

**Note on visit to Hyderabad with Reference to the minorities and  
Mecca Masjid Blast Case**

On 3.3.2011, this Commission received a representation from Maj. S.G. M. Quadri (Retd.) President, Help Hyderabad, an NGO working for the welfare of Muslims in Hyderabad. A copy of this letter is attached at **Annexure 1**. As per this letter, despite the confession of Aseemanad in the Mecca Masjid blast case and acquittal of the accused, no relief has come to the Muslim youths initially arrested. From this Maj. Quadri has dwelt on the concern, even alarm, spreading in the Muslim community not only in Andhra Pradesh but across the country at what he calls being marked with a "terrorist stigma". He has cited cases of harassment, discrimination and midnight knocks on Muslim homes reducing the entire community to becoming a "psychological case". In this letter the Major has cited several disturbing features manifested as a result of judicial pronouncements in cases against these youths. He concludes with the following request:-

- "1. The State Government should be directed that in all the cases where the Court found that
  - (a) The charged sections were disproportionate to the evidence available with the police.
  - (b) That there was no evidence to connect the accused with the charges,
  - (c) The police refused to or failed to press the charges and move the evidence, and
  - (d) All the independent witnesses turned hostile, making allegation against the police,the State Government shall mandatorily file prosecution against the concerned police officers.
2. State may be asked to frame guidelines regarding 'suspicious movement' and as to how police proceed in such circumstances,
3. To provide for exemplary compensation for those who are branded terrorist by the police or media and come clean during subsequent investigation or after trial.
4. To make provision for punishment of the persons in the media, both print and electronic, for branding any person/organisation as terrorist by name without his/it's being convicted.
5. To initiate a regular programme of sensitizing the police officers and civil bureaucracy about the secular values of the country and requirement of multiculturalism with the help of experts from outside the force."

The petition of Maj. Quadri was examined in this Commission. In its meeting of 15.3.2011 the Commission discussed the issue and expressed its

displeasure over the apparent attempt at fabrication of cases by the Hyderabad Police authorities to frame Muslim youth in the Mecca Masjid blasts case. A letter was accordingly addressed to the Chief Minister of Andhra Pradesh by Chairperson, NCM on 28<sup>th</sup> April, 2011 (**Annexure 2**), in which the Commission urged the Govt. of Andhra Pradesh to take steps to rehabilitate the young men, who it was learned had had by then been released, so that they might contribute to society with their human dignity restored.

However, on not receiving any response, the CM, Govt. of Andhra Pradesh was reminded by National Commission for Minorities on 25<sup>th</sup> May, 2011, subsequent to which we have received a report from the Principal Secretary to Govt., Minorities Welfare Department, attaching a copy of a report from the Andhra Pradesh Minorities Finance Corporation (APSMC). In this, the Corporation has reported that nine youth who were arrested in the Mecca Masjid Blast case and subsequently acquitted have been rehabilitated through extension of loans. A list of those assisted and the quantum of such assistance is annexed at **Annexure 3**. In response to this report Major Quadri, to whom a copy was forwarded, in his email of 18<sup>th</sup> June, 2011 has submitted as follows:-

“Regarding compensation, Dr. Hasanuddin Ahmed (former Chair APSMC) is in touch with the victims and he has confirmed to me that no relief has been provided. Out of 19 or 20 boys; one smart salesman at a jeweler lost his job and is reportedly selling fruits on the footpath; one is a BUMS doctor; one is an MBA and probably one or two may be grads/undergrads, the rest of them are semi-literates (non-matrices)....Rehabilitating them is not a big deal”.

Further, he commented that loan cannot be treated as compensation. It turns out that the VII<sup>th</sup> Add. Metropolitan Sessions Judge Mr. A. Radha Krishna acquitted three Muslim youths out of 21 accused who were arrested in this and other cases of bomb blast. In his judgment in **Case No 544/2007** (copy attached at Annexure 3) on Crime No. 198/2007 of PS Gopalapuram, Hyderabad, all FIRs under which were registered under Section 120 (B) (1) & (2)-(Punishment of criminal conspiracy); 124(A) (Sedition) ; Sec. 125 (Waging war against any Asiatic Power in Alliance with the Govt. of India) and Sec. 126 (Committing depredation on territories of Power at peace with the Government of India), all under IPC, booked on 15<sup>th</sup> June, 2007, in which the complainant was Inspector Ramachandran of Police Task Force (Central Zone), later perhaps arrested by Anti-Corruption Bureau (ACB) in a disproportionate assets case. Curiously, other

than the nature of cases registered above, none of the cases brought against these young men were for the bomb blasts at Mecca Masjid, nor is that incident even mentioned in the charge sheet. The arrested Muslim youth had been shown as members of HUJI of Bangladesh. In the damning conclusion to his judgment the learned Sessions Judge has held as follows:

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“Except the alleged confessional statement rendered to police office there is no other evidence available connecting the accused with the theory of conspiracy to wage war against Government of India established under law or making any attempts to create any hatredness against the government established under law. The arrest and seizure were not supported by the panchas in whose presence prosecution alleges that the incriminating documents have been seized from the possession of the accused. Thus under the circumstances, except the evidence of Investigating Officer, as there is no other material on record, and as already stated supra, it is not known what the CDs contain and also the Urdu literature, it is to be concluded that the prosecution failed to produce any legally acceptable evidence to suggest that the accused conspired for waging war against the Government of India or made any attempt to bring in hatredness against the government.”

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The names of those acquitted in this and other cases are as follows:-

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1. Mohammed Abdul Sattar (in Cherlapally Jail) Arrested on 15.6.2007
  2. Mohammed Abdul Kareem Qadri s/o Kareem (in Cherlapally jail) Arrested on 15.7.2007, from hi swatch repair shop, Malakpet
  3. Masood Ahamed (In Cherlapally Jail) Arrested on 4/9/2007
  4. Arshad Khan s/o Fayaz Khan Arrested on 4/9/2007
  5. Mohammed Naseeruddin s/o Fayaz Khan arrested on 4/9/2011
  6. Mohammed Abdul Raheem s/o Raheem Arrested on 4/9/2007
  7. Sayed Abdul Qader s/o Imran Arrested on 4/9/2007
  8. Shaikh Mohammed Fareed s/o Ali Pasha arrested on 4/9/2007
  9. Gulam Aslam Siddiqui Arrested on 4/9/2007
  10. Syed Abdul Sami (Absconding)
  11. Md. Abdul Kareem s/o Anwar arrested on 8/9/2007
  12. Syed Zulfikar Ahmed s/o Ifteqar (Absconding)
  13. Md. Abdul Wajeed, arrested on 8/9/2007
  14. Abdul Wase Arrested on 8/9/2007
  15. Mohammed Abdul Majid, B/o Shahid Bilal arrested on 27/9/2007
  16. Mohammed Rayees Uddin Arrested on 6/9/2007
  17. Mohammed Mustafa Ali Arrested on 6/9/2007
  18. Ibrahim Ali Junaid, arrested on 8/9/2007
  19. Mohtashim Billa, S/o Moulana Abdul Aleem Islahi arrested on 6/3/2008
  20. Gulam Hasan Siddique (Absconding)
  21. Moohammed Shakeel, Arrested on 27.9.2007.

It will therefore, be clear that whatever assistance has been given is only to nine youths, also featured in the list of the accused as above. There has been

no assistance to any of the others. Subsequently, on a visit to Hyderabad I was invited to a dinner meeting by Dr. Hasanuddin, former Chairman, Andhra Pradesh Minorities Commission attended by the following:-

Mr. Ziauddin Nayyar	President Iqbal Academy
Ms. Firdaus Hydri	Journalist
Mr. Taraq Quadri	Advocate
Major S.G. M. Quadri	Help Hyderabad
Mohammed. Ghiasuddin Akber	Political and Social Activist

On 25th June, 2011 I visited the Siasat Foundation together with Joint Secretary, National Commission for Minorities, Ms. Esther Kar. On my request the following accused in the so-called Mecca Masjid Blast case who had been subsequently acquitted, met me in the office of the Foundation.

These were:-

1. Maqsood Ahmed S/o Maqbool Ahmed
2. Md. Abdul Kareem s/o Sheikh Anwar  
they had spent up to two years in Jail.
3. Mohammed Rayeesuddin s/o Mohd. Saeedullah,
4. Mohtashim Billa, S/o Moulana Abdul Aleem Islahi
5. Dr. Ibrahim Ali Junaid, S/o Fayaz Ali
6. Mohammed Abdul Raheem S/o Mohammed Abdul Razaq  
They had spent three to five months in jail.

Of these, Maqsood Ahamed had owned a Computer Centre but had, according to him, been blacklisted on grounds of having been a student of Karate. Rayeesuddin has been a witness to the arrest of the latter. Dr. Ibrahim Ali Junaid had participated in a demonstration protesting encroachment on a Kabristhan and had been arrested. Similarly, Mohammad Abdul Raheem had been arrested for taking part in a demonstration. All of them live within two kilometers of the Mecca Masjid; each claimed that they have never been arrested for any criminal offence. But all of them were tortured to force admissions and sign documents confirming their guilt. Clearly, the names of these young men must have been part of the police record in the local Thana. But in this connection, they invited our attention to a report by advocate Shri L.R.Ravichander who had been appointed by the AP State Minorities

Commission AP as Commissioner to investigate and report complaints of abuse, illegal detention & torture of Muslim youth by the State Police at “safe/farm” houses on Hyderabad’s outskirts.

He submitted his interim report on September 2007, wherein he mentioned all the atrocities in detail. His following remark sums up the tragedy, “this is not only the case of twenty or twenty two youths only, but a matter of a healthy Democracy. If you have tears, this is the only occasion when you can shed them!”

The AP State Minority Commission sent this report along with its recommendations to the AP Government in September 2007. This report clearly accuses the police of malafide. In his report to the state government then Chairman of the State Minorities Commission Shri Yusuf Qureshi has highlighted the following findings:

“That order is not more imp than law.

That breakdown of one leads to crumbling of the other

That all detainees voice the perception that they have been persecuted for the faith they have, and subscribe to, Islam

That most detainees’ carry some tell-tale signs of bodily abuse obviously not self inflicted

The fact that none were noticed when they went for judicial remand shows how they were even unable to make those injuries recorded when they were produced before Magistrates

That in three cases jail records show injuries at time of admission

That one case refers to blunt injuries noted on medical examination by Osmania General Hospital on reference by the Human Rights Commission

That these allegations are not without cause

That there is a simmering sense of anger and helplessness among the detainees, all of whom are from the same minority community

That these persons all have the feeling they are being picked up and ill-treated just because they belong to a particular community

That the responsible police officials may be called upon to explain how all the persons complain of illegal detention and of being subjected to third degree methods

That the hurt, physical and deeper, is all too obvious and It is time a healing process was put in place

That such a simmering discontent can snowball into an irretrievable divide

That it is the duty of the State and its many agencies to bring back faith in them

What is needed now is attention to what happened, correction of procedural lapses to prevent recurrence, rehabilitation of and confidence building among victims and their families

That there has been evident a bizarre execution of power and a defiant attitude displayed by the agency responsible, the police, as regards established procedure of law

That even if there is a modicum of truth in the horrors narrated, we have grossly failed to understand its implications

It proceeds to remind that good governance is about understanding the limits of power, and the police must act within their legal authority

That law enforcing machinery cannot in the name of criminal investigation be permitted to violate the law

The advocate commissioner proceeds to recommend that Minority Commission adopt a pro-active role in ensuring the police do not go overboard in the matter, as an oppressive investigative system is a challenge to the guarantees in Article 21 of. the Constitution

The forensic expert who has examined the detainees has the following medical examination observation:

That harassment physical and mental before production stands alleged in all cases

That there are no allegations of abuse or ill treatment in the jail premises

That there were allegations of beating on soles of feet by leather or rubber objects

That there are noticeable small scars of 1 cm diameter noted on external ears

That there are noticeable 1 mm to 2 mm scars noted around nipples indicative of electricity or needle entry

The Commission feels that there is no point in further detailing the injuries described. As the advocate Commissioner has pointed out, these are not self inflicted, these obviously arose during police custody, custodial atrocities on young detainees all minority persons stand proved, the fact that the youths could not bring these on record on production before

Magistrates shows how the system has failed to protect the rights of detainees... the list can go on.”

A copy of the interim report is appended **at Annexure 4**. It appears that no action has been taken by the Govt. of AP on this report, which instead remained suppressed, and is still not readily available in the public domain. The Ev state Minorities Commission itself completed its term shortly thereafter, and has not been revived since. Before me the young men reiterated allegations of gross abuse and torture by the police authorities to force them to sign confessions, the contents of which they did not recall. The futility of this absurd effort which can bring only suffering is dramatically highlighted in the judgment of the VIIth Additional Sessions Judge referred to above. They identified the following police officials, who had been their persecutors:

1. Shri Harish Kumar Gupta, then DCP now promoted to JCP
2. Shri Ramachandran, then Circle Inspector, now ACP
3. Shri L.K. Shinde, Inspector (Retd.) (ACP)
4. Shri Pawan Kumar (DCP (SS) now JCP.

**Conclusion:-**

From the above it is quite clear that the assumption of the National Commission for Minorities in the case against these young men being fabricated stands confirmed. While the state government might be commended for not having persisted with a hopeless case against the accused subsequent to the damning judgment by the VIIth Additional Metropolitan Sessions Judge, Hyderabad, it is also clear that those responsible for the offence of harassment and victimization of innocent citizens have not been held to account and instead some have enjoyed promotion. Besides, the State has made little effort to compensate these wrongly accused and forced to undergo hardship without having committed any crimes, and not made any serious attempt to rehabilitate them. The Commission would therefore recommend as follows:-

- (i) Policemen guilty of unwarranted detention of innocent youths to be proceeded against under law with immediate effect.
- (ii) The victims who were wrongly accused to be offered immediate rehabilitation through employment commensurate with their qualifications.

- (iii) Compensation to the amount of Rs. 3 lakhs to be paid to each as recommended in the draft Communal Violence Prevention Bill for mental harassment, depression and psychological harm to victims of communal violence, since clearly the case of targeting the youths belonging to a particular community in this case was purely on communal grounds.
- (iv) The Govt. of AP may consider recovering the amount of compensation to be paid to the victims from the emoluments of the accused policemen, who have besides proved incompetent in even building a plausible case before the court, thus causing avoidable financial loss.
- (v) Each of those wrongly accused and subsequently acquitted be provided with a certificate of character to enable them to a return to normal life free from the suspicion of being criminally inclined.
- (vi) It has already been recommended to the State Govt. that they expeditiously revive the AP State Commission for Minorities. Our findings in this case reiterate the requirement for the rejuvenation of the statutory safeguards of minority rights to help restore the confidence of the minority community of Hyderabad, which has been so sorely tested