default setting of the Nation. Children here are trained and conditioned to make such decisions and selections where exclusion is opted to be natural.

These days it has become a trend that there be only a token presence of Muslim characters, preset as token figures and no depth would be added those character. It also reflects upon the exclusion of Muslim representatives in the committees. Lot of effort are needed to be taken to change this. When I am talking of presence, I am also talking about the presence of Muslim students in the classroom. I was talking to Bharti who teaches in IIT Delhi. She informed that in the past three years she must have come across 400 to 500 students out of which only two students were Muslim. In our centres of excellence, not only Muslim students, even Muslim teachers are under-represented and are less than even 1% in our premier centres of educational excellence.

In the case of Schools we should talk not only of admission in schools but also of the absence, drop-outs and failures of Muslim students in the exams. National average of failure is dominated by three communities equally, namely the Muslims, the Scheduled Castes and the Scheduled Tribes. In



Madhya Pradesh and Chhattisgarh, the books are not only lacking from the communal angle but are deficient from the perspective of pedagogy. There are lot of issues related to pedagogy, education scene, equal representation of diverse backgrounds and communities in the education sector which require an intense and extended national dialogue needs to be initiated. To tackle the failure of Muslim students in the classroom, we need to take responsibility as a whole and also address our cultural deficit where we are not at all familiar with the cultures and traditions of various communities.

Mohammed Hilal, Delhi

The government is not doing what it was supposed to do vis-à-vis providing welfare services like health and education to Muslims. Welfare Schemes are a short cut that has been developed by the government for the social upliftment of Muslims. In the previous tenure under the Common Minimum Programme, a programme called Minority Concentrated District Development Programme was initiated for the development of Minorities. Under that programme ninety districts were identified and about Rs. 4000 crore were also sanctioned.

Sachar Committee report was stated to be made the foundation for that scheme; the committee that gave glimpse of the Muslim community's backwardness, but ironically an opposite reference to the report was given for that scheme. The Sachar committee said that the main bottleneck in the development of the community was education and especially the senior secondary education and beyond but in this scheme only primary and higher-secondary level education has been focused. The committee has said that the health condition of the Muslim community was parallel to that of the national average but this scheme gave emphasis on this issue which is not as high on the priority list as others.

It was formulated that those districts would be selected which have either more than 25% Muslim Or 15% other Minority population. But once the districts were selected and packages were allocated it was said that this is a district development programme and the focus will not be only on the Minority concentrated areas in the district. Now there is no guarantee regarding what percent of that Rs.4000 crores would finally be used for the Development of the Minorities.

It has been proved that those districts are backward since there are Muslim people in those districts. Since the Muslims are backward, the district too is backward because of the deficit in the development of a major community of that area. In the absence of the Muslim population, these districts would become developed. Then why that money should be spent on those parts of the district which are already development. For example in Assam, there are thirteen Minority concentrated districts and the literacy rate of Muslims in Assam is 47%, India's literacy rate is 65% and the literacy rate of Non-Muslims is 7% more than the National Average. There are hardly any districts in India where the Muslim population is more than 25% and the district is developed. By not limiting the focus on the Muslims in Muslim concentrated areas or district it would further only increase the gap between Muslims and Non-Muslims.



Apart from sense of security and Human Rights violations the Sachhar Committee gave most emphasis on education. But this package aims at building roads, bridges and buildings which is otherwise as well the responsibility of the State and the Centre. The development package would be made by the SDM, BDO, ADO, and DM and from there it will reach to the Chief Secretary of the State and from there finally it would be sent to the central ministry in Delhi for approval. There is no involvement by any public representatives or members of the civil society who are in close contact with those people who are facing problems in the districts as stipulated by the scheme.

An Rs.10, 000 crore project MCT or Minority Concentrated Town was proposed. I request that information regarding the projects be made public at least on the internet. Further, I wish to know why a project for minority concentrated districts should not be concentrated on minority concentrated areas in the district. If the focus is not centred on minority concentrated areas then possibly we need to change the name and ministry under which this scheme is being implemented. If possible I also request that some portion be earmarked for education. The money for education be spent in such a manner that it is sustainable and the responsibility for sustenance should not be given to the states as the states are not able to maintain things which are already in their purview. I request that we should observe what is happening in the minority concentrated districts that have been identified. With some protests, demonstrations and dialogue these problems can be easily addressed, some change can be effected and some portion of the budget would be ensured for the minorities.

I want to throw some light on the discriminatory behaviour of the Haryana Government. Mewat district in Haryana is a Muslim concentrated district with a population of about fifteen lakh people spread around 503 villages. A total of six schools in this district have facility for science and there is no High School for Girls in this district. None of the schools have sufficient staff. Recently, when we went to 257 villages, we found that there are about thirty six villages where there is not even one serviceman in the village. The government has been systematically excluding Muslims from education and employment. Out of a total 36000 jobs that were generated recently in the state this district got only forty eight jobs.

Sarvar Raza, Delhi

We work on a grass root level in Delhi. In regard to the Schemes when we went to the banks enquiring about the existing bank accounts of Muslims and how to go about opening a bank account, we were told that the addresses given by the Muslims are inaccurate. But the truth is that people from other communities are able to open accounts more easily than Muslims. Muslim are asked to supply a horde of paperwork and documents before they are allowed to open an account.

When I asked the Minority Department about their opinion regarding employment through Urdu education; they had no answer and advised us to ask through an RTI. When we went to the Social Welfare Department, they did not give us any answers vis-à-vis the procedure through which widows might apply to receive their pension.



As for the police, any time of the day or night they come to the slums and directly enter any house and ask the women to move aside and the men to come outside because they have received information that weapons have been stored here and have to thereby conduct a search. In that manner they harass the people and a few people are picked up and put in a cell. If the NGO or the community leaders get to know and go to the police station, they are released the next day. If not they remain there for a couple of days. When asked there is no record of any arrest. These are the situations that we are working with and will continue to work with.

Ayesha Shekh, Gujarat

I am from Gujarat. I am facing problems because of being a Muslim and also because of being a handicapped person. I was in first year of college when the Godhra incident happened and a year was wasted as I was not able to write the exams. To continue my studies I enrolled for a two year computer course in the Ahmedabad Blind People's Association after a year. I also studied computer hardware and telephone operating. I was also interested in sports activities and won thirteen gold, two silver and one bronze medal from 2003 to 2006. During 2005 I was selected to go to Manchester, UK but was not allowed to go. The reason for this is not known to me till date. I am a student at present. My father is not able to afford the cost of my education which is very high. I suggested my father that I would like to do part-time job to support my education. The government has reserved posts for handicapped people, where I had applied but never got a job.

Husaifa Ujjaini, Gujarat

The Sachhar Committee report talks at large of the Muslim community which feels threatened and insecure. This community is also socially, economic and politically backward. No extra efforts need to be made to make this community backward because the community has been beaten severely so many times that it has grown to accept and consider itself as secondary citizens of the Nation. There is no hope that they will ever get to enjoy their rights and the community members have mentally accepted that they would not get employment here.

Over the years the Muslims in Gujarat have slowly been settling in small groups or pockets but after the Gujarat Carnage in 2002, the Muslims in Gujarat have moved to large ghetto like settlements where they feel more secure. These ghettos are usually lacking in many basic civic amenities like water, sanitation, roads, schools and health facilities. Many of the houses which have been given or allotted by the religious committees and relief committees are usually outside the cities. It is government's responsibility to at least provide basic amenities to the people who have been displaced by the riots and communal violence into these ghettos. Whenever we meet the collector to ensure some basic amenities, we are told that the NA (Non Agricultural) Title has not been cleared. On the other hand in Juhapura when we ask the Commissioner he says that he is waiting for some kind of town planning scheme.

Regarding political exclusion of Muslims, we have received data on the 2007 elections, we found that in the total 182 constituencies, total of 1268 candidates were fielded for the elections. Of those 1268



only 113 candidates were Muslims. And even here most of the Muslim candidates, i.e 74 were were Independent candidates, only 6 were from the Congress, 18 from BSP and 15 from others. In that manner Muslims are slowly being excluded from political participation also. In addition, to this in some areas misappropriation in the counting of votes take place, the list of Muslims voters go missing or voter cards are not made for Muslim voters in some areas. In some constituencies/areas where there is a definite majority of Muslim voters, those areas are divided and merged with other constituencies so that the votes get divided.

For example the votes from Juhapura were divided between Sarkhej and Gandhinagar. In Kutch there is a village called Khawda which is adjacent to the India-Pakistan border. There are more than 35000 families living here but the Taluka is not counted at all. Their votes are not being counted. People are thus fighting for the Taluka to be made part of the constituency. On top of that there is a company called Solavasis which makes Bromine Carbide gas which is also producing a poisonous bye product which can cause severe diseases or damage to the people living in this area. That gas is as poisonous as that which was involved in the Bhopal gas Tragedy. This factory has been placed in a Muslim area.

Zulekha Jabin, Chattisgarh

I am from Chhattisgarh which is a state leading the Nation in a lot of categories like corruption and pollution. Around 2 to 2.75% of the population is Muslim. The Chief Minister promised rice at Rs 2 / kilo. Not even 3% Muslims have been the recipients of this benefit. There have been four riots in Chhattisgarh. Two have been mentioned in the media while another was stopped by the people and one riot was not mentioned by the media since it happened in the Chief Minister's constituency. There is no opposition in Chhattisgarh. Whenever the opposition Congress in Chhattisgarh raises an issue in Chhattisgarh, the Congress representatives from Delhi come and assuage the Chief Minister.

Whenever, it is asked that what had been done for the Muslims they would ask if there is any problem or riots and if not we are told to approach the Minority Commission. Moreover, Minority Commission says that there are no Muslims there and so no discrimination exists. There is no Muslim representative in the State's Minority Commission.

Banks don't issue loans to the Muslims. Since I am working with Bhartiya Muslim Mahila Andolan, we decided to explore the welfare schemes provided by each department. We found that that they don't have any data and we were told that there was no need for a separate scheme for Muslims. For two years we have been in dialogue with the Women and Child Development Department's State Secretary about the how many Muslim groups are present in the SHG groups under the Aanganwadi scheme, the number of Muslim SHG groups which have received loans from banks and the number of schemes that have been run for the Muslims. The consistently repeated answer has been that the schemes are not separate but will be made separate soon. An IG Mr Ansari had video recorded the riots in Kanker and filed FIR. He was consequently implicated in a case of Corruption.

All the schemes that are implemented are being slowly given Hindu names. For example a scheme



called the Nal Jal Yojna has been renamed as Bhagirathi Nal Jal Yojna. Under the Aanganwadi scheme the SHG were given charge to cook food under Right to Food has now been named as Annapurna Samudayik Sewa Kendra. The food given to Children in Anganwadi is given under the Annaprashan Yojna. This is another form of the exclusion of the Muslims that has been happening in India.

All over India handloom and handiwork centres are being run to give employment to Muslim artisans. In Chhattisgarh they are being run in eight centres. In addition to that there was no information regarding the Prime Minister's Fifteen Point Programme in the bureaucracy there. Also, the Cultural Board of Chhattisgarh is working towards promoting Hindu culture. Chhattisgarh had been a peaceful part of Madhya Pradesh but it will not remain so for long.

Due to the strategic planning of communal forces like BJP and RSS, they have won elections even in Muslim areas. The Chief Minister could not use the same open tactics as used by the BJP in other states but the methods used were more elusive, for example in a Tribal Area like Goreila Pendra, a cemetery was first brought under dispute due to the presence of a Peepal tree within the premises of the cemetery where it was suddenly found necessary to perform a Chhat Puja. Since the dispute erupted the dead were no longer buried in the cemetery at present. The Forest Medicines Board in Chhattisgarh is protecting the medicines in the forest. Many of the medicines being protected by this board also include many herbs, plants and trees which are used in Hindu pujas. When asked about that, it was said that people will generate interest only when it is linked with religious rituals.

The book published by the Raipur Development Association for houses. No provision was reserved for any minority community in those housing societies and it was stated in that book that the campus would have a temple and would be designed under the guidelines of Vastu. No thought was given to the fact whether the future residents would also belong to non-Hindu backgrounds.

In schools, the uniforms being issued are tunics and shirts. The families of the girl students would not allow their children to wear that uniform. It means that either the girls get another set of uniforms or they should stop going to school. It has been observed that because of it girls are dropping out of higher secondary schools. In the past seven years restrictions have been imposed on taking out Akhada- a procession during Moharram. I am not in favour of the Akhada, but what I want to point out is that when on Hanuman Jayanti and Vishwakarma Puja people make lots of noise and display naked swords the police and the local authorities accompany them, but then why Muslims are denied to access their right?

There was no information in Chhattisgarh about the Maulana Azad Foundation. With the help of a lawyer Shaukat Aziz, we managed to get Rs. 8000/- for a student who had received 98% in class tenth and wanted to become an engineer. He was the son of a rickshawallah. After that no money was given to the student due to lack of funds with the Foundation and the child was not able to continue his education. We have identified twenty five Muslim run schools in Chhattisgarh and hope that if they were improved they might help in improving in the situation of Muslims in education.

As far as the presence of Muslims in the Politics of the State is concerned, it's a pity that political



parties recruit bad elements from the Muslim youth mainly as musclemen. Some of the famous names in this category include Ijhaas Jaber, Salim Nasik and Feroz Gandhi. 500 Urdu teachers were given jobs, the Chief Minister made a lot of protest and now those teachers are teaching Hindi in Hindi medium schools. Those teachers were not given Urdu books because the books were burnt by the district education officers last year in the godowns. On being asked they said the books were very old and were infested with termites. Many Urdu schools have become Hindi medium and in the surviving Urdu schools non-Muslim principals have been assigned and the syllabuses have been changed.

Moreover, a large portion of the rice and food grains which had been promised during the last election and distributed through ration had been swindled away into the black- market by friends and associates of some Ministers of Chhattisgarh. It was discovered through IT department raids but nothing has been done about this till date.

As per the Sachar committee report about 4% Muslim children go to Madarsa. For those 4 % children a lot of excess money has been thrown into fraudulent madaras, where no pedagogy takes place. It is unthinkable what will happen to those children once they reach class five.

As we can see the situation of the Muslim community in India is very poor. They have been the focus of abuse, oppression and discrimination. It cannot be ignored that we are considered equivalent to secondary citizens. There needs to be some act like the Prevention of Atrocity Act on the basis of which provisions would be there to prosecute officials and any other concerned actor who participate in the discrimination against the Muslim community. In addition to this I feel some measure needs to be taken against those states who don't take the initiative and avail the provisions for Minorities given by the Prime Minister's Fifteen Point Programme. There is little or no information regarding the various schemes in Chhattisgarh. The lack of adequate propaganda by the central government regarding the schemes is a drawback for Muslims. In the Eleventh Five Year Plan, a proposal regarding developing leadership among Muslim women was raised. Nothing has been done in this regard as yet. Some of my friends from different states have sent agendas and suggestions to the Ministry of Minority Affairs. There is very little hope but we continue on our path hoping for some change.

Javed Naqvi, Delhi

I have never been comfortable with the description of myself being a Muslim. But you can be sure that you would find me there when Batla house happens even when tribals are being killed in Chhattisgarh I would be there but unfortunately many of you will not be there. I agree that the Muslim people need the help and support of secular people to deal with their problems. On other hand are the Muslims also able to sympathise and empathise in the problems faced by other people? If the victims are people from other religion or just poor people, will the Muslim community be able to sympathise with the victims? Areas controlled by the Maoists in Chhattisgarh today are referred locally as 'Pakistan'.



Professor Amit Bhaduri went to such an area recently. The Police Chief there was his student in JNU. On being asked whether he can go into the Maoist area he was told that that area is Pakistan and that he was free to go there on the other hand the police chief would also be forced to shoot the professor if he does so. This is because the CRPF from Kashmir has been brought to this area along with the National Rifles.

Our ancestors like Kabir chose to see beyond religion, why are we then trapped in this web. I say that the definition of Minority that is being given by different agencies, be it the Sachar Committee, the government or be it here from this platform, Minority should not be linked with Muslims. In fact it is the Minority that is running the Government. You say that you are a minority it is because you have not met that vast majority whose condition is almost similar or worse than that of yours. The Muslims need to look beyond religion and understand that we are not a minority and stop waiting for the secular people to come and save the Muslim community. The Muslim community needs to recognise the vast majority that they are a part of and move forward with that realisation.

Mohammad Shoaib, UP

The media plays a significant role in the construction of an image. In the media we see that every Muslim man has four wives. But this is not so. The report produced by the government says that more Non-Muslims than Muslims are into more than one marriages. But the media says that every Muslim man marries four times. Divorce among Muslims is verbal. Cases like that of Gudiya receive excessive media coverage. Talaq as shown by the media is not accurate. Even after the Talaq the Muslim man has to maintain his wife. Media also shows that the Muslim man has more children. I say that in every poor household, be it Hindu or Muslim there will be more children. If there are more children we can safely assume that there is poverty too. Regarding, terrorism, the media states that Jihad is a duty for every Muslim person. Every subject should be studied and understood under some specific context otherwise the entire exercise of studying the subject is useless. It is always alleged that a Muslim is a Jihaadi, he wants to bring about Islamic rule and is therefore a terrorist.

I am working on a Court case for Aziz ur Rahman from West Bengal. The UP STF claims that he came to Lucknow on 22nd June 2007 and hid some bombs there. I have come across evidence which is an order of CJM Alipur West Bengal which says that the West Bengal CID had produced Aziz ur Rahman in front of the CJM on 22nd June and he was sent into police custody to the CID till 26th June. When he was caught the media loudly proclaimed that a terrorist was caught but when the counter evidence was presented before the media it did not get attention.

Even I, who have always been secular and was involved in the Socialist movement from college days, was attacked. FIRs filed by me were not entered but FIRs to malign my name and to implicate me under anti-national activities were lodged such as others saying that I have shouted slogans which say "Pakistan Zindabad" and "Hindustan Murdabad". No such slogans were shouted in the Court. This was even reported by a journalist from Dainik Jagaran. That was an example, how the media actively crushed the Truth and propagated poisonous lies against the Muslims. That was a conspiracy to falsely implicate a Muslim as one who hated India, secretly loved Pakistan and supported



terrorists. We have to remain alert so as to be not swayed by the irresponsible reporting of media, the RSS and Imperialistic forces and become the true soldiers of our Nation to help the Nation move forward.

Shesh Narain, Delhi

I ask you to remember Ishrat Jahan. She was killed on 15th June, 2004. I had written in great detail about the DG Vanjara who killed her. The day news of Ishrat jahan getting killed came out I told one of my very dear friends who was running that news on a television news channel that she was not a terrorist. I asked him why he was running the police version. He replied that she was a terrorist; she was a Muslim and was travelling with that loafer boy.

When SP Tamang's report came I wrote that whosoever had called Ishrat Jahan a terrorist must apologise. A whole group of RSS started abusing me for that. One Journalist Mr. Punya Prasoon Bajpai, who had nothing to do with the running of that defaming new, stood up to represent the whole journalistic profession and asked for forgiveness. This is a ray of hope.

Today's newspaper, from UP, talks about a father who raped his daughter. This has been reported by the media and is pretty big news. This news doesn't mention any name. No details about the caste or religion of the people involved. In the same area, a girl was raped by her father-in law. The same media in the same city then held a Panchayat and a few people in beards were made to stand up and live fatwa was issued. Who were those people, who issued this fatwa? If we keep waiting for secular people to come and rescue the situation we would surely fail.

Recently in Jharkhand, some people killed four to five children. They were reported to be Naxalites. If any of them was a Muslim man then they would have been called terrorists. While reporting crime the mindset is such that during Ramzaan the crime-rate goes down. All Muslim people are not terrorists but every terrorist is a Muslim. In response to this statement I ask whether those who are a part of the Bajrang Dal are Muslim? Whether those who killed Indira Gandhi were Muslim? Whether the Ku Klux Klan was Muslim? Whether those who demolished the Babri Masjid were Muslim? Was Savarkar Muslim? We are not saying that Muslims cannot be terrorists. Yes, some Muslims are terrorists but people from other religions are also found to be involved in terrorist activities. It cannot be said that every terrorist is a Muslim. I have trained many students who used to instantly label any criminal if he is a Muslim as a terrorist but if he is not a Muslim he is simply a deviant character. Why is it so?

As far as I understand, in the case of UP, the primary education is in shambles. These days nobody studies in the government schools. The person who goes into journalism has schooled from Saraswati Shishu Mandirs and other such Hindu educational centres where he is taught that Babar was an evil person and so were Akbar and all other Muslims. And when during my classes I try to tell them that all Muslims are not terrorists. They broach the subjects like :every Muslim man marries four times. I know so many Muslim men who have not.

We have been waiting for Inquilab for so long and are disappointed that it has not happened as yet.



We don't know what will happen in the future. But we must not lose hope and keep trying. It is our duty to educate people regarding these falsely construed notions? Today many Muslims bearing Arabic sounding names have been caught in Europe, America and across the globe and something needs to be done about this.

Sohail Hashmi, Delhi

Secularism means that the state does not have any religion but in India it was interpreted that a secular state maintains equal distance from every religion. But that could not be so. All government programmes start with a Bhumi Puja, even to discover the mysteries of space this ritual is performed. Before the elections the politicians are seen going to temples, mosques, churches and gurudwaras

The DAVP was formed and it decided in 1950 that all the different people of the world live together. What was highlighted was their religious identity? Images of the people were shaped by the religions they followed. It is interesting to note that an image of man carrying a round cap on the head, bearing a beard, a tabeez tied in his hand, wearing a banyan was created for a man following Islam. At this time this was not the norm. At that time 35 different types of caps were worn , now all Muslim men wear round caps. The image has been stereotyped and even been accepted so by the subject himself.

This image entered into Hindi cinema also. In Hindi cinema the Muslim man was never a teacher, clerk, shop owner, artist, engineer, doctor, professor or businessman. He was always seen as the lackey of another rich man, a very strange poet living in the world of thoughts or was a drunken nawab. The Muslim character almost always died while trying to save the Hindu character. Rarely did the Hindu character die protecting a Muslim character. The death was the price the Muslim character had to pay for choosing to stay in India and for not going to Pakistan. The Muslim man had to die for the Hindu. On the other hand, outside the silver screen, the Muslim man died under treacherous conditions. Both are parallel trends that occurred simultaneously. The few Muslims that remained in the Hindi cinema were incorruptible police officers who again died while trying to save life of their Hindu colleagues who were fighting against Pakistani conspiracies, as it was in the movie Sarfarosh. Slowly all the 'Good Muslims' in Hindi cinema died. After that we only saw bad Muslims as seen in Aamir or in Wednesday. And now all the Muslims outside the silver screen also began to be perceived as bad or evil.

Although I have been a 'Khafir' according to the Mullahs and have been so from my past three generations, I am still perceived under the single category of being a Muslim person. As a ten year old child I was being taken to home by my father's friend in a jeep. The jeep was attacked on the way, the seat was doused in kerosene and the driver had to turn around the jeep and flee in order to save my life. At that time the image that remained with me was that of a stopped train out of which people were being dragged out and killed on the railway tracks. They too had beards which were shown to be possessed by the Muslim man in the DAVP poster.



From the time I came to Delhi at the age of 14 and was in class 7 till the time I was in MA, there was hardly a day when I was not reminded of my being a Muslim and did not feel threatened because of it. What could I do when my five year old daughter who goes to a reputed school in Delhi comes home and informs me that some children in her class do not talk to her?

Raju Rajgopal, USA

As far secular people of Indian origin in the US are concerned, perhaps you don't even need a tempo. I happen to be one of those on the tempo. So I would like to briefly tell that the things that we have done for what they are worth but obviously meetings like these give us a huge push-up in terms of the material which can be used to further our campaigns. There are broadly five areas that we have been working on since Gujarat 2002 which was the trigger point. Until then we were all going our merry way pretending that right wing groups do not exist in India. That was a huge wake up call for many of us; the friend that we thought was a friend was really not a friend at all.

We have been working to provide moral and material support to groups which are working on communal issues, whether it is in Gujarat or increasingly elsewhere. It has become fashionable to sign petitions like in the Gilani case and the Ishrat Jahan case. Some of us had also worked on the ground, like in Gujarat where we tried to help the victims. This is what I would call provide moral and material support to the victims of communal violence here.

The second area of our focus had been educating our fellow Indian Americans on what is happening in India on the issue of minority interest. We must acknowledge that we are having very little luck in that areas, perhaps even less that what you have here. But a few opportunities have come our way in trying to elevate the level of understanding. One of the examples that I can sight is the appointment of one of the people who had been very close to the Hindutva groups. During President Obama's campaign which demonstrated how his own appointment was violating the basic principle that he had been set out. I am sure you would have heard one of the cases from Gujarat; we had some limited success there. The point is that the education of the Indian community there could be based only on specific anecdotal events. We don't have any large scale campaigns to go forward with because we hardly get heard. At least here you have the mainstream media which has been in many ways supporting the issue of communal harmony maybe increasingly less. We don't have any media support at all in the USA.

Advocacy is another area that we have been working on. One such advocacy campaign was the Stop Modi Visa campaign, which can be called successful. Though, I am sure it was a symbolic achievement, but we could present the potential of putting the accused perpetrators of large scale violence in dock and could generate public opinion that such people should not be allowed in the US. Other people may point out towards the Human Rights violations which have been committed by the USA. We have engaged with that in a limited way and it has been something that we are focussed on and will continue to focus on. But we have been less successful where other senior RSS leaders are concerned.



The fourth area of focus, which might not be directly linked to the Status of Muslims in India is the issue of how the US school classrooms are being used by the Hindutva groups to infiltrate or bring their version of history to school textbooks. The situation started in California where for a long time our complaint was that there was nothing about India in the textbooks. Finally some of the progressive states like California introduced chapters on Ancients History and the first major attempt got the Hindutva force very organised and they really tried to put into the textbooks everything that they have been trying to do here including revision of the Aryan history, trying to wipe out any discussion of caste and taking out the word Dalit saying that there is no such thing; all kinds of things which the California education department came very close to accepting until a few of us intervened in the process. I am glad to say that we have had limited success to the point that we had judges taking the time to go through the issues and saying that they have no merit to ask the texts to be revised and they were not discriminatory against the Hindus. Even though they won on technical grounds we have been able to set a precedent that textbooks ought to be reviewed and approval must be based on accepted version of history by historians and academicians and not by known right-wing or religious extremist groups.

The last area and the most important area that we have been focusing on is when I talk about educating the Indian Community about what the Hindutva groups from there are doing in India or what is the net impact of the fund raising of Hindutva groups is the major issue that we have been trying to focus. We can say that the job has been half done; we have been able to track the kinds and names of organisations that have been receiving financial support whether it is in the name of culture or education as a part of tactics for fund raising by Hindutva agencies. We can go as far as identifying the organisations in India that have been receiving the funds. We have some leads on how these funds are used for funding hate in India.

This is an issue we have to talk about as when we talk about globalisation of hate, we have to take this education campaign to those countries where there are large Indian communities and to convince them about the negative impact of their money. We really need more work here in relation to what is happening. And as I mentioned earlier, meetings like these, the reports and the anecdotal information which is generated are certainly very useful in creating more such campaigns.

Mohammad Arif, Varanasi

I want to talk about the offences and injustice done by the police. As I have been listening to others I feel that the police have been for this sole purpose only, to do injustice, especially to minorities and specifically Muslims. I feel that the actions of the police in UP are similar to that in Gujarat. The police in all the states seem to be in the same camps, as their perspectives are very similar.

There have been no riots in Banaras in the past 7-8 years. This is because of the conscious efforts being made by the people. A Shah Jahan Sanskriti Manch with a membership of about 5000 people, who have been continuously working, even in peaceful times, so that no such incidents happen in Banaras. There were serial blasts in Banaras in 2007 at Sankat Mochan temple which is an important place in Banaras. But no riots happened. After the blasts a group of 15-20 thousand people went to



the temple where there was blast. They tried to seek answers as to who planted the bomb. The Mahant of the temple said that it was Banaras's internal matter which would be resolved internally. Such was the environment in Banaras.

UP is under the governance of Mayawati's government and not Modi's government but you will see the role of the police in such an environment. Bajar Dia an urban area in Banaras has high concentration of Muslims. During the festivals people come out in large groups, during Holi one such group had come out. There was a Mosque in the colony and there were some mischievous characters in it wrote abuses on the walls as the groups passed by. It happened many times. People said that this should not happen. One day before Holi, a meeting of Hindus and Muslims was organised with the SSP. SSP said that the police from local thana would be present near the mosque.

Despite the presence of policemen, a young 17 year old boy was seen writing on the walls. The Muslims caught the boy and handed him over to the police. After five minutes the boy was released back into the crowd. When a Muslim questioned the policeman why the young boy was not taken for questioning, the policeman simply shot this Muslim man immediately. It created panic in the crowd. And 3-4 people who later passed through that way were stopped by the police. Two of them having Muslim names were also shot dead immediately on the spot at close range. A curfew was immediately imposed. When it was told to the SSP, the thanedar alleged that those people were to spread riots during Holi. But both the Hindu and Muslim people disapproved that statement. Later the policeman was simply transferred. Due to public pressure, Rs. 1 lakh was given to each victim and the SSP said that he could not do anything more than it.

When there was a blast in Rajasthan, the police was searching everywhere. There is an Arabic University and an Islamic Research Centre in Banaras. A maulana was picked up by the police at night. Nobody knew anything until morning. There was no record of it in the local police station. Later information came that he was picked up because he was involved in the blasts in Rajasthan. Civil rights groups said that at least it could have been informed but were explained that it was done in emergency. When a lot of pressure was put, then it was revealed that he was arrested because a large amount of money had been transferred in to his account. The maulana said that this was Zakaat money which was to be used to make a building and the money was about 12-13 lakh. Then about 40 thousand people came out on the streets and surrounded the SSP office, and under pressure the SSP said that he was taken to Kanpur and would be released soon. The case against him still has not been withdrawn. He was called every week by the police for no reason at all.

In Mau, a truck was passing by near the edge of the village and lost the control and ran over 3 sleeping people who were killed. Out of them one was Hindu and two were Muslims. People protested against the absence of traffic police and proper barricades. At that point Yogi Aadithyanath came and said that the driver was a Muslim man intended to kill Hindus. He tried to give communal colour to the incident. The Muslims came out and said that it was not so. Immediately the police opened firing and killed four Muslims on the spot. Nothing has been done about it despite pressure.



Mr Togadia went to Banaras on 29th and 30th July, 2009 and there is an Alam Gori Mosque on the banks of river Ganga. He was accompanied by three policemen for security, yet he entered the mosque with his shoes on. A few journalists were also accompanying him. It was early morning and it was not reported by anyone. Later when it became known, there was a protest. The DIG said that he had left and cannot do anything as Mr Togadia is a very powerful person. We can nevertheless transfer the people who were there with him. We demanded that those people be suspended but he refused to do so as it would require an enquiry. They were finally transferred where they could have very high earning. In the meantime, Mr Togadia made a statement in the newspaper that he had gone there to find out how a Mosque came up on the banks of Ganga. He was also provided security after this.

We talked to the DIG, who was a very good and secular man. He was punished for this by being sent to the PAC. He told us off the record, that he had wanted to do something against it but was waiting for a phone call. Where he was punished and sent to the PAC, the other policemen were sent to a more rewarding posting. This is the way that the Police in UP behaved and it was no different from the police in Gujarat. If we read the newspaper, it is filled with reports of such behaviour from the police. If we conduct a six – months study of the media reports in this regard in the newspapers we would find that it was happening even in UP.

Yogi Aadiyanath has great power and influence in North-Eastern UP. He travels with a long train of 100 cars which are occupied by men with open arms and AK-47s. Nobody asks how he had managed to pay for such intensive security. He has issued the statement that if you want to stay in UP you have to chant Yogi Yogi. The implications of it can be clearly understood by any Muslim person. However, if a knife is found in a Muslim household FIR is immediately lodged. Yogi tried to create communal conflict in Mau, but he is escorted by the UP police. I would reiterate here that it is the religion of the police to commit offences and be unjust.

Shabnam Hashmi, Delhi

A few more people had to attend the national meet but could not come due to various reasons. I would like to present their issues in front of the jury. The first issue is that of appropriation of religious and cultural spaces. There are some places which have become symbolic like, Wali Gujarati's Mazaar, Baba Budengiri, Fayaz Khan's Mazaar which were attacked a number of times by Hindu fundamentalist forces. In 2002 more than 250 mosques and Dargahs were completely destroyed. This has been happening all over India. Sometimes a idol is discovered, sometimes mythology is created that makes the place disputed. In 2006 in Baroda, Mr Modi said that all the temples on the road and on government land are to be removed. Along with those 6 month old temples constructed with 10-12 bricks, a 200 year old Dargah was destroyed.

When I talked to the national media, the reaction was that for how long I would keep on talking about Gujarat. They said that along with the dargah so many temples were also removed and after all why were the Muslims so intolerant. Due to the atmosphere of panick in the city over the demolition the street vendors started going home. The police stopped the people who were returning and those



who had Muslim names were shot at close range. More than 25 young Muslim men and boys were hurt, some died and many others were crippled for life. Harsh Mander and I visited them in the hospital. I pleaded with all my media friends who had covered 2002 and were celebrated journalists. Only one young TV journalist agreed to cover on the condition that I fax the information about the firing on Anhad letter head and with my signatures on it.

The 2006 Nanded bomb blasts exposed the Sangh Parivar's terror links. Many similarities were noted in the Nanded blasts and on attacks on the RSS headquarter in Nagpur, RSS office in Tenkasi, Tamil Nadu and terror attacks in Thane and Kanpur. It started emerging out that the Sangh Parivar had a terror network which was finally exposed in Malegaon, but those things were ignored. The first press conference in Delhi in May 2006 on Sangh terror links drew a blank. No one was ready to listen to us neither the media nor the politicians. It was only Arjun Singh who gave us a patient hearing and took up the matter in the Cabinet.

In the case of Ishrat Jahan, when the affidavit was filed by the Home Ministry on 6th August, 2009, I sent a letter to Mrs. Gandhi and later also sent an open letter to the Prime Minister. The Gujarat IB Chief, Mr Rajender Kumar has played a big role in encounters, he is very creative in preparing fraudulent encounter stories. Many people had requested for his transfer after the UPA Government came into power. I had also been fighting for it for 2 years. He was transferred in 2005 to IB's RK Puram office and later to the Dhaula Kuan office and he was finally made IB's Joint Director in Delhi. The affidavit was filed after Rajender Kumar came to Delhi. If the UPA Government is not aware of his links with the RSS and a large number of such officers sitting in the present set up it doesn't deserve to be in power.

Another issue is organised attacks on the Muslims in jails as was seen in the Sabarmati Jail, Ahmedabad, and especially seen in jails where people being accused of being terrorists are kept. In Baroda the attack was planned near Id, attacks are often planned to be executed near Muslim festivals.

In Baroda 5 young men were picked up and remained missing for 6 days. They were kept in a private farm house, tortured and not allowed to open Roza at the right time. There are many schools in Gujarat where one day is decided for Id and they don't bother if the moon was seen and Id was celebrated on that day or not. In many places often exams are scheduled to be held on Id. This can be seen only in Gujarat.

Another issue is the growth of Sangh Parivar's infiltration. Purnima was going to speak about this. I have given some examples, I believe some of our jury members have worked in this area and I hope they will give this issue due consideration. Avinash had to speak about discrimination during Relief Rehabilitation. In regard I would give only one example. In India we have suffered a Tsunami in South India, earthquake in Gujarat and an earthquake also in Kashmir. If we observe the number of newspapers and corporate houses which organised relief for the Tsunami and the Gujarat earthquake and the relief organised for Kashmir you would see that the difference in their attitude even in times of providing relief during natural calamity. There were many e-groups where it was



circulated that mostly Muslims were dying and that there was no need to respond to them. We even studied the much acclaimed 'good' relief plans of Modi during the Gujarat earthquake. The villages that have been relocated, the Muslims and Dalits were not given any land in the prime business areas. Their houses had temporary roofs and were at the periphery of these new villages. We observed and recorded this in at least ten villages.

As for the emergence and role of the new age gurus, on a daily basis the new gurus have been teaching the people to obey the guru totally controlling the thought process, rational thinking. In 2002 swords and trishuls were stored in the Swamy Narayan Temple. I have also seen and recorded the training of Durga Vahini within the temple of Swamy Narayan who used to take a bath even at the fall of mere shadow of a woman over him. I called many channels but this was recorded only by Doordarshan. These gurus have also campaigned for Modi.

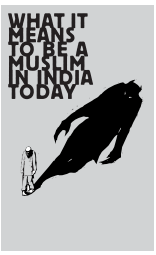
The allegation of cow-slaughter is being used all over India to attack Muslims. Some examples have already been given here. If we talk about Gujarat, the durbar people have always domesticated and loved animals. The durbars are also very close to Muslims and they bury their dead. Many people from this community had saved Muslim people during 2002. The Gau-Rakshak Committees have Darbars as their members. When the allegations of cow-slaughter is made in a village, ultimately the conflict happens between the Darbars and the Muslims.

In 2007 when I was in Himmatnagar, I got a call from Yusuf at 1 AM in the morning that villages in Surat were burning. We immediately contacted the big politicians that we know. Within half an hour the politician assured us that things were in control and that he had talked to the Commissioner. But calls kept coming from Surat. Finally at 4 AM in the morning I left for Baroda. From Baroda I went to Surat with Yusuf. By this time 5 villages had been completely charred. At noon we reached Kim char Rasta. We had received a call from the mosque saying that the police were attacking the mosque. When we reached the mosque we found broken glasses and blood stains splattered all over the floor. The police itself had come and attacked the people who were resting in the mosque as it was the month of ramzan. It is visible that how a small allegation of cow-slaughter could become a reason to unleash violence.

A big Dubai businessman who did business with goats had helped a lot of people in 2002. For some work he had to come to Gujarat and he was arrested. He has been in jail for the last 8 years. He was accused of being involved in beef trade. This is a pattern seen in all states.

Rashida was going to talk about slow poisoning through medicines. I have actually seen the VHP leaflets which instructs the doctors to prescribe outdated drugs to the Muslims. To amputate the leg even if it is not required and so on. This has been happening for the past two decades. Even today, there are a lot of people who are afraid to go to the hospital as they believe that they would not come back alive from the hospital. I do not know a solution for this issue. After seeing and witnessing it is very difficult to maintain faith that Muslims are equal citizens in world's largest democracy.







Articles
&
Presentations

Media, Modernity and the Minorities

Sukumar Muralidharan, Delhi

Early September 2009, the Metropolitan Magistrate in the city of Ahmedabad, released his report on the killing of four suspected terrorist by the Gujarat police in June 2004. His finding was simply that the killing had been staged: that far from being an armed engagement in which the police personnel returned fire in legitimate self-defence, the four – who included a woman from Mumbai, Ishrat Jahan – had been shot dead in cold blood by the police and their bodies planted at what later was claimed as the scene of an “encounter”.

The Magistrate's inquiry report set off reverberations across the country. Inevitably, it cast a long shadow over the one-year observance of a similar “encounter” in Batla House, a south-eastern suburb of Delhi in September 2008, in which two supposed terrorists – ostensibly responsible for a series of bombings in the city just six days prior – were killed. It also exposed a curious opportunism in the ruling party at the national level: while it was prepared to excoriate the Gujarat state government for its lawless and indiscriminate actions, it showed little willingness to concede the demand for a judicial inquiry into an event that happened under its own jurisdiction.

Counsels were divided within the Central Government on the Ishrat Jahan encounter. The Home Ministry was willing to stand by an intelligence input it had provided the Gujarat government, identifying the four persons killed in the encounter as suspected elements of the Lashkar-e-Toiba, a group with claims to involvement in various terrorist incidents. But the Law Ministry was seemingly in a hurry to condemn the Gujarat government and little inclined to entertain these reservations about shared culpability.

These uncomfortable schisms within the apparatus of governance prompted an editorial in the Indian Express, which criticised the “political opportunism” of the Central government and its “craven disregard for the sanctity of intelligence inputs”. Rather than play politics, it demanded that the Central government clarify the status of the four killed in Ahmedabad. Their possible intent to commit a terrorist act had no bearing on judging the fairness of the Gujarat police's action in killing them in cold blood. Yet this knowledge was vital in preserving the processes of intelligence sharing that national security demanded.

These locutions show a surfeit of moral indignation, but little respect for realities. To refer to the “sanctity” of intelligence inputs is to speak of the agencies that gather and disseminate these as dispassionate, objective and neutral, devoid of any narrow, corporate interests. The intelligence agencies in other words, are the “universal class” in the Hegelian sense, without interests other than representing the general public. This would seem a rather fanciful description for anybody who is familiar with the bureaucratic jealousies, the turf battles and the evasions of responsibility that are everyday occurrences in these agencies.



“Sting” operations as an incitement to crime

Indeed, as reported in *The Hindu*, the story of the encounter was complex and multi-layered, involving a possible “sting” operation by the intelligence agencies to infiltrate suspected terror rings and identify individuals with the inclination to commit terrorist acts. It is now common knowledge that a sting operation is a form of entrapment. It has some legal value only if it can be proved that the target of the operation had a prior intent to commit a crime. Unless the predisposition exists, the executor of the sting operation could be held liable for instigating a crime.

This is a reality that two journalists who carried out a sting to expose the “cash for questions” scandal in the Indian Parliament recently found, when they were charged under the Prevention of Corruption Act (PCA) for abetment of an offence. There is little question over the fact that the journalists' efforts yielded information that was in the public interest. Also, their targets had clear prior intent, to commit the offence that earned them expulsion from Parliament and indictment under the PCA. But the charging of the two journalists who carried out the sting under the same law has justifiably been condemned by all bodies concerned with civil liberties and the right to free speech.

If similar criteria are applied to the intelligence agencies, it could be asked if they have, in ensnaring participants in a plot to murder high political functionaries, really been guilty of instigating a crime. When grievances are rife and perceptions of the involvement of these functionaries in crimes against humanity are widespread, an overture of this nature from the intelligence agencies is likely – sooner rather than later – to attract some willing accomplice. In the process, the agency would have overstepped the limits of its mandate -- which is to preempt a crime -- and become an active participant in crime. From there to the criminal “encounter” is just a short step.

There are in this respect, very fine judgments of intent and responsibility to be made, and a host of delicate issues to be negotiated. Given the obsessive preoccupation over “jihadi terrorism” within the media, few of these questions are likely to be posed, far less debated in public. The intelligence and security agencies face no imminent threat that they will be subject to oversight and public scrutiny. Counter-terror operations will continue in an environment of impunity. The agencies engaged in these will continue to overstep the limits imposed by law. And as seen over the last two decades, counter-terror will be transformed into its own form of terror, fuelling an escalating cycle of indiscriminate violence. And a religious minority with ample grounds for grievance, will continue facing the brunt of the stigma that comes from being identified uniquely and solely as the source of terrorism.

Looking back to Ayodhya

The immediate precursor to this particular phase in the stigmatisation of India's main religious minority, is quite easily forgotten. Indeed, memories of the fevered days of the Ayodhya campaign, which was perhaps the single greatest national trauma in the six-decade career of independent India, have begun to fade. But it is important to understand certain continuities between Ayodhya



and the current concerns over “jihadi terrorism”, to appreciate how the media produces and reproduces images of a minority that somehow stands apart from what may be called a “national mainstream”.

Right through the Ayodhya campaign, the burden of the charge levelled against the Muslim community was that it was intent on maintaining its separate and “more equal” status, that it had little regard for the primordial identity and the cultural ethos that made the Indian nation what it is. Ayodhya left a trail of blood across the country before climaxing one infamous day in December 1992. And as the reverberations from that day of shame slowly abated, Ayodhya was banished discretely into the background, by precisely those political formations that had been in the vanguard of the campaign and found that it could not be milked for further political advantage. Yet, the issue has continued to simmer, with the potential to set off periodic eruptions of political insanity and communal violence.

The unrequited crimes of Ayodhya sowed a bitter harvest of hatred and resentment across the country. Extraordinary laws were deployed to deal not with the crimes, but with the sporadic, inchoate and rather disorganised efforts by those who were the victims of these crimes, to make their voices heard and in some cases, strike back. In the process a new stereotype of the religious minority began to take shape – as a community prone to random and insensate acts of violence, born out of its own inability to adapt and adjust to the opportunities that modernity opens up. Well before “terrorism” became a global concern, India's Muslims were already being disproportionately targeted under the draconian Terrorism and Disruptive Activities (Prevention) Act (or TADA) -- introduced in the early-1980s to combat violence in Punjab, but soon enough transformed into a tool for the persecution of the religious minority.

Following the September 11, 2001 attacks in the U.S., and the inauguration of the sole superpower's “global war on terror”, the stigma cast on the community mutated rapidly. From being in denial of what made India unique as a nation, they were now deemed to be in disregard – for cultural and historical reasons -- of the civic compact appropriate to the citizens of a rapidly emerging superpower. Hence, their proclivity to engage in terrorism, wanton acts of destruction targeted at the vital nodes of civic life in urban India. Needless to say, the State, that sat back in blissful indifference through the horrific violence of the Ayodhya days, has shown extreme alacrity in applying the most draconian laws against the supposed protagonists of the new phase of terrorism.

Manufacturing consent

The coercion of a minority cannot take place without the consent of the majority, in some cases willing, in most cases forced. And that consent is created through the media. Two days after the deadly September 13, 2008 bombings that struck busy commercial areas in Delhi, an editorial in the country's largest circulated English daily pronounced a rather sombre assessment, while also sounding a call to action: “We are at war. The string of blasts (in Delhi) which killed 30 people and injured 90 is the fourth attack by terrorists on a major Indian city in the span of four months”. The people of India, the newspaper advised, should get used to the idea of surrendering some of the



liberties they had become accustomed to. This was a necessary, short-term sacrifice, since the enemy they faced was an even greater threat to human freedom.

This was not the first time that Indians had been fed the narrative that they would necessarily have to give up a few of their civic freedoms in order to defeat a mortal threat to all civilisational values. Few paused to question how real the freedoms they enjoyed were and whether these were shared and experienced equally by all social classes and strata.

The atmosphere of impunity and overwrought nationalism was best represented after a so-called “encounter” in Delhi in November 2002, in which two alleged terrorists – supposedly of Pakistani origin – were shot dead. Though the sequence of events as narrated by the Delhi police challenged the meanest intelligence, the uniformed personnel who carried out the operation remained in high standing in the force. Civil rights advocates and activists who demanded greater transparency and accountability, were ticked off in no uncertain terms by the political powers of the time; the Union Minister for Law describing them rather famously, as the “overground face” of the terrorist underground.

Thus it was that soon after the Delhi blasts of September 2008, amid a mass of confusing and speculative stories in the media, the Special Cell of the Delhi Police, raided a fourth-floor flat in a tenement in Batla House, neighbouring the campus of the Jamia Millia Islamia University. The “encounter”, elements of which were covered in real time by the electronic media, resulted in the killing of two youths, Bashir alias Atif, aged in his mid-twenties and Sajid, aged in his mid-teens. Another person of twenty and odd years, Mohammad Saif, was taken captive. And to square the account, since the supposed intelligence report that led to the police raid had identified five known terrorists hiding out, the Delhi Police admitted with great regret, that two of their quarries had escaped their cordon.

Beyond this summation of results from the dramatic swoop on terrorism, a tale emerged of the Batla House operation that verged on unimaginative fantasy. And the media continued to peddle the fantasy because it was consistent with the reigning narrative of “jihadi terrorism”.

As reported in one of Delhi's newspapers, the team of the Delhi Police “Special Cell”, numbering about 60 – all draped in bullet proof vests – entered the “fifth-floor flat” at 10:15 that morning, accompanied by commandos of the National Security Guard. In the vanguard of this expedition into the unknown was Inspector Mohan Chand Sharma of the Special Cell, who went knocking on all the doors in the tenement. As the report puts it, “Around 10:30 am the door to (flat number) L-18 opened and Sharma was shot thrice”. A gun-battle ensued in which the Delhi Police fired 22 rounds to register two kills and one capture. Eight rounds in all were fired by the opposing side.

The encounter at Batla House in the construction that soon afterwards emerged from the Delhi police rendered the closure that citizens had long been waiting for, to the cycle of violence that began with serial bomb attacks in Jaipur on May 13 and Ahmedabad on July 26. The September 13 atrocity in Delhi was in this construction, the third in a sequence executed by the same dastardly



plotters.

This claim was embroidered and amplified by the media, which however, seemed to have little inclination to look at the troubling inconsistencies in the narrative. At the centre of the narrative was the Students' Islamic Movement of India (SIMI), a once obscure body of uncertain provenance, vaguely believed to be affiliated to the Jamaat-e-Islami-e-Hind, banned in 2001 and except for a brief interlude following the change of government at the Centre, an outlaw organisation ever since. As a series of fine investigative articles in the weekly magazine Tehalka documented through July 2008, every notification renewing the ban on the organisation for the maximum period allowed under the Unlawful Activities (Prevention) Act, had been a virtual copy of the earlier one. No additional evidence, in other words, had been produced to support the ban, other than the material in the original notification of 2001.

Inconsistencies feed public scepticism

When Safdar Nagori, the SIMI general secretary, was arrested in March 2008, a security analyst well-known for his feverishly speculative commentary, observed that "SIMI cadre have been involved in almost every Islamist terror strike since (2000), ranging from the Mumbai serial bombings of 2003 and 2006 to attacks in Uttar Pradesh, Karnataka, Andhra Pradesh, and Delhi".

Despite the seeming certainty behind this pronouncement, obviously inspired by dribblets of information leaked by the intelligence agencies, a tribunal constituted to review the extension of the ban, held on August 5, 2008, that there simply was no evidence connecting SIMI with terrorism. The Central Government on that occasion secured a face-saving stay from the Supreme Court on the application of this ruling. Media comment was muted and the public, still under the pall of fear spread by the Jaipur and Ahmedabad bombings, remained indifferent to finer points of legality and fairness.

The pursuit of the terrorists picked up momentum with the mid-August arrest of Abu Bashir Qasmi, a 25-year old cleric, snatched from his home in Azamgarh district of Uttar Pradesh by four men who came visiting on the pretext of exploring a matrimonial alliance. Taken immediately to Gujarat, he was identified by the state police as the man behind July's Ahmedabad attacks. He also reportedly, confessed to an undefined role in the Jaipur bombing. The media meanwhile had tied in the name of Abrar Ali, a medical student in Jaipur into the plot, with fanciful epithets such as "doctor of terror" being freely floated. Yet, within five days of his detention, the Rajasthan police felt compelled to release Ali since there was no evidence against him.

On August 24, the Rajasthan police announced the arrest of Shahbaz Husain, a computer software expert who ran a small business in Lucknow. As the Lucknow-based civil rights campaigner Sandeep Pandey recalls, the house that Shahbaz shares with his parents was raided by about 50 personnel of the Anti-Terrorism Squad of Rajasthan Police. Apart from impounding a computer, the raiding party took away all the literature they could find, as also some currency and a cheque made out in favour of Shahbaz's business. The next day, the same team revisited and compelled Shahbaz's father, Abdul



Moid, to sign two blank sheets of paper.

Pandey visited the local police station the following day to ask what possible use the blank sheets of paper would be put to, only to be unceremoniously turned out. Press reports that he later saw, blazoned the claim of the Rajasthan Police that sophisticated electronic chips and circuits of bombs resembling those used in Surat had been found in Shahbaz's premises.

With Shahbaz's firm implication in terrorism, an elaborate chain of linkages began to be drawn between the Jaipur and Ahmedabad blasts. Nagori, Shahbaz and Qasmi – the media reported -- were all reportedly, members of a secretive cell that underwent explosives training in camps as far afield as Kerala and the jungles of Gujarat and Madhya Pradesh. Brooding over the whole conspiracy was the presence of Mohammad Altaf Subhan -- later identified as Abdul Subhan Quereshi, and variously described by the alternative names, Tafeeq and Tauqeer, by which he was allegedly known in jihadi circles -- a computer hardware specialist missing from his home in Mumbai's distant suburb of Mira Road, since 2006.

Subhan is supposed to have been the technical brain behind the ingeniously designed bombs and the e-mail messages -- replete with graphics and intense Islamic religious symbolism -- sent out celebrating each terrorist strike in the heart of urban India. When Delhi was gutted by three simultaneous bombings on September 13, 2008, Subhan -- or "Tauqeer" which had emerged as the consensus name within the media -- was the chant on every investigating agency's lips. Working its way through the chain that connected Subhan with Qasmi and Shahbaz, the Delhi police quickly identified the other links in the terrorism plot, all from Uttar Pradesh: Abdul Rajib, Mujib, Alamjed Afridi and Qayamuddin. Acting in concert with their Gujarat counterparts, the Delhi police secured access to Abu Bashar Qasmi for a round of interrogation.

When the Delhi Police began their operation in Batla House on September 19, the media were convinced that "Tauqeer", the ultimate trophy of the terrorist hunt was being sought and would soon be eliminated. When the dust had settled, the story took a dramatic twist: it was no longer Tauqeer, but Atif -- one of the two youths killed that day -- who was the terrorist mastermind.

A month later, a senior policeman from Maharashtra's anti-terrorist squad could claim, with complete insouciance, that Tauqeer was a fiction, a creation indeed, of the media.

Media creations and police disavowals

This bland disavowal of the fiction that the police had been instrumental in creating and feeding to a credulous media, followed the Maharashtra police's own rewriting of the script, just a few days after the Batla House killings. With the arrest of five in Mumbai on September 24, the Nagori-Qasmi-Shahbaz chain of culpability was history. The Maharashtra Police now definitively identified 31-year old Sadiq Sheikh, a resident of the Cheetah Camp slum sprawl near the city's north-eastern suburb of Chembur, as the inspiration and the mentor for all the terrorist actions of the preceding months. Four others were arrested alongside, including a computer software expert, an alleged car thief, and supposed specialists in bomb making and in rigging the circuitry for explosive devices.



The media needless to say, has repaid the stinging rebuke that it was administered in the Tauqueer matter, with even greater loyalty, living up ever more abjectly to its accustomed role as a lapdog of the police. If a public that is united and well-informed is the key requirement for a successful struggle against terrorism, the media clearly is doing it's very best to ensure the opposite circumstances. And despite the many contradictions in the official narrative on terrorism and its protagonists, the police agencies have successfully managed to evade any serious scrutiny by the media, and derivatively, the public.

“Made for media” investigations, rather than building confidence that the authorities have a proper grasp over the problem of terrorism, are creating a public hysteria and betraying the cause of justice. But because the overarching narrative – of “jihadi terrorism”, of a community that is averse to modernity and resentful of the positive changes that liberalisation and globalisation have brought – is consistent with the hegemonic narrative created by the U.S.-led “war on terror”, it passes muster with the media.

Terrorism has been a frequent visitor to Indian shores over the last two decades and more. And each visitation has been an instantaneous blow that has stunned and staggered. It is conceivable that in the aftermath, the media and the public may be disoriented, unable to attain their bearings and regain focus on basics. To give the media the benefit of the doubt, the pattern of misreporting on terrorism could be attributed to this. And with one news cycle being typically isolated from another, and news-reporters living for the moment on account of the institutional modes of functioning of the media, there is very little opportunity for media persons to connect the dots, to iron out the anomalies and to demand answers for all the tough questions that tend naturally to arise.

There is no denying though, that there are other forces in play which skew the portrayal of the religious minorities in a manner that meshes with a priori notions among the media audience. There are certain social exclusions and conditional inclusions that are unstated premises of media functioning. It is not necessary to go any further than the news coverage and editorial comment on the Rajinder Sachar committee report, submitted in 2006, on the status of India's Muslims, to grasp the processes through which this works.

Sachar report and after

The presentation of the Sachar report in Parliament coincided with an outbreak of violence in Maharashtra over the vandalism of a statue of B.R. Ambedkar in Uttar Pradesh. The country's largest English-language newspaper, the Times of India (ToI), confined the Sachar report to the news digest section, occupying about 3 column-centimetres on the first page. Considerably more attention was devoted to the violence of the Dalit protests in Maharashtra, with the picture of a train that had been set afire between Mumbai and Pune getting marquee space on the front page.

Both the Sachar committee and the Dalit protests earned significant space in the inner pages of the ToI that day, with the latter enjoying by far the greater prominence. What the ToI chose to put front and centre in its coverage of Sachar was the government's uncertain resolve about introducing



reservations in education and employment for the minorities. Thus the issue of the institutionalised discrimination suffered by the Muslim minority was transformed in the ToI discourse into a concern over keeping India's enclaves of modernity secure from the ingress of the underprivileged.

There could be various alibis offered for the relative inattention with which the report was received by the media. It could well be argued that the social and educational handicaps of the Muslim community are not exactly a news flash. But then, neither was the choice of the Indian cricket team a news flash. In a situation that involves a choice between two supposedly jaded news items such as these, the tie-breaking vote belongs to the advertiser. And unlike the Indian cricket team, the minorities in India do not enjoy the patronage of a corporate sponsor with a generous advertising budget.

Those familiar with the dynamics of competition in the newspaper business, might ascribe the relative neglect of the Sachar committee by the ToI to another factor. The Indian Express (IE), a rival newspaper, even if much more limited in reach, had as the media jargon has it, "scooped" the main findings of the Sachar committee well over a month before its report was formally presented. The IE coverage appeared in a compact series of articles on the front page, through the last week of October 2006.

IE newspaper began this series of articles with an editorial flagging the danger that the committee's findings could be used as a basis to argue for reservations for the religious minority in employment opportunities. It chose to pronounce its final editorial verdict on the issue by urging the political leadership to acknowledge the undeniable verity, that economic growth was the way out of social backwardness. In effect, the IE succeeded in submerging the complexities of the Sachar committee's findings in a simplistic nostrum much favoured in today's neo-liberal climate.

While the IE was constructing this narrative of discrimination on its news pages and editorially paying obeisance to the virtues of globalisation, a quite different picture of willing thralldom to superstition and stubborn refusal to adopt basic norms of modernity was being assembled in another quarter of the print media. Between October 24 and 29, the ToI carried no fewer than 6 articles – both news reports and comments, of which two were on the front-page and one on the editorial page – on the case of Imrana, the young woman who had been raped by her father-in-law and stigmatised by the Muslim clergy for her temerity in seeking to bring the criminal to account.

On October 25, the ToI ran a story on Imrana on page one, right alongside another one on the confusion within the Muslim community about when precisely the Eid festivities were to be observed. This latter story led off with a description of the subjectivity underlying the precise date on which the most significant of Muslim religious observances is celebrated and the tension that this set up with modern notions of scientific objectivity.

The Imrana story and the accompanying article on Eid enjoyed roughly the same priority in terms of space allocation and placement. But these stories were topped off by a large photograph, occupying marquee space on the front page, which showed the touring Pakistani cricket team offering Eid



prayers at their port of call in Chandigarh. The picture was rather boldly captioned “Champions of the faith?” With this rather mystifying juxtaposition of stories and visuals, the Tol managed within about a third of the space on its front page, to reinforce several stereotypes about the Muslim community.

Yet the Tol could not remain oblivious to the news emerging from another quarter on the findings of the Sachar report. On November 4, 2006, it ran an editorial giving its take on the main findings. It began by deprecating the policy of reservations as a “blunt instrument” that failed to reach the core of the problem. Instead, other forms of “positive discrimination” could be thought of, including building “quality schools” and “providing healthcare” in “backward districts” that have high settlement densities of Muslims, Dalits or tribals. Government contracts again, could be preferentially allocated to these disadvantaged social groups, to “facilitate their participation in the modern economy”. In turn, the Tol chose to place a special onus on the “Muslim leadership” to “encourage the community to take to modern education in larger numbers”.

On November 8, 2006, the Tol carried an article on Islamic schools or madarasas on its editorial page. Titled “Beyond Terror”, the article argued that the debate on these institutions had been confined too long within the issue of terrorism. Because the Muslim community was under pressure in a time of global concern, it had responded with a spirited defence of these institutions and the learning they imparted. This attitude in turn simply evaded the reality that the madarasas have a tendency to “promote a narrow, insular mindset”. And as long as security concerns remained the principal impulse behind the debate, there was little chance that matters of immense import to the “welfare of millions of children studying in madarasas” would be addressed.

Though not formally released at the time this article was published, many of the key findings of the Sachar committee were in the public domain by then. On the issue of madarasas, the committee's conclusions were fairly clear: fewer than 4 percent of Muslim children in the school-going age group attended these institutions; at an all-India level, their number is not the “millions” as the commentator in the Tol suggested, but just marginally over one million, of which three-quarters were in the primary stage. Far from being an institution of choice, madarasas were “often the last recourse of Muslims especially those who lack the economic resources to bear the costs of schooling, or households located in areas where 'mainstream' educational institutions are inaccessible”. And for all the odium heaped on them, madarasas had very often been found to “have indeed provided schooling to Muslim children where the State (had) failed them”.

Granted, the commentator in the Tol could not possibly have reflected the complexity of these findings which were at that time unavailable in the public domain. But in his sweeping denunciation of madarasas he seemed intent to not let a few inconvenient facts stand between him and a compelling narrative of social backwardness by choice among the Muslim community.

It was mid-November by the time the Tol returned on its news pages, to the theme of the Sachar committee. On November 17, it reported that the committee's recommendations had put the ruling coalition, the United Progressive Alliance, in a “fix”. The following day, it frontpaged a report arguing



that the committee's recommendation that the Muslim share in several vital sectors be increased, would in effect "give rise to the demand for a community quota leading to a fullscale political confrontation". Having begun its coverage of the Sachar report by viewing it through the narrow frame of the reservations issue, the ToI undoubtedly saw no reason to change course when more details of its findings were available.

To look at the media today is to consider a quantitative explosion unaccompanied by qualitative change for the better. The explosion of news channels has not led to a diversity of choices for audiences – rather every channel seems locked into an imitative mode of programming – which consistently seeks out the lowest common denominator of audience tastes.

In its approach to religious sectarianism, the media may well have ironed out some of the rough edges visible in the early-1990s. That was the time that the Muslim minority was deemed to bear responsibility for the numerous injuries that had been inflicted on India's original cultural identity in times distant past. Today, the same minority is portrayed as an impediment to the glittering promises of modernity that lie ahead for India.

It was this predisposition to view an entire religious community as unsuited to the onerous tasks and responsibilities of national progress that was ramped up several notches in the context of the "war on terror". Investigations into the recent terrorist attacks in India, with the entire media spectacle they afford, have done little else than fuel public hysteria. The process of the law has been wilfully shredded while a case is made for broader powers of detention and investigation for the police. As contradictions in the official narrative on terrorism and its protagonists become manifest, public confidence will inevitably be eroded. And if a united and well-informed people are the only guarantee of public security, then the heavy-handed approach in evidence today seems designed to open the door towards greater terror. Tragically, the media which could have administered the necessary antidotes to the growing culture of impunity in the law enforcement agencies, seems intent on playing along.

State Terrorism and Muslim Youths

Abu Zafar, Delhi

This is a fact that no society can live long with injustice and double standards in giving justice to its people. Unfortunately our country is fast turning into a society of that character. The attitude of police, administration and judiciary towards Muslim youth arrested in connection with terror cases shows the double standard of justice in the country.

There were several devastating bomb blasts in the country in 2008 in which hundreds of innocent people were killed and several hundreds injured. Consequently, hundreds of Muslim youth have been put behind bars under the charges of terror activities.

In the name of terror every year scores of Muslim youth have been arrested for past few years but the trend got momentum soon after the blasts in courts in Uttar Pradesh in 2007 and it is still going



on. The details of the cases against the Muslim youth show that the police and administration have deliberately implicated them in scores of cases. Given the speed of disposal of court cases, it seems they will perhaps be never released.

The pattern of investigation of police in terror cases was already questioned but indiscriminate arresting of Muslim youth in terror cases in recent times and accusing them in 30-50 cases gives a feeling that all this is part of a big conspiracy. Muslim youth have been implicated in terror cases earlier also but most of them were acquitted by the courts as the police could not prove charges but filing of enormous number of cases against each individual in the recent blasts points toward a much bigger conspiracy.

In connection with the July 2008 Ahmedabad serial blasts and recovery of dozens of bombs in Surat the police have accused 102 people in 35 cases. Of the accused 52 have been arrested and most of them are accused in all 35 cases. For May 2008 Jaipur blasts 11 people have been made accused in 8 cases each. Four are arrested. For September 2008 Delhi serial blasts 28 people have been made accused in 8 cases. Sixteen have been arrested. Besides, the Mumbai police have arrested 21 people accusing them as member of the Indian Mujahideen.

Mumbai Crime Branch has made Sadiq Sheikh as main conspirator of all blasts in recent past in the country. Mechanical engineer by profession, 38-year-old Sadiq Sheikh is the founder member of Indian Mujahideen, according to Mumbai police. He with the help of his Pakistani friend Aamir Raza hatched the conspiracy of blasts in the country. Atif Ameen who was killed in the Batla House encounter allegedly had close contact with Sheikh. Police says Sheikh is involved in all blasts in the country since 2005. He went to Pakistan in 2001 and got training in fire arms and weapons. After that he sent several youth from Mumbai and Azamgarh to Pakistan for similar trainings. There are 54 cases against Sheikh in Ahmedabad, Surat, Delhi, Hyderabad, Kolkata and Mumbai. He has also been accused along with his nine friends for July 11 2006 Mumbai local train bombings. He was arrested under MCOCA and in confession he admitted his role in the train bombings. The confession was telecast by some TV channels. After that the Mumbai Crime Branch handed over the case to Maharashtra ATS. ATS immediately appealed to court to ban media from publishing stories about it. The court accepted the appeal. The ATS gave clean chit to Sadiq Sheikh and told MCOCA court that he had no role in the July 2006 train bombings but he confessed about it under pressure from Atif Ameen (who was killed in police encounter in Batla House on September 19, 2008). The ATS, however, did not give details as to when and why Atif threatened Sheikh when according to police Atif was junior to Sheikh in the Indian Mujahideen.

One of the key accused for these blasts is Muhammad Saif. Hailing from Sanjarpur village in Azamgarh, Saif was doing MA in History in Delhi. He was also doing courses in English speaking and computer application. After the encounter at Batla House, the police arrested Saif from that flat. Saif, 23, is accused in 45 cases in Delhi, Jaipur, Ahmedabad and Surat. He has been charged for planting bombs in these cities.

Meanwhile, UP police has said Saif is involved in UP court blasts also. Then they took him in their



custody in connection with the blasts at Sankat Mochan Mandir and railway station in Varanasi but could not charge sheet him so far in this case.

Mansoor Asghar Peerbhoy of Pune was arrested for sending mail in the name of Indian Mujahideen before the blasts. Just one month before the arrest, Peerbhoy had joined Yahoo as principal engineer with the annual salary package of Rs 19 lakh. More than 40 cases have been slapped against him in Mumbai, Ahmedabad, Surat, Delhi and Hyderabad for blast conspiracy and cyber crime.

Mufti Abul Bashar was arrested jointly by Gujarat Police and UP ATS from his Beenapara village in Azamgarh on August 14, 2008 but his arresting was shown from Charbagh Railway Station in Lucknow and he was declared as the mastermind of Ahmedabad blasts and chief of Indian Mujahideen. He is facing 40 cases in Ahmedabad, Surat, Hyderabad and Balgam.

Qayamuddin Kapadia was arrested in early January 2009 in Madhya Pradesh but his family members say they had no contact with him for five months before he was shown as arrested. Charges against him include his being senior member of SIMI, holding terror training camps in the jungles of Gujarat and Kerala and conspiring for blasts in Ahmedabad, Surat and Delhi. He is facing 40 cases in different states.

The 38-year-old Arif Badruddin Sheikh of Asroli village in Azamgarh is being described by the Mumbai police as expert of bomb making. Father of 3 Sheikh has been accused for all terror blasts since 2005 in the country. Arif's father was mentally challenged. A couple of months after Arif's arrest he died. His mother is blind and living with her daughter-in-law in a dilapidated house in the village. He is also facing 41 cases in Mumbai, Delhi, Ahmedabad and Surat.

Saifur Rahman was arrested by Madhya Pradesh ATS from Jabalpur in April 2009 when he was taking his sister from Azamgarh to her in-laws in Mumbai. They were travelling in Godan Express. ATS kept her sister also in custody for 12 hours. Saifur Rahman has been accused for blasts in Jaipur and Ahmedabad. He confessed his involvement in the blasts before the Magistrate in Bhopal but retracted before the Jaipur magistrate saying he was under pressure from Madhya Pradesh ATS. He told the Jaipur magistrate that ATS tortured him and threatened to rape her sister who was in their custody. Then Jaipur ATS requested the Jaipur court for narco test on Saifur Rahman but court declined.

There was a dramatic turn in the Jaipur blast case when an accused Shahbaz Hussain pleaded the court to order narco and other test on him so that he could be proved innocent. This was the first instance in the history of the country that an accused himself was demanding narco test on him. Prosecution opposed the demand and thus the court rejected Hussain's appeal.

These are some prominent names among the 200 people arrested in recent months in connection with terrorism. The number of absconders in these cases is higher than those arrested. The police and government have severely violated human rights in these cases.

Cases have been mounted upon Muslim youth after their arrests. It is rare in the history of the



country. Sadiq Sheikh is facing 54 serious cases and police has not yet taken him on remand in many of these cases. If police takes him on police remand for 14 days it will take 2 years for all cases. And taking an accused from one state to another will take more time. It can be guessed how much time it will take from filing chargesheet to completion of trial. It is necessary for an accused to be present during trial, according to Indian law.

There are reports that these accused have been assaulted even in jails apart from what they suffered in police custody and some more charges added to the list of cases. In Gujarat now these accused are facing 36 cases – one case added after they were assaulted in Sabarmati jail.

On mounting of cases on terror accused, Manisha Sethi, leader of Jamia Solidarity Group, says: “by this the government wants to complicate the case so that it could absolve itself from its responsibility and has an excuse to torment Muslims.” “Imported concept of War on Terror is being encouraged by the Congress and it is using it as a weapon against the Muslims,” says Manisha who teaches comparative study of religions at Jamia Millia Islamia.

Sanjarpur Sangharsh Samiti president Masihuddin says that the natural life time will not be enough for the accused to prove that they are innocent.

Advocate Shahid Azmi, who was fighting the case of Sadiq Sheikh and other accused on behalf of Jamiat Ulema-I-Hind saw a well thought out conspiracy against Muslims. According to him, this is a conspiracy to spoil the life of educated Muslim youth in jails. Such technique was used against Naxalites also. Many of them are in jails for last 30 years and are facing 70-80 cases” he said. (Shahid Azmi was shot dead in his chamber)

Rajiv Yadav, Joint Secretary, UP chapter of People's Union for Civil Liberties, says: This style has been imported from America where this was used against Blacks. Either they were slapped with a number of cases or were awarded sentences of 200 or 250 years in jail.

Families and relatives of the accused are speechless seeing the gravity and number of cases.

Cases against Terror accused in Different Places

Name	Ahmedabad	Surat	Delhi	Mumbai	Jaipur	Others	Total
Sadiq Sheikh	20	15	5	1		Hyd, Kol	54
Arif Badr	20	15	5	1			41
Mansoor Peerbhoy	20	15	5	1			41
Md Saif	20	15	5		5		45
Mufti Abul Bashar	21	15				Belgam, Hyd.	40
Saifur Rahman	20	15			6		40
Qayamuddin Kapadia	21	15	5			Indore	40
Jawed Ahmed Sagir Ahmed	21	15					36



Ghyasuddin	21	15				36
Zakir A Haq Sheikh	20	15		1		36
Saqib Nisar	20	15	5			40
Zeeshan	20	15		5		40

The police have also broken records in filing charge sheets. The police have filed 60,000 page chargesheet in 35 cases of Ahmedabad and Surat. Mumbai Crime Branch has filed 1800 page chargesheet. Similarly Jaipur has filed 12,000 page chargesheet in 8 cases. All charge sheets are in Hindi, Gujarati or Marathi. If case reaches Supreme Court, translation of these charge sheets will be another expensive and time taking job.

Cases and Chargsheets in Different Cities

Cities	No. of cases	No. of accused	No. of arrested	Pages of chargsheet
Ahmedabad & Surat	36	102	52	60,000
Mumbai	1	26	21	1809
Jaipur	8	11	4	12,000
Delhi	7	28	16	10,000

The prosecution has also gathered a crowd as witnesses in cases. A case has 50-250 witnesses.

What is more disturbing is that many of the accused in Ahmedabad and Surat cases are those who were already in jails several months before the terror attacks took place there. For example, Safdar Nagori, former secretary, SIMI, and other 13 accused including Shibli, Hafeez and Amil Perwaz were arrested on March 27, 2008 in Madhya Pradesh. But they have been charged as main conspirators in Ahmedabad and Surat cases. Similarly, Raziuddin Nasir, Allah Bakhsh and Mirza Ahmed are in Karnataka police custody since January 2008 but they also have been accused in Ahmedabad and Surat cases.

Charge of conspiracy is a weapon that police uses to implicate anyone in any case. Afzal Muttalib Usmani whose arrest was shown in Mumbai on September 24 was actually arrested on August 27 from Lok Manya Tilak Terminus. Afzal was coming from his hometown Mau on Godan Express to appear in a different case in Mumbai. The authorities were informed about this through telegram but it was ignored. On 28 August he was presented before the 37 Metropolitan Magistrate in Mumbai but on the direction of Crime Branch court did not register his arrest or remand. Similarly Sadiq Sheikh was arrested on August 17 but his arrest was shown with explosives and arms along with five others on August 24.

The question is how long an old father will struggle for the release of his son. It is around one year when they were arrested but neither the charges were framed nor the trial started. How much time



they will need to prove their innocence? Given the pace of judicial process, will they be alive to see the result of the case? This is not the question of a Sadiq Sheikh, Mufti Abul Bashar Mansoor Asghar, Arif Badr or Saifur Rahman but of the 200 youths who are in jails for the last one year.

Notes and Suggestions on the Governance of Muslim Minority Affairs in Bihar

Arshad Ajmal, Patna

The governance of Muslim minority affairs in Bihar needs special attention in view of rampant backwardness of the community, constituting 16.5% of the total population of the State. Following points are being submitted for consideration:-

- 1) Budgetary allocation for Muslim minority: It is evident from consecutive budget document that the allocation for minorities has been downsized during the years. In the budget of 2005-06 (Buta Singh Governor Rule) allocation for minority welfare department was 0.34% of the total plan size. It was downsized to 0.17% during 2008-09, i.e. half to 2005-06 allocation.
- 2) For comparison, table-1 relating to allocation made for SC/ST and Muslim minority is given below that illustrates wider gap between 16.5% Muslim minority and 16.1% SC/ST, specially in view of the fact that as per Sachar Report the backwardness of Muslim community is almost similar to that of SC/ST (below OBC & just above SC/ST). Furthermore, there is also a question mark on the quality of spending mentioned for Muslim minority and the SC/ST, affecting the priority of socio-economic development. Table-2 illustrates the difference of spending heads. Thus on both the above mentioned aspects of budgetary allocation and its utilization fail to satisfy the Muslim minority problems.

The comparison of minorities with SC & ST is made due to two reasons. First is the report of Sachar Committee, which is a reference point in all minority development discourse. This report and earlier Gopal Singh Commission report points out that the Muslim minority development indicators are sliding down to SC level. The second point is the percentage of both communities. The population of Muslim minority in Bihar is 16.5% and SC&ST is 16.1% (SC: 15.1%: ST roughly: 1%).

Table – 1

(Rupees in Lacs)

Year	Plan Size	Minorities		SC & ST	
		Allotment for Minorities	Per Cent to Plan size	Allotment for SC & ST	Per Cent to Plan size
2005-06	541465	1852.7	0.34%		
2006-07	825000	1970	0.24%		
2007-08	1020000	2239	0.22%		
2008-09	1350000	2239	0.17%	12765	0.95%
2009-10	1600000	2654	0.17%	18130	1.13%

(Source Bihar Budget documents of consecutive years)



The above facts reveal that:

- Budget allocation for minorities is continuously going down in percentage terms.
- The size of SC&ST is almost seven times to minorities in the current budget.
- The allocation for SC&ST is showing upward trend while the minority is on downward side.

Table-2

(Rupees in Lacs)

Quality of Expense in Budget 2009-10					
A comparison Minorities vs. SC & ST					
S. No.	Heads	Minorities		SC & ST	
		Rupees	Per Cent to Total Budget	Rupees	Per Cent to Total Budget
1	Education	1600	60.29%	13141	72.48%
2	Socio Economic	560	21.10%	4847	26.73%
3	Demonstrative	494	18.61%	0	0.00%

(Source: Bihar Budget 2009-10)

Table-2 indicates that:

- Apart from meager allocation of fund in comparison to SC&ST allocation, the quality of spending is not good.
- On clubbing different heads under education, spending is around 60.29% for minorities whereas for SC&ST it is 72.48%. In terms of amount, spending on education of SC&ST is eight times of the amount for minorities.
- On Socio-economic side, 21.10% for minorities whereas for SC&ST it is 26.73% of their respective total allocation. In terms of amount, spending on socio-economic development for SC&ST is 8.6 times higher than the spending amount for minorities.
- There is one demonstrative expense of Rupees 4.94 crore on the buildings in memory of Muslim luminaries. This may be called merely a demonstrative expenditure for which spending may be met from other budgetary heads.



Effects:

SC&ST	Minorities
More Than 33 Lacs students will get Scholarships	Only 8700 students get scholarship and Coaching
Forty thousand persons will get employment and economic development	Only 1000 minorities workers and youth get only training
268114 families will get economic betterment	Only 2000 divorcee muslim women get Rupees 10000.00 only for gainful employment

(Source: Bihar Budget document 2009-10)

The above table demonstrates that:

- The SC&ST students will get 380 times of scholarships in comparison to minorities.
- Forty times SC&ST persons will get employment in respect of minorities and also should be noted that minority will only get training.
- Though this comparison is not compatible but will help in understanding. If we consider 'help to divorcee Muslims' means helping the family then SC&ST will get 134 times more benefited families than minority.

State vs. Centre Participation

(Rs in Lacs)

	Centre	Centre %	State	State %	Total
Minorities	30395.87	90.02%	3371.52	9.98%	33767.39
SC & ST	4962	23.07%	16547	76.93%	21509

(Source: Bihar Budget document 2009-10)

Inferences:

- The state share for minorities development is very low, about ten percent to the total spending. It is about 77 percent for SC&ST.
- The Centre share for minorities is here above 90 percent. But it should be noted that this amount is due to three central government schemes of scholarships amounting Rupees 42.34 crores and other is Multi sectoral Development Plan (MsDP) for Minority Concentrated Districts (MCDs), for which 261.6 crore has been provided.

Suggestion: Followings steps are suggested to raise the socio-economic and educational status of the Muslim minority in Bihar:



- Increase the number of scholarship as well as the quantum of amount of scholarship for technical and professional courses.
 - Include useful heads of expenditure by adapting the heads shown in SC/ST spending and from the schemes implemented for minorities development in Andhra Pradesh and Karnataka.
 - Create some innovative heads of expenditure, like establishing Interest-free Minority Cooperative Corporation for economic development of the Muslim minority.
 - New schools upto 10+2 levels, especially girls' schools
 - NGOs and organizations may be involved and supported to run one-teacher school in Muslim-concentrated districts of Bihar to achieve the goal of universal education for the community.
- 1) Functioning of Minority Welfare Department: Due to ad hoc arrangement of the department without any regular Secretary, welfare schemes meant for Minority has badly suffered. It appears to be the most neglected department without proper infrastructure and full strength of sanctioned staff. Due to ineffective functioning of the Department, every welfare scheme for Minority remains partially-implemented or unimplemented.

Suggestion: The Department needs immediate activation. Following steps may be taken to revitalize the Department:-

- a. the Department needs a regular Secretary
 - b. adequate infrastructure
 - c. full strength of staff
 - d. creation of Grievance Cell
 - e. Setting accountability to achieve 100% target in implementing the welfare schemes launched by the State/Central Govt. for Minorities.
- 2) Minority Scholarship Schemes: It is unfortunate that the benefit of scholarship schemes of State/Central Govt. is not reaching to the most needy students due to lack of proper arrangement and effective mechanism and even fund allocation remains unutilized. Following scholarship schemes have been announced by the Central/State Governments:-

Launched by Central Government

- a. Merit cum Means Scholarship
- b. Post-Matric Scholarship
- c. Pre-Matric Scholarship

Launched by State Government

- d. Matric First Division Mukh Mantri Protsahan Scholarship
- e. Scholarship after Intermediate (one-time Rs.4000/-)



It is really astonishing to observe that:-

- (i) The State Govt. has till date completed the distribution process of centrally funded scholarship grant for only two scholarship schemes, namely, (1) Merit cum Means scholarship & (2) post-Matric scholarship (partially and not satisfactorily) for the year 2007-08 amounting to Rs.5.87 crores only. The state government has so far already received 29.97 crore from Central government. It means the state government is only able to distribute less than 20% of available fund. Thus defaulting for the session 2008-09 and 2009-10 besides default on pre-Matric scholarship scheme for 2007-10 as well as default on completion of renewal process. Moreover, the number of actual beneficiary shorts falls of the targeted number under post-Matric scholarship. It is appalling to note that against the 5442 post-Matric scholarship beneficiaries, the number of those, who were renewed, is only 32 students. It is to be remembered that Aqliyat Chhatravirti Morcha has staged agitation first time when the schemes were announced and defaulted by the State Govt. machinery and a detailed memorandum was submitted. (It is to be noted that the Central Govt. has announced scholarship for 63000 students every year under the above mentioned three schemes amounting to around Rs.43 crores for fresh students and the same amount for renewal of scholarship). Table inserted below illustrates the status of the centrally funded Minority scholarship schemes.

Scheme	Session	Target No.	Amount allocation (Rs. in crore)	No. of Actual Beneficiary	Amount distributed (Rs. in crore)	Status of Renewal
Merit cum Means Scholarship	2007-08	1595	3.72	1595	disbursed	Only 1045 beneficiaries
	2008-09	2500	4.70	List of selected students not announced on the website as yet by State Govt.		Even over-delayed the 1 st installment, as such what to speak of Renewal
	2009-10			Not even the process started by State Govt.		
Post-Matric Scholarship	2007-08	5442	2.15	Partial	Not known	Only 32
	2008-09	12750	8.71	List of selected students not announced on the website by State Govt.		
	2009-10			Process not started by State Govt.		
Pre-Matric Scholarship	2007-08	Nil	Nil			
	2008-09	43542	10.71	List not announced on the website by the State Govt.		
	2009-10			Process not started by the State Govt.		



- (i) whereas under the State Govt. funded schemes, Scholarship of Protsahan rashi has been distributed for the session 2007-08 only. Selection list under post-Inter education scholarship is yet to be announced for distribution of scholarship amount of Rs.4000/- per student of the college.

Suggestions: Following measures are suggested to enhance the reach of the scholarship programme and to make it meaningful for the students aspiring for higher/technical/professional education:

- (i) For effective management of the Scholarship scheme, a separate Minority Scholarship & Welfare Directorate should be created with Helpline Facility, which should be accountable for timely implementation of scholarship & students related welfare schemes for minorities. The Directorate should be responsible for timely announcement of selected students and 100% timely distribution of scholarship.
 - (ii) Reach of the scholarship should be widened and deepened through advertisement, involving Muslim organizations and Muslim minority schools and colleges.
 - (iii) Allocation of fund for scholarship programme under the State Govt. budget should also be raised.
- 1) Implementation of MsD Plan: There are seven Minority Concentrated Districts in Bihar for which Multi-sectoral Development Plan has been launched with 100% grant from the Centre. For the current plan period, the Central Govt. has allocated 523 crore rupees to raise the socio-economic conditions of these districts under eight broad indicators of development to reach the national average. People of these districts, the civil society and Muslim NGOs & organizations are unaware of any positive steps of the State Govt. towards implementing the plan. A baseline survey has been done by Human Development Institute (HDI) to prioritize the indicators. The survey has some deficiency in prioritization, e.g. indicator of safe drinking water in Kishanganj district has been shown above national average. Every body knows that the area has heavy arsenic hazards in water in the district (source: Planning Commission report). Much time has lapsed in completing the required formalities on the part of the State Govt. for release of allocated grant from the Centre. It is evident that with the present level of social concern and motivation, the plan can hardly be implemented in these Muslim concentrated districts during the 11th Plan period.

Suggestions: It is suggested that:-

- (i) Implementation of the plan needs State Govt. resolve to raise the condition of Muslim minority;
- (ii) Effective Implementing mechanism should be created under the charge of committed administrator,
- (iii) Members of civil society & Muslim organizations should be involved in Monitoring & Evaluation process,



- (iv) Progress in implementation should be transparent and widely publicized in the concerned districts,
 - (v) Fund should be utilized proportionately on raising all the indicators,
 - (vi) Plan should be simultaneously implemented to utilize the grant & to achieve the target within the plan period.
- 2) State Plan for Implementation of Sachar Recommendations: Sachar report has been widely publicized and Muslim minority is awaiting positive steps from the Government. Muslim minority can hardly believe any action from the Governments on these recommendations without positive action having transforming effect on their backwardness. But the issues of their backwardness in all walks of life have got wider appreciation among the Muslim minority. They are not going to allow the report dumped.

Suggestion: Following proposals may be considered by convening a meeting of Muslim NGOs, Organisations and Professionals:-

- (1) The State Govt. of Bihar may prepare and initiate its own plan in the light of the recommendations made by the Sachar Committee to uplift the Muslim community on different indicators of development pointed out in the report.
- (2) To begin with, some initial steps having evident transforming effects on Muslim minority in Bihar would establish the sincerity of the State Govt. for raising the socio-economic status of the community. It would build some confidence among Muslim minority regarding the concern of Government towards their genuine problems. Muslim NGOs and organizations may also be involved in the exercise.
- (3) The condition of Muslim Wakf in Bihar is very pitiable. Even survey of the Wakf properties in Bihar is yet to be completed. The process should be completed as early as possible.
- (4) Alongside completion of survey of Muslim Wakf, a comprehensive plan should be passed for better utilization of the Wakf property towards socio-economic and educational development of the Muslim community. Professionals like architects/engineers, real estate planners, representatives of Muslim organizations and NGOs may also be involved in planning and management of Wakf properties as suggested in Sachar Committee report.
- (5) Competent persons with better reputation should be inducted in the Wakf Board. Professionals, administrators and social workers should be inducted in the Board.
- (6) Transparency and Accountability should be the hallmark of the functioning of the Wakf Board.
- (7) Litigation should be minimized by providing support from other agencies of the State Govt. Wakf Tribunal should be activated immediately with adequate infrastructure and human resources.



- (8) Developmental yardstick should be fixed to measure the effectiveness of the management of the Wakf Board. Financial support should be provided to develop the Wakf assets towards raising the recurring income.

Conditions of Muslims in Maharashtra and the Way Forward

Aamir Idrisi, Maharashtra

When our children ask us that what is the need to get educated when they will be eventually targeted? The answer to this question is that we should never give up on education and should continue it despite all hurdles. If we give up on education we are allowing the plans to make us completely uneducated, ignorant and disempowered to become successful.

Discrimination against the weaker sections of society, especially minorities, and specifically Muslims among the minorities is a very serious concern. Our Constitution has many provisions through which social justice and equal opportunities can be provided. But that is not implemented at the grass-root level due to lack of support from the concerned bureaucrats and the system. Also the rules are formulated in such a way that they prove highly insufficient and inefficient. There are so many technical complications involved in any scheme that it becomes very difficult for everyone to comply with those technical guidelines.

The achievements for 15% targets under various national level schemes earmarked for minorities are not satisfactory in the State. Under enhancing opportunities for education, Integrated Child Development Services (ICDS) schemes through Anganwadi Centres; improving access to school education through Sarva Shikshan Abhiyan (SSA), Quality Improvement of Madarsa Education, establishment of Kasturba Gandhi Balika Vidyalaya (KGBVs); Equitable share in economic activities and employment for the poor like Swarnjayanti Gram Swarajgar Yojna (SGSY), Sawarnjayanti Shahari Rojgar Yojna (SJSRY), Sampoorna Grameen Rojgar Yojna (SGRY); Upgradation of skills through technical training, like establishment of new ITIs ; Enhanced credit support for economic activities from banks; Improving the condition of living of minorities by providing equitable share in rural housing scheme, Indira Awaas Yojna (IAY); Improvement in conditions of slums inhabited by minority communities through Integrated Housing & Slum Development Program (IHSDP) and Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

These are the national flagship programs with very huge budget e.g., for Sarva Shiksha Abhiyan (SSA) which is being implemented in partnership with States(60:40), Local Bodies and the community ; Rs. 13,100 crore were provided in 2008-09 for SSA. It's 15% means Rs. 1965 crore must be utilized for minorities at national level and approximately Rs. 196 crore in Maharashtra exclusively under SSA benefiting minorities

RBI has directed that special measures need to be taken to improve minority's access to credit. Public Sector banks have to set up lending to minorities from 9% to 15% during 2007-2010. Ministry of Minority Affairs claims the improvement in recruitment of minorities from 6.95 % in 2006-07 to



8.65% in 2007-08 in Central Ministries/Departments. State Government who is recruiting 55 thousand police staff during 2004-09, although minority representatives are included in the selection panels, but percentage of Muslims is hardly more than 2-3%. In MPSC appointments (2006-07) for class I/II posts, just three Muslims were appointed out of 416 selections.

Central Government sponsored Free Coaching and allied scheme for minorities is very poorly implemented in the Maharashtra State. In the years 2006-07 and 2007-08, no coaching centers from Maharashtra were approved, where as in 2008-09, five coaching centers have been selected to coach 980 minority candidates for MHT-CET, AIEEE, IIT, BPO, retail marketing, sales Mktg/Mgt programs. Rs. 1.16 crore were granted. All the centers approved are very infamous.

Most surprisingly only one institute named M/s Educare Pvt. Ltd. 317, Corporate Centre, Nirmal Life Style, LBS Road, Mulund (W), Mumbai has been granted Rs.86.035 lakh grant to coach 730 students for CA-CPT, MHT-CET, IIT, AIEEE, BPO, Retail Mgt, Sales Mktg. & Mgt. Now, results for these exams are declared, what is the performance of minority students who got coaching from this center is the matter of search.

Maharashtra State Government claims itself as the first State in the country to establish a separate department for minorities. Perhaps, its authorities didn't know West Bengal has established Minority Welfare Department in 1996, A.P., U.P., M.P., Tamil Nadu States have separate departments for minority welfare since years back, and even Bihar's Government has Minority Department. Moreover, State Government in its 100 important decisions in last four years, records that, "Alpasankhyankana Dilasa.....!" what a mercy!

In Maharashtra, four districts Parbhani, Hingoli, Washim and Buldhana are identified by Central Government as Minority Concentrated Districts for Multisectoral Development Program during XI Plan (2007-12). But unfortunately no project/development program has been approved for these districts up to the end of March' 2009, while Rs. 270.82 crore has been approved for 47 such districts of the other States. (Achievements of Ministry of Minority Affairs, Govt. of India uploaded on www.minorityaffairs.gov.in)

For over all development of minorities in the State, following are the suggestions/demands for effective implementation of existing welfare schemes and requirement of new schemes/projects.

1. A provision of Rs. 167.62 crore was made for the year 2008-2009 to implement various welfare schemes for minorities while Rs. 2,332 crore were allocated for Social Justice i.e. SC & ST's welfare. The State annual plan for 2009-10 has been fixed at Rs.26,000 crore which include Rs. 2,652 crore for social justice (more than 10% of the total) while just Rs. 210.31 crore for minorities (less than 1% of the total).

On one hand, Justice Sachar Committee's findings reveals that Muslims are far backward than SC & STs and Government claims implementation of Sachar Committee's recommendations, but on the other hand, for the welfare of minorities, State Government is allocating just 8-10 % of the funds allocated for SC & STs.



Is it the concerted action for the welfare of minorities involving them in the social development for inclusive growth?

Hence, the funds for development of minorities must be increased to Rs. 2600 crore at par with the funds for SC & STs. Even additional funds must be provided to fulfill their backlog.

2. The affirmative constitutional policy of reservation has successfully transformed the lives of SCs & STs and they are getting 100 % weightage for their population in education, services and development schemes.
3. Recently, in the budget presented on 4th June' 2009, State Government has announced an amount of Rs. 32 crore for scholarships to professional minority students. 36,800 scholarships for pre-matric minority students and 16,000 post matric scholarships by the Central Government for the year 2009-10.

It does not cater the needs of a large number of poor needy minority students. Hence, the number of scholarships must be increased upto ten times especially for pre-matric and post-matric students by considering the number of applications received in last year.

4. The application process for these scholarships must be simplified and it must be declared in June/July at the start of academic year. The pre-requirement of declaration of religion, Income Certificate and A/c Number must be scrapped. These documents must be collected by selected students only.
5. Complete 100 % reimbursement of Tuition Fee for minority students must be declared at par with SC & STs.
6. Encouragement allowance to the parents whose wards are in class V to VII to improve their attendance in the schools must be increased from Rs. 2/- per day to Rs. 10/- per day.
7. Minority Schools and Junior Colleges must be provided the grants for computer lab, Science, Maths and language laboratories, libraries. The amount for infrastructure development must be increased from Rs. 2 lakh per school to Rs. 5 lakh.
8. Grants for development of minority dominated areas must also need to be increased at least to ten times of existing Rs. 18.85 crore (2008-09)
9. Providing free uniforms, free bicycles to minority students must be increased by considering the requirement.
10. Job Oriented Training Programs for minority students with a budget of Rs. 4.66 crore is very insufficient. At least twenty times increase in the amount for this scheme is required. Andhra Pradesh Government's Jawahar Knowledge Centre's Model can be helpful for our State. In Andhra Pradesh 1.70 lakh students got jobs through those centers in aviation, Railways, Defence, Banking, Finance, Insurance, Transport, Automobile, Petroleum, Dairy, Food Processing, Construction, Pharmaceuticals and Biotechnology Sectors.
11. As declared by former C.M., on August 18, 2008, proposed 16 Residential Schools across the



State, 10 Girls Hostels for Minorities must be established and started immediately.

12. State Government is planning to establish 21 Model Schools for Tribal Community Students in 2009-10, in the same way at least 30 Model Schools (Residential Schools, proposed by MHRD, Govt. of India) must be established exclusively for minorities.
13. Urdu Libraries and Computer Training Centres must be established by the State Government in each Minority dominated Taluka/ Municipality and Corporation.
14. Boys and Girls separate Hostels must be established for minorities at each University place of Maharashtra (15-16 places).
15. At least 20 Marathi Medium, 20 English Medium and 5 Military Schools on grant-in-aid basis must be approved by the State Government as Residential / Day-Boarding Schools under Public Private Partnership Scheme.
16. At least 20 new ITIs in Urdu Medium must be recognised on grant-in-Aid basis. And at least 20 second shift ITIs in Urdu/Marathi medium must be started in Govt/ Aided ITIs exclusively for minorities.
17. At least 10 new polytechnics in Urdu Medium (with affiliation from Maulana Azad National Urdu University, Hyderabad) and 10 new polytechnics in English Medium must be started by the State Government for minorities.

These can be started as Second Shift Polytechnics using same infrastructure of Govt/Semi Government Polytechnics as suggested by National Knowledge Commission and A.I.C.T.E.

18. 20 D.Ed, 10 B.Ed and 5 M.Ed. colleges in Urdu medium must be started on Grant-in-aid basis at those places where Urdu medium colleges do not exist.
19. At least 20 new Engineering colleges, 10 new Pharmacy, 4 Medical (M.B.B.S.), 10 Management, 5 Hotel Management institutes must be started/recognised by the State Government in Second Shift exclusively for minorities or Independent Institutes under Public Private Partnership (PPP) as suggested by Planning Commission.
20. To increase the present gross enrolment ratio of Muslims in Higher Education from 8.27% to Hindu's 24.28% and Christian's 25.19%, new Degree colleges, Evening Colleges, Girls Colleges for Muslims must be started on grant-in-aid basis.

Minority Educational Managements / Trusts must be encouraged to establish Higher Educational / Research Institutes, Private Universities and Professional Colleges. Other barriers such as land requirement, built up space, fixed deposit are needed to be lowered to realistic levels in order to facilitate the opening of new colleges by Muslim Managements.

21. State Government must provide land to the proposed campus of Aligarh Muslim University at Pune and Maulana Azad National Urdu University at Mumbai, Aurangabad, Nanded and Amravati.



22. Madarsa passouts must be admitted in formal Degree programs of State Universities at par with equivalence given by Delhi University, Aligarh Muslim University.
23. State Government must sponsor at least 200 minority candidates to study abroad as it awards scholarships to SC/STs for same purpose.
24. State Government must conduct Pilot Training Program, Hotel Management and Catering Technology courses for Minority students with full sponsorship as it has conducted for SC/STs.
25. Competitive Examination Coaching Centres for Minority students must be started in each district (instead of divisional level) where minority students must be coached for Banking Services, Railway Services, Defence Services, MPSC, UPSC, NET/SET exams.
26. Separate batches for minority students must be run at the State Government's well known reputed SIAC, Mumbai, Nagpur, Aurangabad and Kolhapur ; YASHDA's Dr. Ambedkar Competitive Exam Coaching Centre, Pune and Chintamanrao Deshmukh Institute, Thane Corporation for competitive exam preparation.
27. Talented Minority Students must be identified at their graduation first year level by conducting State level Scholarship Exam and they must be selected for guidance purpose, so that desired results / selections in MPSC/UPSC could be achieved.
28. Exclusive separate batches for minority students must be conducted at State Government's Defence/Military Services Pre-exam Coaching Institute, Aurangabad so that Muslim's ratio in Police and Defence/Military can be improved.
29. Presently State Minority Commission runs 3 schemes (2008-09);
 - (1) Civil Services Pre-Exam Coaching Centre, at Divisional level.
 - (2) Police Recruitment Pre-Exam Training Scheme at 25 Districts.
 - (3) Marathi Foundation Classes at Urdu Medium High Schools.

These schemes are non-productive, non-benefitting to the minorities due to their poor implementation and lack of funds. They must be brought under direct control of Ministry of Minority Welfare, Government of Maharashtra.
30. Secondly, under Central Government Sponsored Free Coaching & Allied Scheme, unknown private coaching centres are being sponsored which do not produce any remarkable results. Therefore, those private renowned coaching institutes which have very good results in IIT, IIM's CAT, AIEEE, MHT-CET, GRE, GMAT, UPSC, MPSC, CA, ICWA, CFA exams must be selected, or minority students studying in well reputed institutes must be awarded the coaching fee and scholarships.
31. Minority students studying job oriented P.G. Diplomas in Finance/ Business Management, Retail Management, Bio-informatics, Chem.-informatics, Bio-technology, Animation, etc. from private institutes must be granted with complete tuition fees and scholarships.



32. State Government has taken a decision to construct 5 lakh tenements in metropolitan region to provide temporary shelter to poor and needy people of the city on lease and license basis. Among which 75 thousand tenements must be constructed for minorities.
33. In Maharashtra, where 1.14 lakh units have been completed at the end of March 2009 during 2008-2009 and 44,811 units were in progress under Indira Awas Yojna (IAY) of which 15% must be for minorities means number of beneficiaries belonging to minorities must be 17,100 for completed units and 6,721 for units in progress. An expenditure of Rs. 480.93 Crore has been incurred up to March 2009, of which Rs. 72.13 Crore must be utilized for minorities.

Under this scheme target for the year 2009-10 is constructions of 2, 24,323 dwelling units. An out lay of Rs. 216.62 Crore has been proposed for this purpose. Hence 33,648 units must be targeted for minorities in Maharashtra.
34. Under JNNURM, started by Central Government, till now 85 projects amounting to Rs 12,204 Crore have been approved for the State of Maharashtra. Out of this Rs. 2,016 Crore have been released by Central Government to the State Government. From this amount, the projects of 315.9 Crore must be benefiting to minorities (15% target).
35. The State Government has decided to waive off Khavti loan of 9, 65,265 Tribal families, amounting to Rs. 184.41 Crore during current year 2009-10. Further State Government has also waived off loans of other State Finance Corporations like Mahatma Phule Arthik Vikas Maha Mandal, but it didn't waived off the loans of Maulana Azad Alpsankhyak Arthik Vikas Mahamandal which has released just Rs. 34.04 Crore as loans to 16,056 beneficiaries.

Hence, it is strongly demanded to waive off loans given to minorities as it has been done for beneficiaries of other State Finance Corporations.

For effective time bound implementation of minority welfare schemes, following are the suggestions to be worked out at State level and local level by the Government and Non-Government Organizations.

1. Administrative set up of District Minority Welfare Officer, at each district Head Quarter is essential at par with District Social Welfare Officer by the State Government. (A.P. and U.P. model can be referred in this regard)
2. For empowerment of Minorities, a State level "Minorities Welfare Action Committee" must be constituted.
3. For mass awareness of the schemes up to grassroots level, programs must be organized at each taluka/minority populated areas.
4. In depth study of implementation of each and every scheme, practical difficulties observed during its implementation, number of deserved applicants, all such aspects must be considered to review the existing schemes to cater the needs of a large number of minorities.



Terrorism: Scapegoats and Holy Cows

Ram Puniyani, Delhi

India has been tragically witnessing many an acts of terror. These acts have occurred more so from last two decades, to be precise after the Mumbai Carnage of 1992-93 and later have been occurring at regular intervals in different cities. There is a long list of these tragic acts but some of these which have tormented the society and are permanently etched in our memory are, March 1993: Mumbai serial bombings, which killed 257 people and injured more than 1,100, December 13th, 2001: More than a dozen people, including five gunmen, killed in an attack on parliament in New Delhi. May 14th: 2002 attack on army camp near Kashmir's winter capital, Jammu, killing more than 30, including wives and children of soldiers, September 24th 2002: Akshardham temple, Gujarat, 31 killed, more than 80 injured. August 2003: Two taxis packed with explosives blow up outside a Mumbai tourist attraction and a busy market, killing 52 and wounding more than 100. October 2005: Three bombs placed in busy New Delhi markets a day before killed 62 people and injured hundreds. March 2006: Twin bombings at a train station and Sankatmochan temple in Varanasi killing 20 people.

July 2006: Seven bombs on Mumbai's trains killed over 200 and injured 700 others. September 8th 2006: 30 dead and 100 hurt in twin blasts at a mosque in Malegaon. February 19th 2007: Two bombs exploded aboard a train bound from India to Pakistan, Samjhauta Express, burning to death at least 66 passengers, most of them Pakistanis. May 18th 2007: A bomb exploded during Friday prayers at a historic mosque, Mecca Masjid Hyderabad, killing 14, people, of which five died in the police firing later. Police later shot dead five people. August 25th 2007: Three explosions within minutes at an amusement park and a street-side food stall in Hyderabad killed 40 people. May 13 2008: Seven blasts in Jaipur killed at least 63 people and wounding hundreds of people. July 25th 2008: Nine explosions in Bangalore created terror killing two people and injuring twelve. July 26 2008: 21 blasts hit Ahmedabad killing 55 and injuring 100. Meanwhile, 24 live bombs were claimed to be recovered from Surat. September 13th 2008: Five blasts rocked busy markets of New Delhi killing 25 and injuring over 100. And three live bombs were defused in India Gate, Regal Cinema and Central Park.

Many of these blasts took place just before some election; some in the aftermath of communal clashes and some took place on the Friday after noon prayers. The pattern was so diverse a single description of these blasts is out of question. Still there were some common factors in the aftermath of the tragic events. First of all the police machinery most of the times came up with the theory that the Pakistan based terrorist groups or local Muslim groups have been involved in the blasts, Harkat-ul-Ansar, Lashkar-e-Toiba, Noor ul-Hooda, Harkat-ul-Jihad, Hujb-ul-Mujahiddin, Indian Mujahiddin, figured most of the times. The claims, that SIMI is involved as a mastermind, or as an associate was generally put forward on most occasions.

The usual police claims have been that the culprits have been caught with the laptops, Identity cards and other information which led police to come to these conclusions. For a large section of media,



these were either poor Muslims trapped in the terror net for the longing for Jannat or Technology savvy young men, out to create mayhem in India. While no investigation barring the one of single case Malegaon proceeded to any meaningful direction, most of the times Muslims, mostly youth were arrested tortured and later on after months-years released for the lack of any credible evidence. Two of these cases need pondering at slightly greater depth.

A blast occurred in Malegaon in the Kabristan, which is near a mosque. It was Friday, 8th September 2008, at 1.15 PM, just after the prayers. This was a Shab-e- Barat holiday so there was a bigger crowd. In this blast 37 people died and 125 got injured. Most of the people who died were Muslim pilgrims. The police investigators blamed SIMI for the blast. One person Noor ul-Hooda was blamed to be a part of SIMI, and he was arrested for the act of terror. Shabbir Batterywala was named as part of dreaded Lashkar –e-Toiba, and Raees Ahmad was arrested as co conspirator, he was tagged with SIMI. While there was a murmur that Hindutva organizations may be involved, the authorities ruled it out on the ground that the type of explosives, RDX, are not available with Bajrang Dal etc. and that the type of bomb used in Malegaon was too sophisticated for them and that they do not have such organizational capability. While police pointed out that the pattern of these blasts is similar to the one which occurred in other mosques in Maharashtra, still Bajrang Dal was not suspected. From the accused confessions were elicited under coercion, they denied the charges in front of magistrates and no further headway could be made, there was no concrete proof.

Another blast took place two years later in Malegaon. The low intensity blast took place in the crowded Bhikku Chowk in Malegaon, at a time when people were breaking their ramzan fast. Initially police thought that it is a gas cylinder blast, but later confirmed that the blast took place due to the device tied to the Hero Honda motorcycle. This investigation was conducted by Hemant Karkare of Maharashtra ATS, who was later killed in the Mumbai 27/11 attack. The investigation led to Sadhvi Prgaya Singh Thakur, Swami Dayanand Pandey, serving army officer Lt Col. Prasad Shrikant Purohit and retired army officer Maj. Upadhyay. They are behind the bars.

The second case is that of Mecca Mosque blast in Hyderabad on May 18th 2007, at the time of Namaz prayers in the afternoon. At that time thousands of people were in the mosque. Further, police as usual put the fingers at Harkat-ul-Jihad-al-Islami or HUJI and the Students' Islamic Movement of India (SIMI) as the main suspects behind the Friday Mecca mosque blast. Nearly 25 Muslim youth were arrested alleging different affiliations, but all of them were released after six months of illegal confinement and third degree torture, for the lack of evidence. In both Malegaon and Hyderabad Mecca Masjid Muslims were the main victims as well as the suspects.

The perception that “All Terrorists are Muslims” has been the underlying guiding factor of investigating authorities in India. After the 9/11 incident US media manufactured a word Islamic Terrorism, which for the first time indicated to Islam as the cause of terrorism. After the cold war US needed a new enemy and it created it. Demonisation of Muslims started at a fast pace across the world. Due to the growth of communal forces in India the process of demonization of Muslims was much worse. Due to communal historiography and other factors the expression of class differences



started assuming communal form. This later on went on to become a big monster.

In India the majority of Muslims came from the poor shudras, who were victims of the caste system and responded to the Humanistic teachings of Sufi saints to embrace Islam. With partition of the country the elite sections left for Pakistan and this part of the country was left with large section of poor Muslims, who were subjected to gross discrimination in all fields of life, and the process of their exclusion from economic arena, jobs and other social opportunities worsened by the day.

With the change in the global scenario, decline of Socialist states, the world became unipolar and the process of globalization became much adverse for weaker nations and for the poor sections of society. All sorts of biases started becoming more and more popular amongst a large section of the society. In this backdrop the 9/11 came as a bolt from the blue and worsened the already distorted perception widely prevalent in the society. As such terrorism, which is primarily due to social, economic and political reasons, started being perceived as due to one particular religion executed through that community.

Hundreds of young Muslim boys were arrested from across India. Arrests of young Muslim boys became a matter of routine after every blast. Muslim youth were arrested on the charge of being behind the blasts, were harassed for months and then released for the lack of evidence. This was more or less a routine pattern and it frightened the whole Muslim community. SIMI came to be regarded as the core organization responsible for fomenting trouble through youth. Despite the ban on SIMI in 2001, the Muslim youth kept on being labeled as SIMI activists and were put behind the bar.

On 6th April 2006 two Bajrang Dal workers died while making bombs in Nanded. The place where they died belonged to the RSS worker and saffron flag was hoisted atop the house. There was also a board of Bajrang Dal Nanded Branch on the wall of the house.

Police recovered the materials for making IED devices, a dairy and fake beard, moustache and Pajama Kurta. The Anti Terrorist Squad established that the place was used for making bombs. The house search revealed the powerful bomb, I.E.D. with timer and remote control, after which the Inspector General of police conceded that it was a bomb blast and that those involved in the blast are the members of Bajrang Dal. Local papers reported that a diary has the details of bomb making techniques and other relevant information.

On 11th April, Special IG Police Mr. Surya Prakash Gupta declared that it was not an isolated event; rather a bomb-manufacturing center (Bomb Nirmiti Kendra) was functional at the house of Rajkondwar. He said this center was working since many days. He said one of the injured, Rahul Pande had categorically confessed to have made many such bombs earlier.

Incidents of bomb blasts were witnessed in many places around that time, Parabhani, Jalna and Aurangabad in Maharashtra. Most of these were in front of the mosques. The Nanded investigation 'leads' were not pursued. The attitude of police in this investigation was totally lax. Social activists made the complaint about this to Human Rights commission. The SP failed to turn up for hearing!



Beyond the geographical similarities, the details of the attacks which took place in the nearby areas were uncanny: each took place between 1:45 and 2:00 in the afternoon, just after Friday prayers, at the most prominent mosques in town. The bomb that went off in Nanded in 2006 on 6 April, a Thursday, was apparently meant to be set off at an Aurangabad masjid the following day.

In same Nanded, on February 10, 2007, 28-year-old Pandurang Bhagwan Amilkantwar died on the spot. "Amol Biscuits", a bakery shop, was run by the deceased, at Shastrinagar, Nanded. Shop was closed from outside. He was a Shiv Sena shakha pramukh.

In Thane on 4th June 2008, two Hindu Jagran Samiti workers were arrested for planting the bombs in the basement of Gadkari Rangayatan, due to which 7 people got injured. The same group was involved in the blasts in Vashi, Panvel also.

In Goa a bomb kept in a scooter went off on the eve of Divali (17th Oct 2009) in Margao. It killed Malgonda Patil and seriously injured Yogesh Naik. Another bomb was detected in Sancoale in a truck carrying 40 youth for Narkasur competition. Both the activists belonged to Sanatan Sanstha. The second aim of this blast was to create communal tension in Margao, which has a history of communal violence. This group takes inspiration from Savarkar (Hindu Mahasabha) and Hedgewar (RSS) and indoctrinates its members into hating Christians and Muslims.

While Investigating the Malegaon bomb blasts Hemant Karkare found that the motor cycle Hero Honda which was used for the purpose belonged to Sadhvi Pragya Singh Thakur, whose connections extended to different Hindutva organizations. Swami Dayanand Pandey, Lt Col Prasad Shrikant Purohit, Retd Major Upadhyay and many others were part of a gang who were behind Malegaon and probably other such acts of terror. Only when the irrefutable evidence of motor cycle was found, the investigation could make some headway, which till that time was not giving any importance to this angle of the investigation despite so many leads in this direction.

On 24th August 2008 two Bajrang Dal activists died in Kanpur, while making bombs. The Kanpur zone IGP S.N. Singh stated that their investigations have revealed that this group was planning massive explosions all over the state.

Indian Express, 23 Oct 2008 reported that those involved in the bomb blast in Malegaon and Modasa (Sept 2008) had links with Akhil Bhartiya Vidyarthi Parishad.

Similarly in Tenkasi, Tamil Nadu pipe bomb attack on RSS office (Jan.2008) was projected to have been done by Jehadi Muslims. The investigation revealed many a Hindu names and later the investigations was frozen. In an alleged Fidayin attack was claimed that in the attack on RSS office in Nagpur (June 1, 2006) three of them were killed in the police encounter, as per the police version. Citizens Inquiry report, headed by Justice Kolse Patil doubted the police version in a serious way; the clarifications did not come through from the authorities.

By now a pattern was emerging where not only that various Sangh Parivar outfits were carrying guns and swords in the public display of the arms but were also active in undertaking the acts of terror. It is



likely that in many cases their role has remained uninvestigated. There is a deliberate cover up of these incidents. Some of these leads are not being pursued while the police are hyper active in cases where suspected Muslim youth seem to be involved.

A tribunal was organized by Anhad and associated human rights organizations in Hyderabad (2007). It had a very demanding task of hearing and going to the truth of the various alleged culprits. Not only that alleged culprits were kept in custody and denied all their rights, their relatives were not informed, their date of arrest was shown to be much later than the real time they were picked up. The torture which they were subjected to is beyond words, the wrecking of poor families which took place due to the whole process is shattering. The careers of many promising young men were totally ruined due to such arrests without any proof what so ever.

What happens to the future of those who are accused and released later? The students loose their career-track, at times colleges don't take them back until court ruling is brought to that effect. The families of accused get ostracized from the community out of fear. Others stop relating to them. The business gets a severe set back and at these times banks refuse to give them loans etc.

A two way impression operates in the society. One, amongst the larger sections of society, that Muslim terrorists are a big threat to the nation. Two amongst Muslims the feeling is that state is totally partisan and deliberate injustice is being done to them since they are Muslims. Two set of mechanisms of investigation norms are coming to be rooted. One, Muslim youth are picked up after every blast and are subjected to torture till courts pronounce them non-guilty. And two, to treat the blasts accused who are Hindus, with kid gloves.

The communalization of society at large and that of state apparatus leads to the double standards in matters of justice and control of law and order. The impact of this policy of state and stigmatization by society is distorting the psyche of large sections of Muslim minority. Perverse fears generated by political goals, propagated at social level are a big obstacle to amity in society and tramples upon the notions of justice and peace.

'D' voter and NRC Updation Issues of Assam

Shahiuz Zaman Ahmed, Assam

Foreigners' issue which was the prime agenda of the 'Assam Movement' (1979-1985) initiated by the 'All Assam Students Union and 'All Assam Gana Sangram Parishad' has been a burning problem in the state.

Most of the people who migrated three-four generation to Assam belonged to erstwhile East Bengal of undivided India. This erstwhile East Bengal latter became a part (East Pakistan) of the sovereign state of Pakistan in 1947. From East Pakistan also a number of people took shelter in India during the Bangladesh Freedom Movement and large numbers of them later on with the acceptance of the Indian Government took permanent settlement in India.



However, after the formation of Bangladesh in 1972 a section of Assamese people started considering those people, who, during the time of British Indian Government as well as during and immediately after the during the Bangladesh Freedom Movement migrated to Assam and settled down there as the Bangladeshi people..

These developments in the politics of Assam invited a movement against the migrant people, especially the Muslims considering them to be the illegal occupants of the state. The media and newspapers also have been adding fuel to the fire supporting the claims of the so-called nationalist groups. Once the Assam Sahitya Sabha also had the notion that in Assam a large number of foreign nationals were settling, and, the organization, without any logic, did not hesitate to point to the people of East Bengal's origin in Assam as illegal occupants. All these factors created an unholy environment in the state and a doubt in the minds of the people was infused that the state was in danger in the hands of the foreign nationals. Especially the students' community of the state took up this issue. In 1978, immediately after the oath taking of the Golap Borbora Government, the students' leader of the state submitted a memorandum in the month of November to the Government which also claimed the need for deportation of the illegal occupants.

The main agenda (deporting the foreign nationals from the state) of the Assam Movement was propagated among the masses in such a way that the majority of the inhabitants of the state got afraid of losing their identity in the hands of the alleged Bangladeshis, and, accordingly advanced their support to the Movement leaders. Moreover, as most of the student leaders of the Movement were from Gauhati University and did not bear any earlier bad image in the society, the people of the state believed them. The leadership of the Movement was steered by Prafulla Kumar Mahanta, Bhriku Kumar Phukan and others. The Movement, under the leadership of Prafulla Kumar Mahanta submitted a long list of demands to the Prime Minister of India on 2nd February 1980. The prime agenda of the memorandum was the foreigners' issue. It demanded the expulsion of the foreigners from Assam who came and settled down in the state from across the border after 1951. Movement leaders unhesitatingly and intentionally pointed some areas of the state to be occupied by the foreigners. Even, the leaders like Prafulla Kumar Mahanta propagated that the inhabitants of char areas of Assam were foreign nationals. Media gave wide coverage to these demands.

The Movement leaders started insulting the migrant Muslims as Mia. In Assam the term Mia means unclean, rough and unwanted society of the state. During the Assam Movement posters were hanged all around the state with the slogans like-

'Pindhe lungi, chorar besh, bol mia Bangladesh. Miai Asom khan khale; Mia banuak kamat nolagabo, Miahat Asom eri guchi ja, etc. (wear lungi, a dress of thief; mias go back to Bangladesh. Mias are exploiting Assam; do not engage mia labors in work; mias leave Assam immediately; etc.).

During the period of the Movement, without taking any statistical data into account the leaders deliberately exaggerated the number of the foreign nationals in the state. According to Jogen Hazarika (1979), the Chief Minister, the number of foreign nationals in Assam was two lakhs. Two



regional parties of Assam- 'Assam Jatiyatabadi Dal (AJD)' and the 'Purbanchaliya Lok Parishad (PLP)' estimated the number of the foreign nationals in the state at 40 lakhs and 13 lakhs respectively. According to an ideologue of the movement the number of foreign nationals living in the state illegally was 45 to 50 lakhs, out of Assam's total population of 1,46,25000. Another political scientist estimated the number of the foreign nationals in Assam up to 1981 at 40 lakhs. Another exponent of the movement named Bisweshwar Hazarika, counted the number of foreign nationals in the state at 77 lakhs. The All Assam Students' Union in one of their publications fixed up the number of infiltrators at over 45 lakhs, of whom over 15 lakhs had entered their names in the electoral roles. If one accepts such incredible figures, the percentage of foreign nationals would range between 10 to 50 percent of the total population of the state.

A discussion with the AASU leaders and the state Government took place in 1982 regarding a possible solution of the foreigners' deportation issue. The discussion failed to bring any solution. The AASU leaders now came in conflict with the government. They decided to stop the general election of 1983 by any means and created an extremely explosive situation. On 18th February 1983, over 1200 people, mostly Muslim women and children belonging to the erstwhile East Bengal origin were brutally killed at Nellie of Nogaon District. An eminent Assamese journalist had estimated the death toll of Nellie massacre at 3000. The police did not take any action against the culprits who were killing people under the sunshine. It is also alleged that even the police had their hands in the massacre. It was a big tragedy in the history of Assam which was criticized worldwide. The Nellie massacre was followed by another massacre at Chaulkhowa Chapari in Darrang District, where also the victims belonged to the same social group. There were bomb blasts in several parts of Assam. Between 1979-1984, a minimum of forty one cases of bomb blasts were reported to the police and at least one hundred people died as result of those blasts. The Movement activists set fire to many Muslim villages. A large number of villages in the districts of Bongaigaon and Barpeta were burnt down into ashes and thousands of people became homeless.

After a strong controversy over the foreigners deportation issue the Movement leaders had to bow their heads in front of the state as well as the central government. A Memorandum of Understanding, popularly known as 'Assam Accord' was signed between the Government of India and the leadership of the Assam Movement in New Delhi on 15th August 1985. In regard to foreigners' issue the **ASSAM ACCORD** through its provision 5 (five) solved the problem as follows:

For purpose of detection and deletion of the foreigners 1-1-1966 shall be the base of date and year.

- All persons who came to Assam prior to 1-1-1966 including those amongst them whose names appeared on the electoral rolls used in 1967 elections shall be regularized.
- Foreigners who came to Assam after 1-1-1966 (inclusive) up to 23-3-1971 shall be detected in accordance with the provisions of Foreigners Act 1944 and the foreigners (tribunal) order 1964.
- Names of foreigners so detected will be deleted from the electoral rolls in force. Such



person will be required to register themselves before the registration officer in respective districts in accordance with registration of Foreigners Act 1939 and registration of Foreigners Rules 1939.

- For this purpose the Government of India will undertake suitable strengthening of the Government machinery.
- On the expiry of a period of 10 years following the date of detection, the names of all such persons who have been deleted from the electoral rolls shall be restored.
- All persons who were expelled earlier but have since reentered illegally in to Assam shall be expelled.
- Foreigners who came to Assam on or after March 25, 1971, shall be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.
- Government of India will give due consideration to certain difficulties by the AASU and AAGSU regarding implementation of Illegal Migrants (determination by tribunals) Act 1983.

It seems, with the Assam Accord of 1985 the long run citizenship and identity quandary of the migrant Muslims of Assam came to an end. The year 1966 was accepted by the signatory parties (The AASU leaders, the Central Government and the State Government) as the cut off year for deporting foreign nationals from Assam as well as India. It was agreed that those who entered Assam / India between first January 1966 and twenty-fourth March 1971 would be detected and allowed to stay in Assam but disenfranchised for ten years; after which they would be given back their right to vote once again. Those who entered Assam from across the International border after twenty-fourth March 1971 would be deported. Besides, the Government of India agreed to offer constitutional, legislative and administrative safe guard to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.

AASU leaders considered Assam Accord as a great achievement. They had the notion that a large number of foreigners would be detected from state and on the deportation of them big acres of lands would be vacated. The major portion of the inhabitants of the state also got convinced with the notion of the AASU leaders. This mass support to the Student's Movement encouraged the AASU leaders to form a new political party in the state with the banner of 'Assam Gana Parishad' (AGP). The former AASU leaders forming and joining this new political party contested the election of 1985. Deportation program of the foreign nationals from the state was the main agenda of the newly formed AGP leaders in the cited election and showed the masses a dream of establishing a golden state. Majority of the people of the state were also convinced by the notions of the students' leaders and unhesitatingly advanced their support to the newly formed political party in the election of 1985. Thus 'Assam Gana Parishad' at its first election became victorious with absolute majority.



Prafulla Kumar Mahanta, a University student stayed in Gauhati University hostel, who led the Assam Movement, became the party leader and under his leadership the Assam Ministry was formed. This new Government tried its level best to find out and deport the foreign nationals from the state. But it could not identify and deport even one thousand foreigners from the state. Hence, in respect to the foreigners' issue, the Assam Movement was nothing but an excuse for capturing political power of the state, which was well planned by a group of University students.

The 'Assam Movement (1979-1985)', 'Assam Accord (15th August 1985)' and the failure of the Assam Gana Parishad Government to identify foreign nationals in the state still could not bring any political solution to the identity problem faced by the Muslims of the state. Though their forefathers had migrated to Assam during the British period but their profiling as Bangladeshi by AASU had taken deep roots in the minds of the majority Assamese population. Till date a major section of this community is doubted as illegal occupants of the state. Many of their voting rights have been snatched away by the government on the basis of doubt on their citizenship. In the electoral rolls against their names 'D' is written which means doubtful citizens and thus they are deprived of casting votes. These people are categorized as suspicious citizens as they are alleged to be illegal migrants from Bangladesh. It is also alleged that the recent NRC (National Registration of Citizens) updation process of Assam, chalked out by the government as per the demand of the present AASU leaders is a well planned mechanism to harass the minority specially the Muslim minority people of the state.

'D' Voters Issue:

In 1997 the Election Commission of India identified a section of Muslims living in the Char Chapari areas of Assam, linguistic Hindu minority and even the Rajbongshi people of the state as 'D' voters. The process of identification of 'D' voters was unusual. It is alleged that the lower officials of Election Commission were asked to mark at least 10 to 20 people in each village of the state as 'D' citizens. Thus in many families wives or husbands became doubtful citizens keeping rest of the members Indians. Again in some families, sons and daughters were identified as doubtful citizens, where, their parents remained Indians. The officials of election commission did not follow any criteria in identifying doubtful citizens. They ambiguously marked the names of voters in the voters list and are denied franchisee rights.

At present in Assam there are 3.5 lakhs 'D' voters. Thirty two (32) Foreign Tribunals have been set up throughout the state to detect these large numbers of people whether they are Indian or foreigners. Out of 32 tribunals 13 are lying defunct without judges. Thus the progress of tribunal work is very slow. During 2006-2010 in the foreigners' tribunal of Bongaigaon against 9,222 registered cases only 1,333 got settled and only four persons were identified as Bangladeshi. That too, these four persons got such a verdict as they could not produce their documents within the stipulated time given by the court.

Likewise in the foreigners' tribunal of Goalpara District, against 22,000 'D' voters cases only 600 have



been settled till date and only one woman called Tarabanu has been identified as foreigner. This Tarabanu case created a huge controversy throughout the state as it is said that Tarabanu is an Indian citizen and she has become the victim of state conspiracy. Tarabanu's three months old child was snatched away from her and she was deported from the state which was inhumane in nature.

It is also said that the Government of Assam has secretly instructed each lower ranked border police officers to identify at least 10 doubtful foreign nationals. Thus in order to save services and escape from the insult of the higher officials these lower ranked personnel have been marking thousands of citizens as 'D' voters of the state. Consequently the numbers of suspected citizens as well as the numbers of cases in the foreigners' tribunals of the state have been increasing. As the cases are lying unsettled in the Foreigners' Tribunals, lakhs of people, though they are Indian, are suffering a lot. They are deprived of their basic rights of citizen like- franchisee rights, etc. The ultra nationalist people of the state also hate these people.

Even, if the running 19 foreigners' tribunals become more active and settle 19 cases in a day and work for highest 200 days in a year these tribunals would be able to settle maximum of 3800 cases. Likewise, to settle all the cases that are lying in the foreigners' tribunals of that state, it will take more than 92 years. Consequently, these 3.5 lakhs 'D' voters as well as their children of the state who are fighting to get back their citizenship rights from last 12-13 years will remain as 2nd class citizens and most of them will die before their cases get settled. Surprisingly enough, even those 'D' voters, who have cleared their cases in the Foreign Tribunals, have not been included in the voters' lists till date. The Deputy Commissioners of concerned districts are also seemed to be reluctant to take any action in this regard. In an interview, one of the Deputy Commissioners said that they are unable to take any action in regard to the 'D' voters issue until they receive any signal from the higher authority.

NRC Update Controversy:

The Government of India through a notice has decided to update the long pending National Register of Citizens (NRC) of 1951. Accordingly, the Government of India at the initial stage through a pilot project decided to update the NRC of Chaygaon Revenue Circle of Kamrup District and Barpeta Revenue Circle of Barpeta District.

The works of update of NRC in Assam as per the provision of the amended rule 4(A) had been undertaken as pilot project in Barpeta and Chaygaon Revenue Circle in the district of Barpeta and Kamrup Rural respectively. As per this amended rule all the residents where most of the people are illiterate are asked to apply before the district magistrate along with several supportive documents, appear for hearing and prove their citizenship to the satisfaction of the officer concerned for inclusion of their names in the updated NRC. This procedure is exclusively meant for the citizen of Assam, which is not applicable in other parts of the country. In rest of the country the enumerators go to each house, collect the data and update the NRC without giving any harassment to the citizens. In case of Assam it is absolutely discriminatory, undemocratic and unconstitutional.

The task of Pilot Project of updating the NRC, 1951 started on 15th June 2010 in Barpeta Revenue



Circle. Accordingly, the copies of NRC, 1951, Electoral Rolls of 1961 and 1971 had been re-printed by the district authority which are in sufficient and bears numbers of anomalies and confusions.

1. Out of 146 revenue villages under the Barpeta Revenue Circle, NRC documents are not available for 24 villages viz. Metowakuchi Town, Metowakuchi Gaon, Joti Town, Gandhi, Goremara Gaon, Chakabausi Gaon, Vella, Veraldi, Joshihati, Aicharapara, Dewliapara, Kadamguri, Katlijfar, Dhanbandha, Sonkuchi Gaon, Bar Agdia, Tatikuchi, Dokonia Beel, Rangialortari, Boriarpathar, Bontipur, Pakbetbari Pam, Pakabetbari Pathar, Phulikipara. Again, the electoral rolls of 1966 and 1971 are not available for 11 and 12 villages respectively viz. Metowakuchi Town, Gandhi, Dhanbandha, Bar Agdia, Rangialortari, Boriarpathar, Pakbetbari Pathar, Phulikipara, etc. with the district authority. On the contrary, no guidelines for other documents such as, land records, school certificates, etc. have been given in the application proforma and these are not accepted by the authority.
2. There are wide spread discrepancies and anomalies in the re-printed NRC and electoral Rolls. Names of 1700 households have been dropped in the re-printed NRC under Ghilazhari and Howly Mouza. Surnames of women have been used for men and vice versa. Anomalies have also been made in case ages of the inhabitants. Again, same serial No. has been used more than once to identify different households.
3. In the reprinted NRC of 1951, many Muslim families have been identified as Hindu families.
4. In various instances names of father/mother against their siblings are printed as 'Unknown'. In some other cases only the surnames and titles have been printed instead of full name. In some other cases siblings are mentioned as Kesua (babies) and "Amuk" (somebody). Males have been made wife and females have been mentioned as husbands.
5. In the reprinted NRC of 1951, birth places of a large number of people have been shown as to be Mymensingh, Dacca and West Pakistan though the original birth place of those people are different villages of Assam.
6. Though in Phulkipara and Deorikuchi villages Muslims have been residing since pre-independence period but these villages are identified as Hindu villages in reprinted NRC. (What is the intention behind it?)
7. People who have settled themselves in Barpeta and Chaygaon Revenue Circle areas either by marriage or livelihood are not able to procure their necessary documents of inheritance as these are not published in their original places.
8. In the application form, in Column 12 the word successor has been published instead of predecessor.
9. The NRC updating process is silent about the fate of the 'D' Voters of Assam whose cases are still pending in different Foreigners' Tribunals/Court.



10. R B Vaghaiwala, the then Census Commissioner, 1951 stated that the names of 68415 people were not entered in the said NRC and also a large number of Muslims specially in the districts of Kamrup and Goalpara were not covered by the said NRC. The present Pilot Project is silent about the fate of those dropped out people.
11. In order to solve the foreigners' issue in Assam, the Assam Accord (5. (3)) signed on 15th March 1985 stated, 'Foreigners who came to Assam after 1-1-1966 (inclusive) up to 23-3-1971 shall be detected in accordance with the provisions of Foreigners Act 1944 and the foreigners (tribunal) order 1964. Names of foreigners so detected will be deleted from the electoral rolls in force. Such person will be required to register themselves before the registration officer in respective districts in accordance with registration of Foreigners Act 1939 and registration of Foreigners Rules 1939. For this purpose the Government of India will undertake suitable strengthening of the Government machinery. On the expiry of a period of 10 years following the date of detection, the names of all such persons who have been deleted from the electoral rolls shall be restored'.

Thus, in pursuance of the Assam Accord people, who entered Assam between 1966 and 24th March, 1971 were to be franchised after ten years. The processes of franchising those people have not carried out till date. The present NRC updation process is also silent about the fate of those people and their descendants.

Issue of NRC Update and Police Firing:

Noticing the anomalies in the mechanism of the NRC updating process, the 'All Assam Minority Students Union' (AAMSU) gheraoed the Deputy Commissioner's Office, Barpeta, on 21st July 2010 demanding immediate postponement of the pilot project of the ongoing updating of the (NRC). The organization also demanded taking of 1971 as the base year for updating of the pilot project and settlement of the D voters' problem first before starting the process of NRC updating.

Thousands of processionists coming from different areas of District approached the DC office at around 11Am on 21st July, 2010. The leaders wanted the Deputy Commissioner to come out of his office and take their memorandum which he denied. The processionists were waiting in front of the DC office for about an hour under direct sunlight for the Deputy Commissioner. Meanwhile, a third party who wanted to create havoc started pelting stones on the processionists. The mob now lost their nerves and became violent and in return started pelting the same stones to the DC office. Suddenly, the Superintendent of Police of the district appeared on the scene and ordered the police personals for firing on the mob. It took lives of four people and about hundred got injured. Siraj Ali, 25, Majam Ali, 55, Matleb Ali and Moidul Mullah, both 30 were killed in the police firing. The police could have controlled the situation by applying tear gas or lathicharge. Police gave a version that it used tear gas and lathi charged but the fact is that they did it when the processionists had almost dispersed the place after firing.

It was noticed that while the processionists were running away to save their lives, many of them



were caught by some unidentified youths and beaten up badly. Anowar Hussain, 35, one of the injured, told The Telegraph that he was beaten up by some unidentified youths. "I requested the youths with folded hands not to beat me but they did not stop till I became unconscious. I suspect there was a third force who fuelled the incident," he said.

The town also witnessed clashes between the protesters and residents, who started attacking the AAMSU supporters allegedly for shouting anti-AASU and anti-Tarun Gogoi slogans. The clashes continued for over half-an-hour. The state government immediately announced the postponement of the NRC updation process in the state.

AASU is of the opinion that the mechanism which had been framed out by the Government for the Pilot Project did not bear any incongruity and hence its application will detect all Bangladeshis in the state. Thus, the organization has warned the government not to delay the NRC updation process.







Observations by Jury Members

JURY I

People's Tribunal on The Atrocities Committed Against the Minorities In The Name of Fighting Terrorism 22-24 August 2008 at Hyderabad

KG Kannabiran, Hyderabad

Friends, the tribunal raises a serious question as to how plural societies have to be governed. India is a plural society and the constitution is designed to govern plural societies but governments do not reckon the existence of plural societies and that is why you will find that the dominant community's attitude determines whether there is peace or not in the country. And this particular method of governing and targeting the minorities is not going to be put to an end by inflicting assaults on them, denying them the advantage of rule of law, denying them equal opportunities and subjecting them to tremendous repression, assault on minorities is not going to put an end to terrorism. In fact such governance produces rebels. It had been the experience of this world after the second world war of such religious and ethnic conflicts where thousands and thousands of people were killed that is because they did not know how to govern plural society. If we start analyzing the different societies it becomes evident that almost all the societies are plural and there is no homogenous group of population anywhere in the world. So, if we do not learn to govern in such a manner where the different communities can enjoy status of equality and opportunity of development, we can never have a country living peacefully. I have been a witness for the last three to four decades of police excesses in the state against which I was fighting on a day-to-day basis. In those days every poor person in the rural areas appeared to be a naxalite. Several young people were tortured and put to death and several more young people were killed in fake encounters. And I have fought against those encounters. I fought against that kind of torture along with my colleagues in the civil liberties organizations. After that kind of treatment they were not able to put an end to naxalite movement. Today they are spread all over the country and calling themselves Maoists, they are present in Andhra Pradesh and also elsewhere. So, liquidation of a people is not going to give you peace. You cannot take law into your own hands and go on liquidating people or subjugating them to inhuman torture reducing them to subhuman levels. All this is uncalled for. Particularly, this people's tribunal is to highlight and tell the people what exactly is wrong and who is in the wrong side. After hearing the tortures and other things all these days I am concerned it was an old hat, I have been fighting against for a very long time. This is the only way they know of putting down people. After 9/11 what has happened is Muslims are portrayed as terrorists. In this country in 1984 when Sikhs were massacred on the streets of Delhi we recognized that there is another minority. Till the Sikh riots happened we thought only Muslims were a minority. They have attacked Dalits, they have attacked Sikhs, they have attacked Muslims and Stein, a Christian was killed and the next jump is to that position. So, unless we now intervene and claim that minorities have an equal right to live in this subcontinent, have an equal status with the Hindu community, we will not be able to eliminate this kind of violence, it will become endemic and almost all the countries it has been made endemic by



foreign interference, for instance, Sri Lanka, Buddhists and Tamils, very much near home. So if you want to avoid these ethnic fights it is not your law and order menu that is going to save it but it is your change in structure in your governance suitable to a society of plural communities and our constitution has made excellent provisions in that regard.

Rama Malkote, Hyderabad

You have already heard many people speaking about the situation in Hyderabad, I would just like to bring to your notice certain incidents that have taken place. On 5th March when Mohtasim was taken away, literally whisked away from his house by masked men who came on their scooters, some boys were sitting and talking outside in the open in front of their house and suddenly on scooters masked men came and picked up this boy and took him away. The parents and the family were inside. They didn't know what happened outside. One of the boys went inside and told that some masked men had come and taken away their boy. They were stunned because no warrant was served, nobody came in any uniform. It was absolutely like a few men came to kidnap him.

I would like to remind this honorable gathering here that Hyderabad, Andhra Pradesh has a long history of encounters. It is a known fact that how many people in the state had been encountered in the name of being Naxalites.

Later on, the women in the locality with children in their arms went to the police station at Sayidabad and asked where the boy was. They pretended of not knowing anything about the incident while by that time Mohatsim was already put in jail. But still the police was reluctant in opening their mouth. After that these young girls from the locality insisted on knowing where their brother or cousin was. Abusive language was used for them and then some kind of a tussle followed after which those women were all taken into custody. Later on when we came to know, we went in to find out the reasons. The kind of response that we got from the police was shocking. They pushed them away manhandled them and still alleged that those women went to attack us. Here it has to be kept in mind that if those women had any intention of attacking the police station why they would have taken their small babies along to the police station. They simply wanted to know where that boy was.

We submitted a report to the team National Minorities' Commission which visited Hyderabad. We met them and along with us were the victimised families. We also met the Home Minister regarding the case of those women who were taken into custody with their small babies. That was a terrible thing happened. It is unknown if they did anything as we cannot notice anything happening.

I would like to bring another case to your notice. It is about Dr. Junaid's case. We represented Junaid's case also before the Minorities' Commission. Junaid, a medical student who spoke yesterday, was denied attendance. We spoke to everyone possible; we tried our best to get him ticket to examination center so that he could appear for his exam. But he was denied therefore, he could not appear for his exam which means he lost a year.

Justice Sardar Ali Khan, Hyderabad

I thank you very much for giving me this opportunity to substantiate in my own way the deliberations



which have taken place in the last three days in the auditorium here and I am very glad to say that members of the jury after pouring over the situation and making a meticulous study of the whole record which has come to light before the people's tribunal here have actually now given shape to a general statement. Fundamental principles of unity and diversity are embedded in the Indian Constitution. It has been mentioned in a different manner by my friend Mr. Kannabiran but we cannot destroy this principle because in the constitution it has been the sacrosanct place of the diversity of the population of India flourishing in its own manner according to the terms of the constitution. Are we really, the question is, now trying to destroy that concept which is a fundamental right in a way by all these activities of a heinous nature which have been indulged by the authorities, police authorities, the bureaucracy and so on and so forth, if that is done then I think it will be a very grievous day, a very sad day in the life of the nation in which we are proud to live in this country as such. You are aware of the fact and I need not stress that the Indian constitution is based upon the principle of secularism, of equal opportunity, of religious freedom and faith, of occupation, of trade and commerce, of safety, of finding the right to have their own families and so on and so forth. Under this constitution we have been flourishing for the last so many years but of late I do not know why and there doesn't seem to be any cogent, apparent reason, every act which is of a lawless nature, call it terrorism or otherwise is being actually now seen as the Muslim community's invasion, if I may use that term, on the rights of the people of India. This is atrocious and it cannot be really countenance under any circumstances. We have seen that there has been terrorism in Ireland for example for a very long time, which is now at the low ebb now but no one called that roman catholic atrocity or roman catholic terrorism. There are acts of terrorism which have been committed day in and day out in Spain. They are investigating about the recent air crash also and they see a hand of some other people who may be the culprits there but no one says that the Spanish people under the garb of religion are trying actually to wage a war. Then how come that in India whenever there is an act of terrorism it is attributed to the general hapless population of the Muslims in this country.

I have been a lawyer and a judge and I must really weigh the pros and cons before any particular person can say with any amount of certainty that what is being said is correct or not. But nevertheless the general trend of the situation shows that there is in fact an undeclared emergency and I use the term in inverted commas as it was pronounced in India long back "an undeclared emergency against the muslim population of this country". Why is it happening like that? Why are the people being denied their right to defense, their lives are being made a miserable existence, they are tortured in the chambers of the police far away from the eyes of the public in various places around the villages lying around Hyderabad. We have come to know now and our ears have listened to that and our eyes have seen the people who have given the witnesses here, depositions that they have suffered quite a lot. This must immediately stop because as it was mentioned by my predecessor speaker that this otherwise poses a grave danger to the very concept of a nation that India is. The largest concentration of the Muslim population on the globe after Indonesia perhaps is in India. How can you safely say that by antagonizing a population of the largest minority living in this country, by blaming them and by actually labeling them as terrorists and lawless people, how can



you have an era of peace in this country is the question which must be considered by the authorities who are actually now ruling the country. This is the position which really calls for immediate attention. There should be no delay in correcting the wrongs which have been committed, in giving back to the people whose constitutional rights have been abridged the due which is for them, we have also demanded very clearly that they should be compensated and why not because when lives have been ruined and when people's own abodes have been destroyed, are they not entitled to compensation. I am also to mention here that unless and until the authorities and the police are reigned in not to behave in a communal fashion nothing will happen in this matter. We have seen that the lower echelons of police department and similarly the administration have been turning the nelson's eye, a blind eye to the plight of the Muslims. I am reminded of a very epoch making judgment of the house of lords in England, I think if I am correct the date is 1987 or 86 where in the highest court England has held that if a policeman acts beyond the scope of his authority and beyond the duties which are assigned to him under the scope of law, he would be deemed to have been acting on his own and not as an officer who is wearing the uniform of the government. A fortiori as they say in law necessarily if any such act is indulged in by any officer of the government, be a policeman or an administrator or a bureaucrat, he must be penalized personally so that he may come to his senses and really understand that the crime which he has committed does not stand in good stead for him because he is bereft of all his authority under the constitution and under the position that he is holding. Such are the recommendations which have been actually mentioned by eminent people of the jury here with whom I am in complete concurrence and I do agree with respect for all the statements which have been made.

Prof Rooprekha Verma, Lucknow

Dear members and friends, many things have been said here which were known to us but have not been face to face. This tribunal and its findings have put up a stamp on our fears and analysis of the whole situation around the issue of terrorism. Many times we had thought that Ram Rajya is not going to arrive. But, now it seems that we are living in Ram Rajya only where many Sita are sent to exile and Dalit Shambhu is killed and because Bali is not among us, hence is also murdered. We are constantly getting this feel that we are just two steps behind in becoming a fascist society, listening to these depositions. This whole ambience is also giving a sense of helplessness and hopelessness and that there is a total collapse of constitution. And those who have been chosen to run this country are bent on converting the system into a totalitarian regime.

I agree with Ram Puniyani that this is not an issue concerning Muslims only. We are not raising the issue concerning only one community; instead we are questioning this whole idea of Indian State and the existence of Constitution by taking the example of one community. We are apprehensive that if it keeps on going this way, will we be able to save our constitution, democracy? It is sure that if democracy will exist, only then the rights of individuals can be safeguarded. Whatever rights and opportunities we are getting, it's not because we belong to certain category, class, caste or religion but because we have pledged to be the citizens of this country India.



And now, we have all evidences speaking for themselves that confessions have been taken by the police forcefully and by threatening them for their lives. People have been abducted by the police from the streets on mere suspicion. And it is also important to note down that what caused the suspicion in the minds of the police. Somebody having a beard, somebody if understands only Urdu, and suddenly 'Allah-hu-Akbar', all these things have become criteria of suspecting anybody as terrorists. As Ram Puniyani was saying, by these standards, even Premchand and Gopichand Narang who were Hindu but used to write shayari and books in Urdu would automatically become terrorists. Similarly, does anybody with a beard stand eligible to be alleged as terrorist? On the contrary, we have been watching that activists of Bajrang Dal or Durga Vahini and others such organizations march in public with naked swords and tridents. They even organize public training camps to teach pistol shooting, sword fighting etc. no police or any other government authority tries to find out the resource, from where they get those arms. Do they have proper license for keeping such arms and to carry out public demonstrations and to conduct trainings? There are no restrictions upon them to follow any particular public road at some specific time in some specific locality or upon the usage of language. They have criminalized all the icons or religious symbols.

When a Muslim young man can be picked up alleging that he blasted bombs in a Mosque, because only Muslims go to Mosque; then the same argument should be applied to Akshardham and the Parliament case investigation. But it did not happen the same way. When bombs exploded in the Sankat Mochan Temple of Benaras, no such argument was given that because only Hindus go there so Hindus may have carried out that act. In that case also only Muslims were targeted. That is hypocrisy and it proves to be very dangerous for the society in whole over a period of time. This dual mind-set and stand is deep rooted and is subtle. Therefore, many times our secular friends get trapped in it too, when they say that, poor Muslims had been subjected to so much of torture and humiliation in various riots; that had forced them to resort to violence and terrorist activities. It means that it has been taken for granted that Muslims, thus can only blast bombs, both in Mosque and temples. Therefore, it is a matter of introspection for us, secular forces as well and should not be swayed by any information without substantial ground and which is merely based on speculation as a part of RSS's propaganda.

As our friend Ram was stating that during the investigation of Nanded bomb blasts some artificial moustaches, beard and Aligarhi pyjama-kurta were recovered. Why not any full-fledged investigation was carried in that respect against that organization? It stood to be a very strong evidence to suspect the working of RSS which has been explicitly anti-minority and communal.

Along with that what a strange timing do these "so-called" terrorist choose. For instance, take the case of attack on the Parliament. Those terrorists were so idiot that they drove a car full of ammunition to the highly secured and safeguarded premises of the Parliament and struck its gate when most of the MP's had already moved out of it, leaving the staff of the Parliament in it. Similarly, if the attack on the Akshardham Temple is closely analyzed, really sometimes

There is a big network, working to create and distribute the communal literature watered by Hindutva



forces as well as some fundamental Islamic organisations are also involved in such process, that we have to accept. But the organisations like RSS, Bajrang Dal, Kesariya Vahini, Durga Vahini, Gorakhpur Geeta Press to name a few are involved on militant level which are primarily form a Hindutva club. However, what concerns me is that our administrative system is deaf and blind to act and look sincerely into such matter which is blatantly mocking and disgracing the constitutional values.

I would also like to comment upon the role of media here. Though, here and there in some cases, the role of media has been constructive, but largely it has been derogatory, biased and immature. For instance, media played a very good role in the case of one of the accused who was arrested from Kolkata and was then taken to Lucknow. There the responsible and unbiased reporting of media of that how he was subjected to torture without groundless evidence, led to his release. Although, in most of the role of the media has been to sensationalize the case and to blow it out of proportion without any proper information and investigation. Rather, most of the media reports take side with the police version and declare the accused as terrorist before any proper court proceedings would take place. Maximum media houses have sidelined the need and significance of investigative journalism.

I would like to conclude with the comment on the attitude of judiciary of India. Till date whatever social issue I have raised and worked for, I have always targeted the coldness of the judiciary. But now for the last few years as I have been involved in the legal fighting for few girls, with it and after listening to the depositions here, I firmly opine that there is a strong urgency to launch a movement to make the judiciary accountable and sensitive. We do not speak against the role of judiciary openly because of the fear of contempt of the court. But we do not realize that in the disguise of contempt of court, judiciary has become absolutely corrupt in its practices. We have to question the functioning of the judiciary as judges are also paid salary though the money collected from tax-payers. Judges do not work extra than the other people in government jobs. They also follow the same 10- 5 time routine. Rather, most of the times, judges arrive late for the hearing of the case or abstain from the hearing of the stressful and contentious case or delay it date of hearing. Next, if a judge does not pay attention towards the beatings being endured upon a lawyer in his court and rather postpones the hearing of the case for any other day, isn't it also the contempt of court? If we were to analyse his judgment, would the respect of the court be retained. I remember, I was in the court for the hearing of the case of those girls who wanted to marry out of their choice, and their parents started dragging them in the court itself, and one of the father even said that if they would marry on their own, he would make them practice prostitution. To the dismay, those judges saw that happening, and yet could not take strict action to contain such incidents in future. As one of the accused was saying that when he complained of the torture endured upon him in the jail, the judge responded in an insensitive manner and said that jails have hospitals, so its was not great enough to take concern. Should not the judge have passed an order to take an action against the responsible policemen and should not he have asked the jail authorities to produce the explanation? Any how, I seriously think, if not today then tomorrow but the need to initiate movement to make the judiciary accountable is inevitable.



Justice SN Bhargava, Jaipur

I welcome all the members, friends from media, friends and citizens of India who testified here in the three day tribunal. I agree with the other two members who spoke just before me from this platform. I have very less to say now.

I am coming from Rajasthan and nobody from Rajasthan came here to testify, perhaps because recently bomb blasts took place in Jaipur and 65 people lost their lives. People from both Hindu and Muslim communities were injured or died. We understand that vis-à-vis to it, investigation was started, and fearing that perhaps, people did not turn up. Such is the situation prevailing in the whole country irrespective of the state, here in Hyderabad, in Maharashtra or Gujarat and Rajasthan, to name a few. Even, Kerala is no different place as we learnt here.

Now the essential question is; like a few elders mentioned that do we want democracy any more in India? We have pledged to give the constitution to ourselves; therefore, do we want to rule this country accordingly? Constitution is very clear about the Right to Live. According to Article 21 to live is not just about having bone and flesh but to have a dignity and self-respect about it. And thus every citizen of this country has been guaranteed with some fundamental rights and duties have been by the constitution; that are thought to be essential to live with dignity. Therefore, when Constitution ensures that every individual is free to follow any religion, human rights are assured, there is and should not be any room for such kind acts of injustice. But if such incidents of injustice are happening then they are to be fought back strongly.

When these people were testifying here, narrating the difficult times of their life, some were crying, their throats dried up. And we, the member of the jury too could not stop but being emotional towards the situations. We too were rendered heart broken and empathetic. We could get into the skin of the fact, how does it feel when a son or beloved of yours has to undergo all those painful incidents. However, the questions arises that what is the solution? Certainly we expect a high degree of moral and just conduct form the judiciary, the judicial commissions, National Human Rights Commission, Minority's Commission, SC/ST's Commission, Women Commission. Every move of these commissions is watched carefully by the people and they are expected to provide some relief to the victims. We have considered all those options and thus, have framed our recommendations in details to which we completely abide. We sensed our responsibility and felt concerned about this whole issue, hence for the betterment of our nation and society we came to these recommendations. We, old people were born in the colonial times; at that time people were living in communal harmony, hence understand the value of the independence and democracy greatly. But these young people who were born in free country, freedom has even great meaning for them, they love their freedom and thus are bewildered at any attempt of limiting the freedom. I hereby only request them to be responsible to their rights and duties and sensitive towards others to enjoy this freedom completely. It should not be forgotten that what has happened to our neighbour could happen to us as well. Therefore, it is important that we collectively raise our voice whenever and wherever we find any injustice happening.



We desire something from government; want judiciary and commissions to act in certain manner and that there should be some legal provisions that we have requested through this proposal. We wish to tell the people that this situation would not remain same. I am optimist person; hence, I hope that we will be able to uphold the peace, communal harmony and democracy in the country; and an idea which includes people from all castes, class and sections. In India we people from various religions and communities are living since ages, and essentially do not have any issues against one another, except that there are few lumpens and rough elements who try to create tensions between the communities for their own mean purposes.

These submissions which we have suggested, we want to put before the people and especially the media personnel. It is because media can and should play a vital and conducive role; therefore they need to be responsible for the integrity of their profession. It is their duty to report the incidents or issues impartially which can prove lethal or dangerous to the communal harmony and integrity to the spirit of this nation.

With these words I would come to an end and I hope you will sense that these suggestions have been structured after a lot of brain storming. In this document we have tried to encompass instances from all the talks we had in the past three days. We would also like that these recommendations should be published in as many newspaper as possible so that a pressure can be developed upon the government and authorities to come up with guidelines to counter the heinous, unjust acts happening all across the nation.

Asghar Ali Engineer, Mumbai

Friends, whatever has been said and heard about here, I have faith in its authenticity, because I also have experienced the same in the last 40 years. In 1961, when riots took place in Jabalpur, at that time I pledged to fight against communalism through out my life. When I saw the attitude of the police there and listened to the victims, I decided that I would believe in the version of victims because, their version could be exaggerated but could not be absolutely baseless as they went through the whole episode. Today, that approach of mine has again got confirmed.

Yesterday, when Khatoon Biwi was crying and seeking help to get her three sons released from the clutches of POTA. I could not help myself with my tears. A helpless widow seeking for help, but we sitting here were feeling like being caged to help her, we people sitting here can prepare the reports only, sitting here. Whether the state be democratic, dictatorial or monarchical, it is difficult for an individual to fight against that. When the scholars, academicians, activists go through the report of the tribunal they will find that as a keystone to refer to the information about the conditions of Muslims in the country.

These bomb blasts that had taken place in Ahmedabad, Jaipur, and Bangalore, and there after, the frequency with which police started claiming that they had solved the case; I would like to draw the attention of the jury members here that suddenly police and media started creating hype and fear in the name of SIMI. Apart from it, it is also to be noted down that when Delhi High Court dismissed the



petition to extend the ban on SIMI, then a petition was filed in the Supreme Court to extend the ban on SIMI and hence, before that an environment was created to drag the name of SIMI in every bomb blast. It seems so strange, that SIMI is such a powerful organization that IB or CBI or state intelligence agencies, all are inefficient in tracking down the plan of the bomb blasts that SIMI would conspire. Also, once any organization is banned, every single member of it is under suspicion and police constantly follow them. Hence, if still the SIMI members turn out to be so clever to hatch the conspiracy, then what the police and internal security system was doing? If RSS would have been banned, I can very well imagine that it could not sustain.

I myself went to Malegaon and investigated the authenticity of the police version and found that the whole case of bomb blast is 100% fabricated. On the face of the SP Rajvardhan of Nasik who was student at JNU, I said, "I expected you at least to function honestly; but what you have done is a very shameful act, that laborer who used to work to make batteries, you caught hold of him as a conspirator, could not you find any body else to put the allegations on."

On the day of Shab-e-Barat and Jumma, which Muslim would not go to offer the Namaaz and rather would go to implant the bomb. He said that I was setting off the communal fire. I replied back that it was the RSS that wanted to instigate the communal tension. Similar patterns of bomb blasts are repeated, same day of Jumma Namaaz was chosen to blast the bombs at Mecca Masjid, Hyderabad and then SIMI or HUJI were held responsible for the acts. I questioned the SP there that on what basis Muslims had been taken into police custody. He did not have any answer.

I think the genesis of this feeling of hatred lies in the education system which has been imbibed into the police. Apoorvanand ji, talked about the communalization of text book in Rajasthan. He told us that in the text book of 12th std. it is mentioned that the fascism is an imported is an efficient system in which one leader can take the decisions authoritatively, and is not answerable to anybody for the efficiency of the system. Then in a text book taught in Gujarat, it is described the Islam was spread in India on the basis of blood bath. In this way a slow hatred is being propagated which becomes deep rooted over a period of time. Why not the Congress government in the centre acts upon this sensitive issue? It seems like even Congress has a silent agreement to what is being taught through those text books.

After the communal riots in Bombay in 1992, I conducted more than 100 workshops of the Mumbai Police; therefore I know the mind-set of the police from inside out. I listened to their inner expression about Muslims through these workshops. For instance, I asked what image comes to your mind when you hear or see about a Muslim, a constable responded that a cruel man. You imagine, he subscribe to Samna, mouth piece of Shiv Sena which is full of abuses against Muslims. But no action was taken against the publication for the communal statements. If any communal statement is released by any Urdu news paper, I am quite sure; its publication will be banned from immediate effect. Finally, I would conclude by saying that till the time government will not take any action against the publications like Samna, will not reform the text books under the section 153 A; which is very much doable and will make attempts to sensitize the police, all this will continue without any obstacle.



JURY II

National Meet on the Status of Muslims in Contemporary India

Delhi 3 to 5 Oct 2009

Gagan Sethi, Gujarat

My identity has somehow become linked with Gujarat now, but I am at first an Indian. An individual can have multiple identities. Unfortunately, in Gujarat our religious identity has become our primary identity. When this happens, it creates a lot of problems. I always ask myself who am I? When I first started working in a village, there was casteism in that village. When asked what my caste was I had no answer. I was a 22 year old man who did not know his own caste. This was because of the environment that I grew up in. When I went back to Ahmedabad, I for the first time asked my parent about my caste. What I want to say is that it is important to understand when religious and caste identities are formulated; how and who bestow these identities on individuals. In our schools there is no debate about which identity is our primary identity.

I had studied in the Defence Services Public School and later I came to Ahmedabad. There nobody was asked about their religion or caste. The moment I came to Gujarat before everything my religion and caste were determined. I was protected from such an environment for 22 years, maybe if I would not have been protected for 22 years I might have been a different person. I am saying it because I feel that when the Constituent Assembly made a pledge and wrote a preamble in which every citizen's primary identity was accepted to be that of being Indian. However, never have we worn this identity and seldom have we tried to make people wear this identity.

In so many years I have seen so many riots and have fought so many cases in courts and everywhere. I have seen the consolidation of politics of identity among the police and even in colleges. I feel, if efforts are not made to develop Indian as our primary identity, the frequency of riots will only increase at more rapid speed. I feel gloomy about the judicial system, even the judges have become victims and carriers of this politics of identity. I have reached to analysis that till the time we don't prepare the next generation to handle the questions of identity and till then we won't be able to wean from this politics of sectarian identity, the cycle of communal violence cannot be stopped. Gujarat is only a sample and Karnataka is going to be next, so forth so on.

If we focus on three things, firstly in primary education we must review and edit each and every book from every state. We have tried this in Gujarat and have succeeded to some extent. The Second thing we must focus on is the identity of a voter during election and voter education during elections. This determines how democracy functions during the elections. We must spend some time behind this. We have started making efforts on this during the last Gujarat elections but we have not made much progress. And thirdly we must focus on what I call the 3 M's namely Mind, Might and Material. These three should be scrutinised. We must be carefully analyse what is entering the minds of children in schools, who is in the government's institutions and bodies, are the people in the police and the military from the same caste, and are the lawyers from the same family? We need to see diversity in



our minds and might. As for Material, are we able to see democracy in the allocation of budgets in the districts and in the Nation as a whole? If democracy is visible we have to make efforts to make it apparent and if it is not visible then we have to work towards it. In democracy how much is allocated and given to each group needs to be in public domain. We must demand equitable distribution of resources. I mean that money should be invested in each community in a very unique and community-specific manner. I call this transformation politics where we and everyone gets emancipated and not emancipator politics where we are concerned with a single identity group's emancipation, or the emancipation of one's own identity group.

Tarun Tejpal, Delhi

Many of the stories which have been testified here, we have heard them on daily basis in our office. We have taken up the concerns discussed here in some of our issues and written about them in Tehelka. There was mass murder in Gujarat in 2002. After many years we worked for 6 months to show that the massacre was really a massacre and not a riot. Muslims were targeted and killed systematically and the Gujarat Government had played a role in it. We got the video recording of the people who committed murders saying how they participated in the massacre, they revealed on whose direction they committed it and who protected them. Even then nothing has been done in that regard. Although an SIT has been constituted by the Supreme Court and we hope that something positive would evolve out of it.

As journalists we are aware of the kind of discrimination prevalent against Muslim in India at present. I confess that I was not aware of it ten years ago because the background from which I came told us that India was a good democracy. Even today my friends from my school and college feel that India is a very good country. But if we go just a little deeper we realise that the truth is very different. This truth has kept reiterating itself in the past ten years of Tehelka.

One and a half year ago we started working on SIMI. It had become a pattern in Indian journalism that whenever any terror attack occurred, the police and the newspapers immediately blamed SIMI for the incident. Nobody asked what SIMI was and what SIMI did? Nobody bothered if the young Muslim boys who have been arrested are actually from SIMI? SIMI was banned three times by the Tribunal. When third time the Tribunal hearing was in process we sent one of our journalists, we asked our journalists to go wherever the Tribunal hearing was held and observe the questions asked by the Tribunal, the people to whom those questions were addressed and on what basis was SIMI banned repeatedly. Our journalist Mr Ajit Sahi, travelled with the tribunal, did not give a clean chit to SIMI but did report that under the garb of infamous name of SIMI young Muslim men were being victimised. After that story, the Indian journalism moved away from mentioning SIMI in illogical manner.

At Tehelka we are concerned with justice and we do not side with either Hindus or Muslims. We should try to ensure that our struggle should focus only on justice and not on any religious group. Every individual in the society get benefited when there is justice. There are two big challenges before India. The biggest challenge before us today is that of inequality. Today India is one nation



with largest disparities. We have the richest people and also the poorest people in the world living in the same nation. It must be understood that as long as there is inequality, not only the Muslims but everyone will become a victim of injustice.

At present the Indian Government is going to launch a huge military operation in our own country in Chhattisgarh against the poorest people whom we call Naxalites and Tribals. So we must understand that Muslims are not the only victims of discrimination, the Dalits and the Tribals are also in the same league. The operation in Chhattisgarh is going to be a struggle between two groups which are not equal. Earlier people used to think that Tehelka works against corruption. I feel that corruption is not that big a problem and is only a symptom of inequality. It is the result of large scale poverty existing here. If the rich want to get richer there is no other handy tool than corruption.

The second problem in front of us is that of Communalism. The basic value on the basis of which India was integrated as a nation was that of secularism. To fight it we have to find a way to put pressure on the Government. Whenever a new journalist joins Tehelka I tell her/him that we have a small readership base but what we have to focus on is how we can pressurise the government so that it be accountable towards upholding the pillars of democracy.. Ours is a very big country with a huge population and it is imperative that the Government be accountable for its actions and so does the rich of this country. This is a big challenge before us.

Mr. Engineer said that the politics of hate is empowered by the politics of greed. In such a scenario is important to be conscious of the tool we use. Tehelka has also undergone many difficult times, it has experienced state tyranny, Tehelka was closed for three years. Even now there are 15 to 20 cases pending against us. Every week and every month I go to one court or the other. I am always asked wherever I go, whether we were very unhappy during that time. I say that no doubts! We had really tough time but we were not unhappy. This country is going through a very hard time, but we must not be hopeless and we must prepare ourselves to fight the huge struggle. Facing problems is characteristic of every struggle and we must not be sad about it.

As for the issue of what is right and what is the right thing to do, I am agnostic but somehow also a Hindu and in no Hindu text is this written that you hate anyone from another religion. There is a concept associated with Hinduism called Dharma; I am a strong believer of it. Dharma says that every person always knows what is right and he doesn't need to be told what is right. We have to be just conscious of it and encourage others as well for the same.

Hanif Lakdawala, Gujarat

In the past two days we have been hearing grief stricken stories. Being a Muslim, especially a Muslim from Gujarat, I have experienced and suffered this pain. A few years ago when I went to a school for my daughter's admission, the principal read my name and my daughter's name, tore the certificates on my face and told me to forget about getting admission for her in that school. Gujarat has been like that for many years. When I went in search of a house to live in, I could not find any for myself. The builder suggested me to change my name and to put in the gazette that I have changed my name.



Only after this would he give me a house.

We have to remember that in all stages of history one group or the other has been suffering such injustices. The Muslims are not the first or the last group to suffer such circumstances. When this period of pain and suffering would have passed us by then another new group will suffer. But we have to continue to fight against communalism.

Many have said that the BJP and the Congress are only two sides of the same coin. But I think there are some qualitative differences. I think, in the Congress or the UPA Government there is a space which we can be used to have dialogue but in the NDA Government it was absent. Thus in our fight it is necessary for the UPA to be in power. I am not saying that the Congress is very secular but at least there is some space for us here.

Whenever I hear a person say that he or she did not get something because he or she was Muslim, I wonder if proper scrutinisation and examination has been done regarding it or religion is used as a garb to hide the individual lacking. Thus it becomes important that when we talk in our homes we do not teach our children to blame others for failures. I feel Muslims should be prepared to face discrimination but it is also a responsibility to handle the failures with rational approach.

Whenever we talk about communalism, we always talk about the Hindutva forces. We have to counter the minority communalism also even if it comparatively a lesser threat to democracy. The Muslim Communal elements have destroyed the Muslim community from within. Communalism is a phenomenon in which a majority community directs itself against others but minority communalism directs itself against itself.

Our activist sisters know this. When they came out to work after 2002 they faced a lot of problems from the Muslim community which asked them why they are stepping out of their homes. They have become activists after a lot of struggle. But, the communal and fundamentalist forces in the Muslim community have not died they are only suppressed for the moment. When emancipation takes place from discrimination that is intra-community there is a possibility that these presently dormant forces may suddenly become active. We have to consider this while we are engaged in our struggle.

Prashant Bhushan, Delhi

After hearing the testimonies in the last two days this feeling has intensified that communalism is growing stronger every day in India; it is becoming more deeply rooted in the minds of the people and our dream of a secular nation is gradually breaking. It is evident from the manner in which elections are being won across the nation on communal lines. This process was started in 1984 by the Congress, where the RSS supported the Congress, after which the BJP took it to another level with the Ramjanambhoomi issue and started winning elections. This poison has been spreading in the society since then vigorously. There are many laws to counter this process which uses communal propaganda to win elections and this is a serious offence under the Indian Penal Code.

Despite this we say that different kinds of communal propaganda are done and the media too has



hand in this. The media has become a toll in this process. This poison has spread into all the institutions of the state like, the police, the judiciary and political parties. The institutions which were supposed to stop communal forces have themselves become communal and are failing.

In the media, a new phenomenon is seen, we can see a new kind of journalism called embedded journalism and the Hindu's Praveen Swami is a prime example of this. Even in a reputed newspaper like The Hindu we have a journalist like him who is given a lot of prominence and is what we could call the archetype of an embedded journalist. An embedded journalist receives planted stories from RAW, IB and the Police which he presents in a sensational manner as reports from informed sources within the concerned agency. For the sake of TRPs the media creates a lot of hype and run such stories. Praveen Swami is an example of this. This genre of journalists is found in every newspaper. The media has lost its accountability in present times. This can be seen in the case of Ishrat Jahan and today this is seen in propaganda against the Maoists.

Today it is needed that we make institutions which scrutinise the media, the Police and the Judiciary and check their communal behaviour. This institution should also be given the power to enforce these laws and take action against them, but this institution too can get communalised. Therefore what is needed today is that international institutions be made for the protection of the rights of minorities as is seen in the International Criminal Court (India and the USA are not signatories of the International Criminal Court, whereas many other countries have signed). Mr Modi could have been tried in that court. Although national institutions can fail, international institutions are less likely to fail, thus it is important to create an international institution for the protection of minority rights of which India should be a signatory.

Zoya Hassan, Delhi

I like to place only three issues in front of you namely discrimination, deprivation and inequality. The most important issue today is that a lot of people in India, not only the minorities but also a lot of others are very poor, deprived and face many different kinds of discriminations. The Muslim people are very poor as the evidences backed by the Sachar Committee in India where the Muslim Community's status is very similar to that of the Dalits. If we combine these two groups we would get a very large population which would be about 40% of the total population. In addition to this we also have the Scheduled Tribe population. India has progressed to a great extent in the past years. But this progress is limited to a small minority and Muslims are a part of the large majority which is excluded from this progress. Thus deprivation and inequality is an important issue. And in a developing economy like India it is the responsibility of the government towards the well being of the people. Unfortunately in the past 6 decades successive governments including the Congress government which has been in power for the longest had failed to fulfil its most basic responsibility which is evident in the Sachar Committee report. We must focus on the government's responsibility and the fact that the government has shirked its responsibility towards its citizens.

The second issue is the manner in which election campaigns have been conducted. We have to be aware of the 2009 mandate which clearly speaks that the Congress and the UPA has won with a



significant support from Muslims. It is very clear that since 1991 Babri Masjid the Muslims were not supporting the Congress party. What is most striking is the return of the Muslim vote in 2009, especially in particular states like West Bengal, Kerala, Andhra Pradesh and up to some extent in U.P. My point then is that it is simply not possible for parties which claim to be secular and have come to power on significant Muslim support now choose to ignore their issues. We must emphasize upon the political obligation that the government has towards the people who voted it into power. One of the promises that the government made and fulfil was the implementation of the Sachar Committee report. On the basis of this report we can now say that the government has not done what it promised to do. We can say that their own report card says that and we can inform them about their responsibility. If we look at the past 3 years after the report was submitted, a little has been done by the government; also there has been some positive changes in their thinking vis-a-vis minority. And now they are realising that they have not done what they had to do. There is need for targeted intervention among minorities as was done for the deprived groups like SC/STs. There is official recognition of this fact and as for the Sachar committee there has been only minimal response from the government. They have done only three things. One is the launch of scholarship schemes and the number of scholarships also has been increased which have been taken very well. But the point is that even after the increase in the number of scholarship, it is still so small in view of the educational deprivation in the Muslim community. The scholarship scheme is only a small drop in the ocean. Much more is needed to be done. As for the other promises made by the government, not much has to been done.

I was a Chairperson of the 11th Plan working group on empowering the minorities. In that plan I made best efforts that a minority sub-plan be created but for a variety of reasons I must confess, I failed. There was lot of opposition from many levels. One of the reasons was the communalism and discrimination which has become integral part of the polity but also the fear that if too much effort is made towards helping the Minorities, the BJP and other Hindu fundamentalist parties would gain indirect support from those efforts. And that we will be accused of minority appeasement. It is not so in case of Dalits as there is national consensus over it. There is no official national consensus on minorities as yet. It then becomes our responsibility to build pressure on the UPA members of parliament for this. I feel that the next meeting should be with the MPs where these questions are targeted at them. The MPs elected from SC and ST constituency do raise issues relevant to the SCs and STs but the Muslim MPs lag behind in that. Recently the MHRD called a meeting of Muslim MPs for the constitution of a Central Madarsa board. Out of about 54-55 MPs only 20 gave their consent to attend that meeting and eventually only 16-17 attended the meeting. It clearly exposed the priorities of the MPs but here we cannot blame the MPs. It is hence significant to put pressure on our elected representatives to fulfil their responsibility. When we talk about the responsibility of the government we are also talking about the responsibility of the elected representatives and eventually our responsibility to insist that our elected representatives must do this.

Finally I think that we also need to look within. It has become our habit to blame others While we say it is the government's responsibility, it is also our responsibility. We must learn from other minorities



like Sikhs and Christians and how they have made their own institutions along with the Muslims in South India. In the same manner the community has to take responsibility on itself and focus on education and livelihood.

I feel that the reformulated Communal Violence Bill as suggested by Vrinda Grover must be passed. This is absolutely essential. Secondly there should be an anti-discrimination law on the lines of the Atrocities against the Dalits Act, without which we cannot progress.

We also need to focus on affirmative action, although reservation is not necessary. It is possible only when there is political will in the government and only when we put pressure on the MPs. The Ministry of Minorities Affairs was created in 2006 but even now there has not been a single standing committee in the parliament for this ministry. At least we can put pressure on the MP for the creation of a Parliamentary Standing Committee.

Zahid Ali Khan, Hyderabad

I am from Hyderabad, representing Andhra Pradesh. I would like to draw your attention to some facts that although atrocities are less in comparison to Gujarat but are more than Gujarat in Bidar Riyasat. About 19 years ago there was an enormous incident in Hyderabad where the Assistant Commissioner of Police issued orders to shoot the Muslims at sight and coincidentally there was also a Muslim constable in the police vehicle who couldn't bear it and Constable Khadeer shot and killed this ACP officer who was giving such order. When a case was filed against this constable, he was given life imprisonment and was put in the jail for the past 19 years. 2 years ago a Muslim DIG of a CRPF was shot by another constable, since DIG did not sanction his application to go on leave. While Khadeer has been in Jail for the past 19 years, but this constable was granted bail after 6 months.

This kind of injustice is also spreading in Andhra Pradesh and it is very important to be aware of it. In the case of the bomb blasts in Mecca Masjid, Lumbini Park and Gokul Chat about 19 young Muslim boys aged 19-25 years were arrested. Finally, all of them were acquitted of charges due to paucity of any substantial evidences. But their minimum 1 year of their lives was spoiled and the tag of once being under arrest will be there for life long. It is a matter of great sadness and moreover they were taken to torture houses where they were tortured, beaten and were given electric shocks. After they were released the government did not talk about any compensation towards them. In fact the police officers who committed such offences against the Muslims were rewarded with promotions. The Civil Liberties groups in Hyderabad condemned these acts and called the IG in Hyderabad as the Vanjara of Andhra Pradesh. The Andhra Pradesh Government through their five GOs told the police officers to file a case against those who have called the IG Vanjara. The doors of the Press Council were open; a complaint could have been made with the Press Council against those newspapers and television channels which were involved in biased reporting. Cases were also filed against them. If anyone felt that such kinds of incidents could happen only under the Government of the BJP or Modi, let us understand it clearly that in Andhra Pradesh it was not BJP government.

All across the country only Muslims are arrested or picked up in case of any terrorist attack. I second



the suggestion that a Prevention of Atrocities Act be also be enacted for the Muslim community. If this Act is enacted then the people who raise their voices against the Muslims would not be able to do so. Mr Modi is thinking of replicating Gujarat model all over India and is planning to harass the Muslim Community and force them to leave India. But I believe that India is characterised by its diversity and even the absence of just one community would mar the essence of India.

There is no dearth of secular Muslims and Hindus in India, but the communal forces in India appear to be very large in number and also appear very threatening. It forces the secular people to remain inside their homes as they are afraid of the threat presented by the communal forces. The secular people also need to present themselves as a large entity and be more vocal. I am not saying that only Muslims need to be part in this secular group but every Indian should be a part of this group and only after this can we successfully fight against communalism.

Mahesh Bhatt, Mumbai

Three days ago a very rich Muslim businessman who is well connected with the bureaucracy and the political elite called me at 7:30 in the morning. He wanted to meet me and he reached my house within half an hour. He told me that on the day of Durga Visarjan somebody threw some thing into the crowd from 11 storied building. The police came and arrested his son-in-law who lived in that locality. He immediately called the Minister of State Home, Mr Naseem Khan and informed him about the incident. The Muslim businessman then told me that the policemen who had arrested his son-in-law would not listen even to a Minister who was Muslim. Then, I talked to the Chief Minister about the incident and the son-in-law was released in few hours. This was a man who was from a very wealthy and had well connected background but even he didn't believe that a Muslim Minister would be able to intervene successfully.

You all might know what happened with my nephew Imraan Hashmi who was denied a flat because he is a Muslim. He was advised to buy the flat in the name of his wife who was a Hindu, but he said that he wanted to buy it in his name. This became a huge spectacle and the matter became trivialised and the deeper menace remained hidden. Imraan Hashmi said that nobody talked about it because whenever anyone tried to talk about it the matter either was suppressed or the person was targeted and nothing happened when the right wing forces started harassing him he had to protect himself by proving his multi-culturalism. My mother was Muslim and I was always advised not to draw too much attention towards it but I have rebelled against the mindset my whole life. I have never hidden my identity and people tell me that it was suicidal.

Discrimination is a reality. And believe that an anti-discrimination act is necessary. After the episode with Imraan Hashmi, Mr Salman Khurshid started working on an Equal Opportunities Bill. But I also feel that an Anti-Discriminatory Act is necessary and every Indian must fight for this. We must demand this act both fiercely and urgently, and only then can we progress towards making a truly secular nation. It is disheartening when some people advice us to be silent and not publicise the issue which embarrasses the majority by saying that the Muslim community is not enjoying the same



rights as the rest of the majority. They don't want to face the fact that this is not a secular country.

Admiral Ramdas, Maharashtra

I have been in the Navy for 45 years. I was 14 and half years old at the time of Independence. I was saddened by the Partition and many of our friends lost their lives while crossing the borders on either side. Lot of blood was shed and I would never forget that there were many railway carriages full of bodies which were transported on both the sides. Nobody knew what was happening and why it was happening. On 14th August, the Pakistan's Independence Day was celebrated and the Indian independence was celebrated on 15th August. Till the 17th we didn't know on which side Lahore was located. You can understand what would be going on in your head had you been living in Lahore. During that time a lot of blood was shed, I went to India Gate in the evening when the Union Jack was lowered, a lot of people were very happy. Many people did not come out of their homes as there was nobody else left at home and if anyone was left he was probably hiding. This fear in the Muslims in our country was also there on the other side.

The rioters were trying to find Muslim people; they were asking around to pull the Muslim people out. Somehow they got to know that a Muslim family of Mr. Ghulam was living with us at that time. My father told the aggressors that if you had come to take the Muslim family away then they got to kill us first. Thankfully nothing of that sort happened. My elder brother had just got commissioned in the Army, his company Commander was Major Tikka Khan who later became famous as the Butcher of Bangladesh, and with the help of some other people we helped Mr Ghulam's family to reach across the border. You can imagine the impact such things must have had on the mind of a 14 year old boy. I promised myself that I would never want to see such things again in my lifetime.

I went into the Navy. At that time the NDA in Dehradun housed Italian Prisoners of War of World War II, once they left we occupied the campus and somehow in 40 years time I became the Navy Chief. I have seen a lot, a lot of injustice. I am proud to say that till the time I was in service, I never witnessed any caste based or religious divisions. We repeatedly received questions from the Lok Sabha asking us how many Muslims and how many people from different castes have been admitted into the Navy? We used to tell them that we had no such data as we never used to ask the religion or caste of the recruits.

In the last two days I have heard the experiences of people and it pained me a lot to hear them. When the riots started in Gujarat I went as a part of an inter-faith group on the 10th or 12th of March, a few days after Godhra. We saw what had happened and what was happening, we talked to a lot of people and were dismayed at what had happened afterwards. The same had happened in 1984 when the Sikhs were murdered. Mrs. Ramdass worked a lot during that period, at that time I was the Chief of the Eastern Battalion. My wife was the commandant of a Nanakpura Camp. She worked with the widows there for four months. I am telling you this because our country has not yet correctly recognised its path and neither are we moving forward in that direction.



Every few years we have elections and we vote, many promises are made in the Manifesto of political parties which hardly get fulfilled. I feel that we are not fit to call ourselves a democracy. We are not ready for it and we don't know how to make it work. We have such a large population and so poor, a few do have a lot, they are the "India Shining". Nobody bothers about the India that is lagging behind. There is prejudice. It's a historical experience and historical fact.

When I talk about punishment for violent and sectarian acts; I always tell my politician friends that if a few people are punished and exhibited for such acts it sets a good example and would discourage those who get indulged in such activities. In fact the morals will become alright on its own because it is just a kind of diversionary tactic. When people tell me how great this country is and remark that unfortunately many are not educated, I reply that although they are uneducated they at least know who they do not want. They might not be able to say what it is that they want but they can surely tell you what they do not want.

What I have heard today is, "We are being harassed so much, the society is not concerned about it, the government is not bothered. Would you please do something for us?" It sounds like a drowning person who is willing to seek any help for the sake of his life. People are making efforts in small pockets all around India. They are writing, reading, meeting and engaging in dialogue and because of this some little things are happening. But we need to increase the sting of our bite to make them listen to us and take notice as they should.

Gandhiji had said that every weapon has got a counter weapon and the only weapon that cannot be countered is non-violence, what a beautiful idea. This is a very strong weapon. We have a big struggle, lots of challenges are ahead of us and time is short. We have to keep our hands on the till. No matter what happens we have to maintain our focus and move forward. We cannot keep watching when our friends are suffering. I wish all of you well and hope and believe that we will triumph one day.



Saleha Khatoon, Gujarat

I am from Gujarat. I am Zahid Sheikh's sister. He had been accused of 26 July 2008 bomb blasts. At the time of the blast, my brother was in his mobile shop. He was called back to home because of the blasts. The Crime Branch Officer Tarun Barot asked Zahid Sheikh to come with him for some enquiry regarding mobile SIM cards. He went to the police station on his motorcycle and has not returned home since then. After seven days of enquiring at the police station we found out that he was there. The next day my parents went to see him and took lunch box with them. They saw that he was unable to walk even. He was severely tortured. We were allowed to meet him for two minutes only. On 16th August he was declared arrested and accused to be responsible for the bomb blasts of 26th July.

Jebunissa, Gujarat

I am from Ahmedabad. My son's name is Md. Arif Kazi. In a case of bomb blasts on 26th July, 2008 my son Arif was called for ten minutes by the ATS. We run a small readymade garments shop. He was tortured for 4 hours there and was released thereafter. The next day the ATS came to the shop and again harassed him and pressurized him to give false statement. The ATS continued calling my son and threatened him. . On 6th August, 2008, they called him at 11PM saying that they just want to talk to him for ten minutes. My son went with his father. They told the father to leave as they were going to keep the son there for two days. I went to give him some food. He was not fed for four days. I then went to give some clothes. But, I was allowed to meet my son after five days. He was in a very bad state, his clothes and hair were torn and he refused to tell me anything. He was unable to walk. They even threatened me doing anything against it or contacting a lawyer

Mahmood Khan, Mewat, Rajasthan

In Alwar district only about 13% of the women are literate. If we look at the rural and urban numbers out of around four lakh people, about 13455 live in urban areas. In the rural area the situation vis-à-vis education is so bad that both the names and the examinations are fraudulent. The teachers solve the question papers on the board which is copied down by the students and they are passed.

If this is the condition of Primary education, the condition of higher education can be imagined. How can we hope for our children to get into the RAS or the IAS and become a part of the Policy makers and make decisions for us? As for the few MLAs that get elected from our community, they are usually uneducated or have very less education and are not very effective.

According to the Prime Minister's 15 point programme, the Madarsa board in Rajasthan have instituted 218 Madarsas in Alwar and Bharatpur. In those Madarsas Shiksha Sahayogis have not been placed in 125 placed. Now the Rajasthan Government claims that those Madarsas are running empty, without students. By just building Madarsas does not ensure that the children would get educated. It was also said that the Madarsa teachers would be promoted and thus thirty Madarsa para teachers were promoted. So today 71% of the Madarsas are empty they don't have any Shiksha Sahayogi for the past one year.



The Mewat Kshetriya Vikas Karyakram was initiated by the Government in 1987-88 in 143 gram Panchayats and it covered 473 villages. The government stated villages with at least 10% of the Muslim population would be covered. On inquiring where the money was being spent in the past years it was found that most of the money was being spent in those villages where 10% of the population was Muslim and not in villages where 80% or 100% of the population was Muslim. If we look at the budget for the years 2006-07 and 2007-08 only a fraction of the money was spent.

The Mewat Vikas Board decided to open Balika Awasiya Vidhyalaya in Alwar in the lines of Kasturba Awasi Vidhyalaya. Eleven such school buildings have been built but the schools have not started to function. Just by building the school will not provide education to the girls. If these eleven schools had started functioning at least 1100 girls would have got an opportunity to study within a year. On enquiring about the reason why the schools have not started functioning it was found that there was no provision in the budget to employ teachers and other necessary staff expenditures in these schools. As for the Kasturba Schools there are no schools along this pattern for Muslim girls in Alwar.

As for the schemes and the Rajasthan State Budget, only, 0.12% of the budget allocated towards education in the whole state has been earmarked for education of Muslim population. But on the other hand there is a multiplicity of schemes like Madarsa Schools, Madarsa Boards, Bhasha Vikas, development of students of Urdu and Urdu Academy. For so many schemes very little budget has been allocated. In view of these facts discussion about the education for all children till the age of fourteen years or the Education Bill is meaningless.

This situation is also affected by the mentality and attitude of the government officials. It has been alleged that Alwar zilla is backward because the Muslim Population is not getting educated. But the numbers prove that this is a lie. The people are ready, willing and want to send their children to schools and educate them but the infrastructure and environment is not such that they remain in school and become educated. The government is just not able to provide such an environment. An organisation conducted a survey in 175 Muslim villages in Mewat and found that there were a total of 60 Upper-Primary schools of which only two were Girls' Schools. Also there is disparity in the teacher-student ratio in the Muslim and the non-Muslim areas.

The true condition of Mewat can be seen in the fact that there are no IAS, one RAS, 2 Tehsildar and 4 police officers in Rajasthan who are Muslim. Rest of the Muslim community members are educators, patwaris and conductors. These numbers expose the condition of education among Muslims in Rajasthan. In schools from first class onwards there are more no of entries of girls from Non-Muslim families. But I believe that this is simply a case of wrong entry of names. While the names are written, the children are not there but on paper they have been shown to have passed exams. This is a conscious conspiracy to exclude a community from education and such evidence has been given to block education administrators. And this is going on.

Mohd Zakir, Mewat, Haryana

I want to throw some light on the discriminatory behaviour of the Haryana Government. Mewat



district in Haryana is a Muslim concentrated district with a population of about fifteen lakh people spread around 503 villages. A total of six schools in this district have facility for science and there is no High School for Girls in this district. None of the schools have sufficient staff. Recently, when we went to 257 villages, we found that there are about thirty six villages where there is not even one serviceman in the village. The Government has been systematically excluding Muslims from education and employment. Out of a total 36000 jobs that were generated recently in the State our district got only forty eight jobs. As for the issue of linking terrorism with Islam, I observe that Mahatma Gandhi was not killed by a Muslim person. Small conflicts have been used to demonstrate Muslims as terrorists and that is an act of demonization.

Noor Jahan, Gujarat

I am State convener for Bhartiya Muslim Mahila Andolan. The Government Schemes for Muslims are not executed in a timely manner. Even take the case of Aanganwadi's a single Aanganwadi is placed for a thousand homes and the teaching staffs are insufficient and insincere. The food that is allotted for the children in the Aanganwadi finds its way into the homes of the Aanganwadi teachers or coordinators.

In Juhapura there was no bank for the last few years, only recently few banks have opened their branches. Most of the accounts and fixed deposits belong to Muslims but when it comes to taking loans only 5% people get loans and that too only to those who either have government jobs or to those who have political links. Loans cannot be availed by those who belong to the middle class and are in any private job or business.

When we talk about the Kasturba Gandhi Yojana, nobody knows what the scheme is about. It is a matter of inspection who are those who avail the benefits of schemes.

Many Muslims who owned BPL cards before the 2002 Gujarat Carnage, their cards have been declared invalid after the riots. Now they cannot access those benefits any more. On observation, it can be found out that Muslims are rarely included in the NREGA scheme.

Everyone must have heard of the Surat Rape case where four Muslim boys raped a Hindu girl. That incident was greatly publicised. But the Muslim girls who were raped during the Gujarat riots are still fighting for justice and there is not word regarding that in the media and Public arena. My purpose is not to justify the rape committed by the Muslim boys in Surat but just want to make a comment that both the situations are similar, victims should be given equal attention and both the cases should be condemned in one voice.

The government schemes are named after the Hindu Gods and Goddesses. One research should also be conducted on the quality of education imparted to Muslim students in the government schools of Gujarat. There are few government schools in Muslim areas but when the students are asked to write down their addresses they don't know how to write. Most of the Muslims express lack of trust in judiciary of Gujarat, be it the cases in Gujarat regarding any matter such as cases related to 2002 carnage, or POTA or the bomb blasts. It is believed that justice is more likely to be delivered if cases



would be put through trial outside the State. Most of the judges have been selected and placed under the influence of communal forces like BJP, RSS and VHP.

There is a marked difference in the quality of living in the Muslim and in the Hindu areas, for example in Juhapura there are 5 lakh houses but not a single park in the entire area on the contrary, the adjacent areas of Vastrapur there are 2 lakh houses and have ten parks for the children and residents. There is no space for recreation in the Muslim inhabited area. If Muslim boys cross into Hindu areas it is instantly alleged that the Muslim boys are coming to Hindu areas to tease the Hindu girls. Thus it is visible that the Muslims in Gujarat are living in a very poor condition and there is no hope for receiving justice.

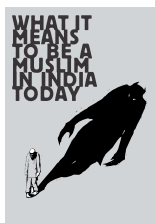
Musabhai Ghachi, Gujarat

I am from Tilakwara village near Baroda. There is a high concentration of Muslims in that area. Tilakwara is a historical village in Narmada District. The cemetery land is just at the entry of the village. Some land was demanded from us to make a road in the village. Consequently, the cemetery was divided to pave the way for the road to run into the village. The Panchayat and the Taluka officials changed parts of the land papers and showed that the land belonged to the government and started constructing illegally on the land. The villagers complained to the Narmada District Court and the court ordered a stay. But, they did not pay any heed to the stay. The villagers got worried and wrote letters to the DSP but nothing was done. They even threatened to demolish the area where the Muslim people conducted their trade.

After this we contacted Ms. Shabnam Hashmi and she visited the place. After the visit, we gave notice to the Collector, DSP and the Narmada District Commissioner and also gave notice to the Human Rights Commission. The Human Rights Commission issued a notice in response to our statements, which had no impact whatsoever on those officials. We further contacted Gagan Sethi and the Centre for Social Justice. They took that matter to the High Court through Ms. Shilpa Shah. Two hearings have taken place in the court but the Narmada District Collector and Panchayat Mamladar did not appear before the Court. Finally, Shilpa Shah requested court to issue them with summons. Now they are to appear before the Court on the 8th or the 9th October, 2009.

Rashida Ansari, Gujarat

After 2002, in Gujarat the pattern to attack Muslims changed. Now, Muslims are indirectly targeted in the name of demolishing Mosques, cemeteries or cow slaughter. In Kausamba thousands of shops belonging to Muslims were attacked in the name of cow slaughter. There was violence in Kausamba for five days. When our group (Aman Samudaya) went there we were told that the police had attacked the Mosque during Namaaz and took seven Namaazi with them and a case was filed against them. We put efforts and got released those seven people through the court. Around 500 people had locked their homes and vacated the place for quite some time and they were not ready to return even after the situation was diffused. They begged us to leave them. We stayed there for 15 days and after 15 days people slowly started returning to their home.



When local officials and the police saw that Mr Noor Mohammad was supporting the Muslims in that area, they framed Mr. Noor Mohammad and his sons in a false case, alleging that they were trying to get fraudulent passports for some Bangladeshis. They remained in Jail for 40 days and were released on bail. We wrote to the Minority Commission, the Human Rights Commission and later also to the DSP and IG. In Gujarat, today, Muslims are being targeted at every nook and corner.

I would advice that a separate department be framed for Gujarat, to address the violence of varied nature and degree against Muslims there. No Muslim political leader or NGO is ready to speak up against all that what is going on. If anybody does speak up they are threatened.

My second request is that more responsibility should be with the religious leaders who advice us to protest and fight against communal forces in the safety of the Mosque and do not actually participate in the struggle. The religious leaders need to truly become the leaders of their people. Also we must not remain in the illusion that Zakaat is valid only if it is given towards the Madarsa and not when it is given towards education. There are many Muslim leaders here today and I request that some thought be put into this.

Zafar Mahmood, Hyderabad

The Sachar Committee gathered data from all around India in a timely fashion and presented it before the Nation. There are 28 Wakf boards in India. According to the information gathered from those boards there are about 4 lack 90 thousand registered Wakf figures. Information had not come from all Wakfs, if we add the information from those Wakfs as well estimate could go up to more 5 lakhs in number. The land under it would be about 6 lakh acres. The average book value of the property would be more than Rs. 6000 Crores according to the price index about a hundred years ago. It can be estimated that according to today's price index the price of that property could be around Rs.1, 20,000 Crores and this is a very conservative estimate. However, the total income coming out of the property could be Rs.163 Crores annually, which is only 2.7% of the given book value and it is only 0.77% of the estimated book value according to the present estimate. This is very less and indicates clearly that proper use of property has not been made. The proper use is hindered by the Wakf Acts under which Wakf Boards are constituted. Placements in the Wakf boards are absolutely political as per the political party in power and they might not always act in the best interest of the Wakf. I feel that some minimum qualification needs to be set for the Chairman and members of the board. They should be either former Judges or Vice Chancellors or professionals.

The Chief Executive Officer of the Board is more important than the Chairman or member since he is working on a daily basis. It is written in the Act that all the work is done through the CEO and that he has to be Muslim according to the Act. On the other hand the Sachar committee report states that there are very few Muslim people in the government. The number of Muslims in the government is about 2 to 2.5% of the total. As there are very few Muslims in the government, there are even fewer Muslims who are of the level as should be required for the higher posts in the Wakf. And also those very few people who are of the level which could be posted in the Wakf don't want to be posted in the Wakf. The Sachar Committee reported that at the time of the study, in UP the CEO of the Wakf



board was a fresh graduate of Unani and that the CEO from Shillong did not even pass high school. Many Wakf Boards also wrote that the post remained vacant for around 10 months. The most positive report has been that of an officer posted at another place but given additional charge of the Post of CEO of a Wakf board. I have been in the government long enough to know that work which is done under the additional charge is never fulfilled or not done properly.

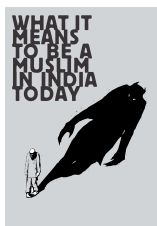
Because of this the Sachar Committee recommended that an additional Service called Indian Wakf Service be introduced and the recruitment be done through the UPSC as it is done for the IAS, IPS and the Indian Revenue Service. If it is uncomfortable to ask the applicants to be Muslim, then knowledge of Urdu and Arabic to understand the Shariat and the documents which are all in Urdu. Recruitments need not be annual but done as and when needed. This was the only recommendation that was rejected by the Government of India. After this a meeting was held with Mr Salman Khurshid to discuss this. Due to a lack of answers, an RTI was filed asking why that recommendation was rejected and since that has been rejected whether there was any other alternative suggestion. The reply to that RTI was that it was not under the purview of the RTI. I hope that the issue was again brought in front of the government.

In 1976, Indira Gandhi had written a letter as the Prime Minister to the Chief Ministers of all the States stating that there were many Wakf properties which were being occupied by the Government illegally. Those have now been listed by the Sachar Committee. Indira Gandhi had written that it was wrong and that property which has been bought by the government from the Wakf, be returned to the Wakf or they should be taken on lease from the Wakf. No action was made on this. The same government was again in power recently under the leadership of the same family and there was hope that something could and should be done on this issue. Many changes also needed to be done in about a dozen acts like the Rent Act under which the Wakf properties were not exempted in most states, Land Reforms Act, Agricultural Land Filling Act, Registration of Property and Tenancy Act, all of which have been listed in the Sachar Committee report.

Under the Ancient Monuments Act, many Wakf properties had been put under the protection of the ASI and as seen in the newspapers were in a very bad shape. It has been recommended that a Joint Committee be made of the Central Wakf Committee and the ASI which would meet periodically and review the maintenance of that property.

Zaheeruddin Ali Khan, Hyderabad

When it was revealed in the Sachar Committee that there was Wakf property worth 1,20,000 Crore rupees in India, we conducted a study on Wakf properties in Andhra Pradesh, especially those in Hyderabad area. A joint campaign was done by three Urdu newspapers on that issue. When that campaign started, the Andhra Pradesh State budget had allocated Rs. 177 Crores for Minority Welfare. The Muslim leaders in the various political parties and the Muslim community leaders had become pimps to the Wakf properties in Andhra Pradesh. It was the truth; those leaders are selling away our Wakf property. In the First Survey of Wakf property in Andhra Pradesh a total number of 38 thousand Wakf properties with a total acreage of 1 lakh 78 thousand acres were found, and in the



second survey 70 thousand properties with a total acreage of 6 lakh acres were found. That was only in Andhra Pradesh. It was possible that there were more properties in Andhra Pradesh as the Muslims were ruling here till 1947.

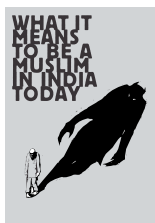
In Hyderabad's Outer Ring Road there were 2 lakh Wakf properties covering a total area of 18,900 acres. Even with an assumed average cost of Rs 10 Crore per acre, the total value of these properties come to about Rs. 1,89,000 crores. On the Ring Road in Hyderabad there are around 40 wakf properties. Here land in Hightech City, the Software Park, is sold at a rate of Rs 100 Crore per acre and further Government is selling Wakf land at Rs 30 Crore per acre. The government is claiming Wakf land as Government land and selling it. As we go further the listed prices by the government keeps going down.

These forty properties on the Outer Ring road are worth 2 lakh Crore rupees. The Hyderabad Airport is made on 5500 acres of land out of which 1100 acres land belongs to the Wakf. The government claims that the land was bought in 1956 but could not provide any documents proving so. There a Mosque was destroyed and around 50 Muslim families and 20 Hindu families were removed without any compensation.

In Vishakapatnam, that was originally called Ishaapatnam, there were 5300 acres of land owned by the Wakf. In 1997-98 the Telugu Desam Party sold 1200 acres of this land to the Hindujas and the NTPC at Rs. 2.25 lakh per acre. These companies bought only 300 acres of out of those 1200 acres of land. In 2008 when the Congress party came to power it said that the rest 900 acres of land would be sold at the same rate with additional 15% compound interest. On the other hand the Collector of that area said that the land was worth Rs 60 lakhs per acre and the CEO of the Wakf said that the land is worth Rs 1 Crore per acre. At the paltry rate that the government was selling the land we got around at Rs.18 Crore and at around Rs. 2 to 4 Crore as interest. In that manner the government was selling our property and earning.

There were 1554 acres in Dargah Hussein Shahwali and had a market price of Rs. 30 thousand Crore. The MR Company was selling villas at Rs. 8 Crore. Land had been given to ISB, Wipro, Microsoft, Urdu University, Infosys and many other Multinational Companies. That was Wakf property. But Muthavalli did not pay adequate attention; they got Rs. 5 to 7 Crore and went about spending it in the manner of little children.

In the case of LANCO Hills, there are 510 acres and 35 Guntas, the land belongs to a very big university. Of those 100 acres of land was given to a Congress MP. The cost of land was listed as Rs. 60 lakhs and the cost of development was listed as Rs. 3.67 Crore. Cost of development was six times the cost of land because the government knew that if later on the Wakf board would win the case in the Court the cost of land would have to be given to the Wakf. When the land was given to the congress MP, the Single Bench Court issued a stay order but the Wakf Board and Ministers were told by the Wakf boards lawyer that the money was with the APIAC, Industrial Infrastructure Cooperation, and if they would give it in writing that they were ready to refund the money when the



Wakf Board would win the case, we would be ready to accept. Permission was granted by the two benches Judge.

If we look at the house of a common Muslim we would find that the house would not be bigger than 500-700 square feet. Rs. 13,500 Crore is the cost of the sale of this residential area. The commercial area 25 lakh square feet, today there will not be a single builder in Delhi who would have built 300 Crore square feet residential area and 25 lakh square feet commercial area at one place. Other facilities have been built in 500 Crore square feet. The Cost of project is 5500 crore. Ten thousand Crore rupees is being made by LANCO and if the Wakf board wins the case it will be given 60 Crores.

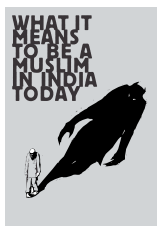
When the Chief Secretary filed an Affidavit in the Supreme Court, he referred to Babri Masjid and said that if the Babri Masjid land could be acquired then all land could be acquired and the concept of Wakf was not valid anymore. The significance of Wakf properties could be seen in the fact that the IAS officials, Commissioner or Minority Secretary who should be posted for three years were transferred within 3 to 6 months since they opposed the illegal occupation of Wakf properties by the government. Only corrupt officers had not been transferred. The scale at which Wakf properties were being looted in Andhra Pradesh could not be seen anywhere else in India. Recently, it was covered in the Outlook as 'India's largest Scam'.

The Wakf properties in Hyderabad were worth a total of Rs. 2 lakh Crore and if the total value of the entire Wakf properties in Andhra Pradesh were estimated it would be around Rs. 3 lakh crore. The Andhra Pradesh State had Budget of Rs. 177 crore for Minority Welfare and claimed to be one of the most minority-friendly States in India. If that was true wasn't it the duty of the state to defend the Wakf property. If Rs. 2 lakh Crore from the Wakf property were to be distributed among the Muslim population, each child would be born with property worth 12 lakhs but on the other hand the Muslims were languishing in poverty and were found begging. .

Farookh Makkar, Mumbai

Since 10th January 1993 I have been busy running around the court. After every riot, the Government appoints one judge to conduct an enquiry. Nothing is actually done and the Muslims are fooled. On 10th January 1993 there was firing at the Hari Masjid in Mumbai where 6 Muslim people were shot dead and many more were injured. I was also shot, but instead of taking me to the Hospital, the police took me to the police station. After 3 PM they took me to the Hospital for treatment where the Shiv Sena people beat me which made me tell the police that I don't want to be treated and I asked them to take me back to the police station.

They kept me in the police station for 15 days. On the 25th I was released on Bail and I got the bullet removed from my body on the 27th from Blue Cross Hospital. After that many cases were filed against me, in 2007 even a new charge sheet was filed against me because I used to speak against the Congress government. We had hoped that the Congress government would implement the Shri Krishna Commission but had not done so. Today, the people from Gujarat are under the illusion that they would be benefited if the Congress will come into power, but that's not true.



A Police witness came to the Court of Judge Solanki, who said that he was shot by the police and that he was taken to the Hospital by a Muslim person. Unfortunately, there was flood in Mumbai and his statement was not put on record. The case of Zaheera Sheikh was being heard in the Shivadi Court where we complained that the Judge was not even listening to our argument but we were not heard since the judge was very busy. We even complained to the Principal Judge who defended the Judge and separated my case. After the others were released, I was asked to say in the court that I did not see the firing. I continued going to the court with my lawyers but they kept delaying the hearing for my case for 10 months. When this judge was transferred my case was transferred to another judge who refused to hear my case as it was not strong enough. The case was then sent to the Magistrate Court, and the then government filed a new case against me and produced new witnesses. They felt that I would get tired and would eventually stop talking against Inspector Nikhil Kafse. I continued to fight and even filed a written complaint against Inspector Nikhil Kafse who had fired the shots in the Mosque.

We went to the High Court, where the government kept saying that they don't have anything to do with it. When the High Court issued an order for CBI inquiry, the Central Government refused to do so saying that they don't have time and that the work done in Mumbai was sufficient. When Mr Ribello and Mr Mohito argued that an enquiry is conducted when a demolition happens, then an enquiry should also be conducted when shots are fired in a Mosque resulting in 6 deaths. Finally the government had to conduct a CBI enquiry but the CBI then asked for 6 more months' time which was not granted by the High Court. In turn, the Centre managed to obtain a stay from the Supreme Court.

Ismail, Gujarat

I live in Vilasa village, Surat district in Gujarat. There was a murder in another village Yashoda Durbar which is 10 kilometres away from our village. It was September 2007 and we were in the Mosque at 2 pm when we received news of that incident. A meeting was held in the village. I had three buildings in the village market. A few Hindu people warned us and advised us to leave, so we went to the Mosque.

People came from the direction of Kausamba and first burnt my neighbour's building from where they progressed to loot my building, destroying the doors and furnishing and even broke my two motorcycles. They stole 70 gm of Gold from my building and burnt the building. When we lodged complaint with the police, the two policemen who arrived then asked us what they could do. They further remarked that we were not burnt with the buildings and advised us to leave.

When I went home, I fell ill and a doctor had to be called. When I got two better two Hindu families in the village asked us to go their house. After this more people from other big villages came and burnt and looted everything. That night there was heavy rain and all the ways out of the village were blocked. There was no way we could get out of the village. Then we took refuge in the adjacent village Hathoda where there was a larger Muslim population. That village gave us refuge for a month. Shabnam Hashmi and Yusuf came and met us there. They were able to foil the plan to burning the



other villages by putting pressure from the central government. We got immediate relief from further attacks but nothing much happened to the case. After things had cooled down we went to the police station to report about the incident but the police refused to register our complaint. Later we filed our complaint in the High Court but nothing has been done about it till date.

All the Muslims are now in very bad condition. There are very few Muslim families approximately 15 have been left in that area. All the Muslim families in Yashoda and Durbar villages and those who live on the road between the two villages were also advised to leave the place by the police. Their houses were also looted and burnt. They faced a lot of problems in leaving the place with their children. Due to pressure from higher authorities, the police officers again told us to leave because they don't want to file our complaints. They repeatedly tell us to leave, especially during festivals and tell us that we will be attacked. Even today we are not allowed to live peacefully in Vilasa village. Whenever we complain to the DSP or the PSI, some people are sent for a few days, but nothing concrete had been done till date. We just want Justice in this case.

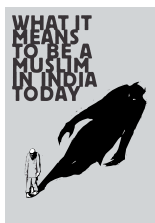
Mehtab Alam, Delhi

As a result of State Terrorism and witch-hunting as special kind of fear has grown among young Muslims. On 14th September 2009, in the evening we were informed by a friend who works in the HRLN that a young man had been picked up from the Shahin Bagh area in Jamia Nagar. The style in which the person was picked up we found that it was on similar pattern to as boys were picked in September, 2008 after the serial blasts in Delhi. It appeared that he had been picked up and illegally detained and we then started making calls to people, some journalists and social activists.

Some of us went towards the Jamia Nagar police station, where police told us that they were not aware of any such thing and that they had not picked up anyone. That only lead us to believe that something had really happened in the lines of what had happened previous year, as police gave the same response at that time. After some time they told us that the youth had been picked up by the ATS and he would be released only when the elder brother would be produced before them. I have been living in Jamia Nagar and have been observing a kind of fear in the youth, they are gradually losing confidence and don't want to fight for themselves. This kind of fear has been seen only in the youth in Delhi but not where the Batla House incident happened.

I have gone to different states, even three times to Azamgarh. I had the opportunity to attend the Training workshops run by the Civil Rights people and had an opportunity to interact with the youth. Every youth is anxious if he would be the next target. I observed such fear everywhere both in young men and young women. Atmosphere of fear eventually leads to the feeling of insecurity.

Today, even if the children wish to study outside their hometown, it is difficult. In Delhi, a huge portion of the Muslim middle class comes from different states. It's only in Delhi where some institutes which are affordable. In Pune, only rich people can manage to study. So a lot of people come to Delhi. This level of insecurity in Delhi is therefore is very dangerous.



Zafar Agha, Delhi

I would like to thank Shabnam Hashmi and Anhad for organising the tribunal.

In 1986, when the Babri Masjid locks were opened, I was arrested and was in jail, I was placed in the encounter cell in Allahabad. At that time I had just started working in The Link and The Patriot and had gone to Allahabad on leave. Aruna Asif Ali was alive at that moment and she got to know about it and she told the Prime Minister Rajiv Gandhi that I had been arrested. I was in the torture cell at this time along with all my relatives. I was released after a call from the Prime Minister's Office.

We have been fighting since 1986 and in 2004 when the Congress came into power we thought that the times might have changed. But most of the stories that we have heard in the past two days are those which took place after 2004. That made us realise that not much had changed. I am not saying that there is no difference between the BJP and the Congress. I don't believe that Dr Manmohan Singh and Atal Bihari Bajpai can be equated as Prime Ministers and neither do I believe that Mrs Sonia Gandhi is not secular. So then why is there no change?

Dr Manmohan Singh gave us the Sachar Committee Report. But both Dr Singh and Mrs Sonia Gandhi have not been able to help Ishrat Jahan and Musarat Jahan. It means that there are some things which are not in the hands. The system doesn't change because it depends on the oppression and suppression of minorities, Dalits to keep them deprived. This is the reality. If majority of the people realise this, they could easily overthrow the system. So how does the system then maintain itself?

I have understood that the stories have remained the same over the years. Here the system creates a fear about a group in the majority for example the Sikhs in 1984. Modi engineered Godhra and inculcated the fear of a new enemy among Hindus, here as Muslim. The media plays a role in creating the image of the enemy in the minds of the people. Modi killed or, proclaims himself to be their protector and saviour, the fearful Hindus then vote for him.

The Congress now cannot make a new enemy out of the Muslim Community because it has won the election with the significant support given by the Muslim Community. The Muslim community has learned to defeat those who target them. The Congress understood this when the Muslim community did not support Narsimha Rao. Today in the context of globalisation, the system has adopted a new enemy who is called a Naxalist or a Maoist. And we are still having the same stories. Mussarat Jahan asked whether it was a crime to be a Muslim in India? If I had been in her place I would have said that yes, it is a crime to be a Muslim in India. But I also say that today India is one of the best country for Muslims in comparison to other countries.

It is the function of the State to make new enemies and make you afraid to be a Muslim, Sikh or a Dalit. Shabnam Hashmi was also a Muslim when she got off at the Ahmadabad Railway Station on the second or third day of the riots. If she had been scared, then this conversation would not be happening today. Please don't be scared. We need to identify the victims of torture from different states and we must form a coalition in the states where they can meet each other, prepare support mechanism and where they can be provided legal aid.



Harsh Mander, Delhi

For the past seven years I have been listening to the youth who are suffering injustice. From what we have heard in the past two days I feel that the people in the country understand that injustice and crime is happening only when they see sky high flames and houses being burnt, when rivers of blood flow on the street. Only then do people stand up and have a dialogue. The violence and injustice that happens on a daily basis remains hidden or remains unrecognised. We have recognised a lot in the past two days, that a community can be prosecuted in multiple ways like economically, socially, geographically, politically, educational boycott and illegal detainment of youth.

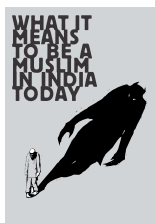
I recently went to Southern Karnataka where I saw that when people from Muslim communities travel, go to the movie halls and restaurants in interreligious groups, it is reported to the Bajrang Dal by the Bus Conductors, drivers, waiters and cinema hall workers. These people are attacked and taken to the police stations where the Bajrang Dal demands that cases be filed against them. One SP tried to oppose this by asking under what law a case should be filed as intermingling of people from different religions is not yet a crime in India. We have many such accounts and stories.

The sad part is that the sadness, pain and grief of the person who actually experiences these incidents are not easily relieved. I always see Khatoon Bibi at meetings like this, when I remarked about this to her, she said that she always goes in the hope that her sons would be helped. It is sad that we had dreamt of an egalitarian and secular nation where there is no gender bias and where the law and administration will actually protect the people of the Nation; this dream is being broken. This is a fight where all of us must fight together. This struggle is not limited to the streets but also in our hearts and minds and the relationships that we have with other people in our hearts and minds.

I can see a lot of hope. There were as many Hindus as Muslims in the past three days. I want to tell two stories in this regard. In Gujarat there are three times more stories of love and people being saved than stories of hate and violence. It is important that we also talk about this as this is also a part of reality. In Khoya village in near Ahmababad, while their houses were being burnt, the people were hiding in the fields, at night the children were tired and crying. They knew a man who was soft hearted, 110 people went to him. He invited all of them to live with him as long as they wanted. When I heard this story I thought that he must be a very big landlord but when I met him I realised that he was only a small farmer who is very religious and owns about 7 acres of land.

He protected these 110 people for ten days. He called the men in his family, who stood guard day and night. A lot of people threatened him, sent him bangles, burnt his fields and even burnt a part of his house, but he stood firm with his decision. After ten days the Muslims had to force him to let them go to the relief camps. He even visited them in their relief camps and cried when he saw the condition of their children.

When I went to meet him, I found that he did not think that he had done anything special. When asked why he did what he did he replied that he could not bear that such treatment could be given to anyone from his village. The village belonged equally to both the Hindus and Muslims. I wish that my



former friends in the IAS felt the same way about the nation belonging equally to both Hindus and Muslims. When I asked him if he had felt scared he told me that when you are doing a right thing there is no question of fear. Then I asked him whether he regretted that his whole year's supply of food was used within ten days, he said that God approves of his actions and since then his fields have been very productive for him and I could see this.

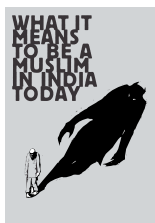
Wali Gujarati's Mazaar has become a kind of a symbol for this incident, we know that it was destroyed and a road was made on it. There is a family whose traditional responsibility was to look after the Mazaar. When I went to meet this family, they told me that whenever there are riots in Ahmadabad and the Mazaar is destroyed, the Hindu people in the area collect money and rebuild the Mazaar. This time it was not possible as a road has been built over the site. Now at night whenever there is less traffic on the road some Hindu people place flowers on the spot. In the morning the sweepers sweep away these flowers. This happens every night. These flowers show resistance to hate and injustice and reduce the stature of the Modi Government. Yes, sadness and anger, both are justified but at the same time hope is still alive because even today the common Indian Hindu and Muslim person knows love and justice. This gives me both strength and hope.

Gagan Sethi, Gujarat

Many people have expressed that they feel like secondary citizens of the Nation, especially in regard to government institutions like the police and judiciary and they also expressed disappointment with the political parties and Media. In a lot of states apart from Gujarat, a similar pattern is being found in many testimonials. The pattern we see is that young Muslim men are being illegally picked up, detained for 10-20 days and brutally tortured, after which they are legally arrested and produced. When they are produced it is the duty of the judge to question whether they were tortured and if there are any signs of torture on their bodies, but they do no such thing. After this they are kept in extended police remand which is repeatedly renewed during which the torture continues after which they are kept in judicial custody.

It has become a pattern to accuse an individual for bomb blasts in multiple places; each person would have 20-50 cases against him from different states. These young people usually have clean criminal records and might even be students. Even if the legal process is properly followed, a person would have to remain in jail for a very long time during which the hearing will be conducted on his cases. If he is released after 10-15 years it is of no consequence as he would have lost a large chunk of his life while being in jail. This has happened to some people but the fear is that this could happen to anyone, even those who have no previous record of any kind. Moreover, people are now being picked up even before an incident happens as it happened in Baroda. As a result of this the whole community stays in a state of fear and wonders which person would be picked up next. And now when children go out to study they are in constant touch with their families to assure them that they are safe for the moment.

Although with this, many people have talked about economic and social development to become equal participants in the development of the Nation. People have said that the most important thing



that they want is education. They want the government and the tanzeems to invest in modern education, higher education and professional and technical education. They have also said that the Sachar Committee report had given them a lot of hope but with careful analysis they say that the per capita investment is so little that success was not possible.

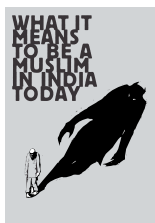
People have also mentioned the Minority Dominated District which have been selected and some investment is done in the whole district. If only 30% of the Minorities live in this district what about the rest of the Minority community? Also in these districts what is the portion of the benefits that is reaching the Minorities in that district. So first of all little is being done and secondly very little of this little that is being done is reaching the people on the ground. It has also been said that Nationalised banks are not in a condition to give credit to Muslim people.

There was also a lot of discussion on the daily discrimination that is faced by the community. At one side there is profiling of Muslims in cases of terror but this is also seen in criminal cases and in jails. In the jails the pattern of Muslim population is similar to what has been said about the Blacks in American jails. We have to either accept that the Muslim people commit more crimes else there is a biased approach in the legal system.

We have also discussed the role of media in reinforcing communal stereotypes. They do not conduct sufficient enquiry or investigation before they publicise the names and details about the accused. They do not question the information given to them by the Police. We also talked about textbooks where the image of minority groups are presented in such a manner that from their childhood people harbour feelings of hate and difference in their minds.

The most distressing are daily experiences of discrimination like denying houses in non-Muslim areas, denying admission in schools or rejection of job applications in case you have a Muslim name. People also talked about economic boycotts and efforts being made to deliberately destroy the economic spine of the Muslim community. Also we heard about the developments in Mangalore and Southern Karnataka where there is intense propaganda regarding the idea that Muslim boys seducing Hindu girls and cow slaughter by the Muslim community on a daily basis, which is reported by the media in a communal colour. We also talked about vigilante groups who attack Muslim people when they travel, eat or spend time together in inter-religious groups and how these vigilante groups are receiving support from the Police.

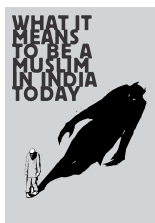
Finally we also talked about efforts made to disposes the Muslim community of its land and property especially the more expensive real estate's owned by the community. It has also been discussed that if the Wakf properties are invested properly they could provide education, services and employment to the community members from within the community itself.



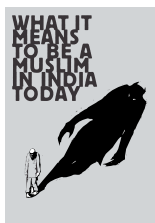
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