

Report of the four-member NCM team's visit to Hyderabad

A four-member team of the National Commission for Minorities (NCM) visited Hyderabad on 4-5 February 2008 to enquire into complaints against authorities in Andhra Pradesh for allegedly targeting Muslims and Christians in the state. On the issues faced by the Muslim minority, the main complainants were Ms. Nirmala Deshpande, Member of Parliament, and Ms. Nandita Rao, advocate in New Delhi. They had forwarded to the NCM detailed reports filed by the Civil Liberties Monitoring Committee and by a fact-finding commission set up the AP State Minorities Commission. On the issues faced by the Christian community, the NCM had received reports and memoranda from various Church groups.

Vice-Chairperson M.P. Pinto led the team. Its other members included Mr. Harcharan Singh Josh, Dr. Dileep Padgaonkar and Prof. Zoya Hasan.

During its stay in Hyderabad the NCM team met relatives of individuals who were killed, injured or detained in the Mecca Masjid bomb blast on May 18, 2007 and in the bomb blasts at Lumbini Park and the Gokul Chat eatery on August 25, 2007; representatives of NGOs, political parties and religious organizations; academics and journalists; Mr. Mohammad Ali Shabbir, the minister in charge of minority welfare affairs; Mr. Yusuf Qureshi, Chairman, AP State Minority Commission; high-ranking police officials and civil servants; and detainees in the Charlapalli prison. A delegation of the team also called on the governor, Mr. N.D. Tewari, to apprise him of the team's mission.

ISSUES FACING THE MUSLIM COMMUNITY

The main allegation contained in the documents sent to the NCM – and which was reiterated by the interlocutors of the NCM team – related to the failure of the police to observe the due process of law while investigating the three bomb blasts in Hyderabad in 2007. Examples of this alleged dereliction of duty include the following:

- disregarding established procedures, the police fired indiscriminately into the crowd fleeing the Mecca Masjid after the blasts which resulted in the death of at least six persons

- after the twin blasts on August 25, 2007, the police picked up Muslim youth randomly as suspects. In one instance, a group of young men was apprehended in a grave-yard watching CDs of Jehadi propaganda on a television set with a proper electricity connection!
- the suspects were not allowed to inform relatives of their arrest
- the suspects were bundled into cars without number-plates, blind-folded and illegally detained in farm houses and private lodges for several days where they were subjected to physical and mental torture. They were stripped naked, severely beaten, administered electric shocks on various parts of their body, including the genitals, and deprived of food and water. The police used abusive language about their women folk and their faith and forced them to hail Hindu deities.
- No lawyer was present during interrogation of the suspects.
- Detainees were not produced before a magistrate for remand within 24 hours of their detention. Instead, the time of arrest was shown as later than it actually took place merely to comply with the requirement of remand within 24 hours of arrest.
- The suspects were produced before a magistrate after court hours at his residence. The magistrates never asked them if they had been tortured despite tell-tale marks of recent injuries
- Some of the suspects had to undergo narco tests whose results have little evidentiary value but which resulted in physical and psychological damage to them. Incidentally, the AP High Court has banned narco tests.

In their discussions with the NCM team, the high-ranking police officials flatly denied the charges levelled against the police force. On the contrary, they argued that “so-called civil liberties groups which have been orchestrating the campaign against the police are known to have links with certain Jehadi elements.” The officials could not justify the use of the term ‘so-called’ given the fact that the civil liberties groups have been duly registered. Nor could they adduce any evidence to substantiate their claim that such groups had any connection with Jehadi elements.

For the NCM team the denial of the charge of torture was a cause of the most serious concern given the comments of Dr. Mahender Reddy, a forensic expert, who had assisted Mr. Ravi Chander in the fact-finding mission undertaken at the behest of the AP State Minorities Commission. After examining some of the detainees in Charlapalli prison, Dr. Reddy went on record to state that a few of them still bore signs of injury which were not

self-inflicted. He added that these could have been the result of third-degree procedures.

The NCM team did notice marks of injury on the body of the detainees but it was obviously not possible for the team to confirm whether these were caused by torture or not. Nor was it possible to ascertain whether the injuries were noted in medical records of hospitals where the detainees were sent for examination.

At the Charlapalli prison the NCM team noticed that in the list of detainees provided by the prison authorities the letters 'ISI' figured alongside each name. Neither the prison authorities, nor the concerned minister, nor even the high-ranking police official could explain this reference. This was curious, to say the least, on two counts. First, the police have yet to identify the perpetrators of the three bomb blasts in Hyderabad in 2007. Second, the Commissioner of Police, Hyderabad City, has himself admitted in a letter addressed to the AP State Minorities Commission that during the process of the examination of suspects, the police were unable to gather evidence establishing their complicity in the blasts. The Commissioner did add that the suspects were found to be involved in certain criminal acts and that they were also part of a Jehadi network in Hyderabad.

However, even in this latter comment the Police Commissioner had made no mention of the ISI. On further questioning the police officials agreed to delete this reference. A similar undertaking was given by the Charlapalli jail authorities and Minister Md. Ali Shabbir.

Mention must now be made of two related developments. First, a total of thirteen detainees in the Charlapalli prison have now been released on bail. Second, the present government in Andhra Pradesh has taken a number of measures for the economic and social welfare of the Muslim minority. Both developments will go at least some way to assuage the hurt feelings of the Muslims. But welfare measures however sound and efficacious cannot compensate for a feeling (justified or not) that members of a particular community are being targeted and are victims of a sort of racial profiling. While keeping the paramount importance of the security of the state and the lives of its citizens in mind, the government must try to address the fears and apprehensions of a sizable section of civil society. Much more needs to be done to establish the veracity of the charges levelled against the police and

action should be taken against those who failed to carry out their responsibilities within the framework of law and established procedures.

The team was surprised to note that whereas investigation into one act of terrorism was handed over to the CBI for investigation other incidents were entrusted to the local police. When serial acts of this nature are perpetrated it is wiser to have all of them investigated by the same agency. This removes the suspicion that some acts are treated more seriously than others and ensures that all of them are investigated with the same degree of intensity and objectivity.

RECOMMENDATION: In view of the seriousness of the allegations against the police, and the less-than satisfactory responses given by them, the NCM team urges the union government to direct the CBI to enquire into all the three incidents of bomb blasts in the city in 2007. As of now, only the Mecca Masjid blast case is being investigated by the CBI.

RECOMMENDATION: Urgent measures are also needed to address other major grievances of the Muslim community: better education facilities in Urdu schools, creation of job opportunities for Muslim youth, adequate representation for Muslims in government employment, and notably in the police force, compensation to families who lost their members in the blasts and an early settlement of the debate now raging in the community about the allegedly indiscriminate sale of Wafk properties. This last point is a cause of much alarm considering the allegations of grave irregularities which are tantamount to a multi-crore scandal.

CONCLUSION: The NCM team is of the view that the seriousness of the charges levelled against the authorities must not deflect attention from the gravity of the security situation in Andhra Pradesh. In a power-point presentation, the high-ranking police officials provided a detailed and comprehensive account of Jehadi activities in the state and their links abroad, notably in Pakistan and Bangladesh. While it is certainly not the intention of the team to dismiss the serious issues raised in this presentation out of hand, we are firmly of the view that, in their pursuit of the extremely important goal of bringing those involved in extremist and terrorist activities to book, the police must not jettison the due process of law. This would only result in driving Muslim youth into the arms of extremists and give a fillip to those engaged in actions detrimental to communal peace and harmony and to India's security interests and concerns.

ISSUES FACING THE CHRISTIAN COMMUNITY

The Andhra Pradesh government is keen to bring in legislation to curb the illegal occupation of Church properties and curtail the irregularities connected with them. While they concede that such irregularities have taken place, Church authorities and Christian groups contend that these can and should be settled either internally or by having recourse to the existing law of the land and not by imposing on Churches a public law that places all of them under a single umbrella.

Their argument runs as follows: the lands under the Hindu Endowment Act 1987 and the Wafk Act 1995 have been gifted to them either by the people or by the state. Most of the Church properties however were purchased by the Churches themselves. Moreover, Church properties are governed either by the Indian Trust Act or the Societies Registration Act. The accounts and reports of such trusts and societies are submitted to the government and its agencies on an annual basis. Given this background, any legislation that places Church properties on par with those of the Hindu Endowment or the Wafk Board would be tantamount to uncalled for interference in the internal affairs of the Christian community in the state.

Since this is a matter that is internal to the community the group would not like to make any recommendation in this respect. During informal discussions we were given to understand that the matter has been put on the back burner for the moment. Perhaps the whole question can be considered afresh when the entire community has been given adequate time for introspection.

Another matter causing extreme anxiety not merely to the Christian community but to all other minorities as well concerns Act No 24 of 2007 empowering the state to prohibit propagation of religion in places of worship or prayer other than the religion traditionally practiced at such place. We understand that this blanket prohibition was originally intended to place a ban on non-Hindu religious activities in the Tirumala Tirupati Devasthanams but taking advantage of Section 2 (2) of the Act its provisions have been extended to 20 other temple towns all over the state. The Act was passed by the AP Legislature and received the assent of the Governor on 13th August 2007. It would appear that the ban will extend to some 300 sq kms. Moreover, the government order does not define the exact geographical

limits of the notified temples where the ban will be enforced. Church authorities assert that such a ban violates the fundamental rights of non-Hindu citizens. They fear that it would provoke right-wing Hindu groups to intimidate and harass non-Hindus. Instances of such intimidation and harassment have already taken place in the state.

RECOMMENDATION: The NCM team believes that prima facie the ban is not in line with the letter and spirit of the provisions in the Constitution related to freedom of religion. There are enough provisions in the IPC – 153 A (2) and 505 (3) – to deal with offences committed in places of worship. Apart from the clear deviation from what is an essential ingredient of the Constitution the team believes that the Government of AP should seriously consider the effect that such legislation will have on the sense of security of all minorities in the state. To urge the opponents of this legislation to take the matter to the Courts for redressal may be a practical way out of a problem created by the fact that such a piece of legislation is already on the statute book, but it cuts at the very root of what minorities in the country have the right to expect from a sensitive and caring government.

The third issue agitating the Church authorities is L. A. Bill No 7 of 2007 which is entitled “A Bill to Amend the Andhra Pradesh Charitable and Hindu religious Institutions and Endowments Act 1987”. This Bill, which seeks to amend an existing law, proposes to establish a Sanathan Dharma Parishad for the propagation of Hinduism. Under the terms of this Act the Minister of Endowments will be the Chairman of the Parishad and senior civil servants like the Secretary to the Revenue Department in charge of Religious and Charitable Institutions and Endowments and the Commissioner for Endowments will be members. (The latter will, in fact, be the Member Secretary of the Parishad).

The team considers this to be a stark negation of all the secular and republican principles enshrined in the Constitution. To give an official, state sponsored body the mandate to spread one particular religion must surely be to fly in the face of all the values that secular India holds dear. Here again the legislation has already been passed and is on the statute book so it would appear that the only solution is to approach the courts for redress. But we strongly believe that such a retrograde piece of legislation must be undone by the state itself as a token of its commitment to secularism and the belief that the state must always be neutral in matters of faith and doctrine.

RECOMMENDATION: The NCM team fully shares the concern of the Church authorities. This was communicated to senior officials of the Andhra Pradesh government. The government of AP must reconsider the provisions of the L A Bill No 7 of 2007 especially the introduction of the new section 152 A. It must be deleted from the Act.

A delegation of the Sikh community met Shri Harcharan Singh Josh during the visit of the group to Hyderabad. The following issues were raised by them.

ISSUES FACING THE SIKH COMMUNITY

1. Memorandum was submitted by the Sikligar Sikh Community for providing them BPL Ration Cards, representation in the Government Jobs and also inclusion of their names in the Sikh Minority List as well as the Minority Caste Certificate.
2. Representation received from the Dakshini / Vanjara Sikh Community where they informed that they are being denied the Minority Certificate, NCM should take up this matter with the concerned authorities to provide them the same for the Education of their children and other benefits from the Government as a Minority Community.
3. Majority population consists of Christian, Muslim and the Sikh Communities, the Representatives met and complained that the loans under the PM's 15-Point Programme are being denied to them.
4. In 1832, on the request of Nizam of Hyderabad, Maharaja Ranjit Singh, Ruler of Punjab sent his two thousand soldiers to save his state from the attacks from his neighbouring States. The soldiers after fulfilling their tasks and those stayed back were entrusted with the work of collection of taxes, maintenance of law and order etc in the Nizam's jurisdiction. About 700 such Sikh families are residing there since more than 175 years. They are living in an area which is 6 km. away from Hyderabad city known as Sikh Chawniat. This land was given to them by the Nizam at that time. They have submitted memorandum for providing the basic facilities of electricity, water, sewerage etc. NCM should also take up this matter with the concerned authorities of the State Government who are residing there since 1832.

To date 13 detainees in the Charapalli prison have been released on bail. The Muslim community has welcomed this move. But, as pointed out earlier,

much more needs to be done by the state government to arrest the alienation of the minorities. The NCM team believes that the recommendations it has made in this report will go some way to achieve this end.