

# Civil Liberties

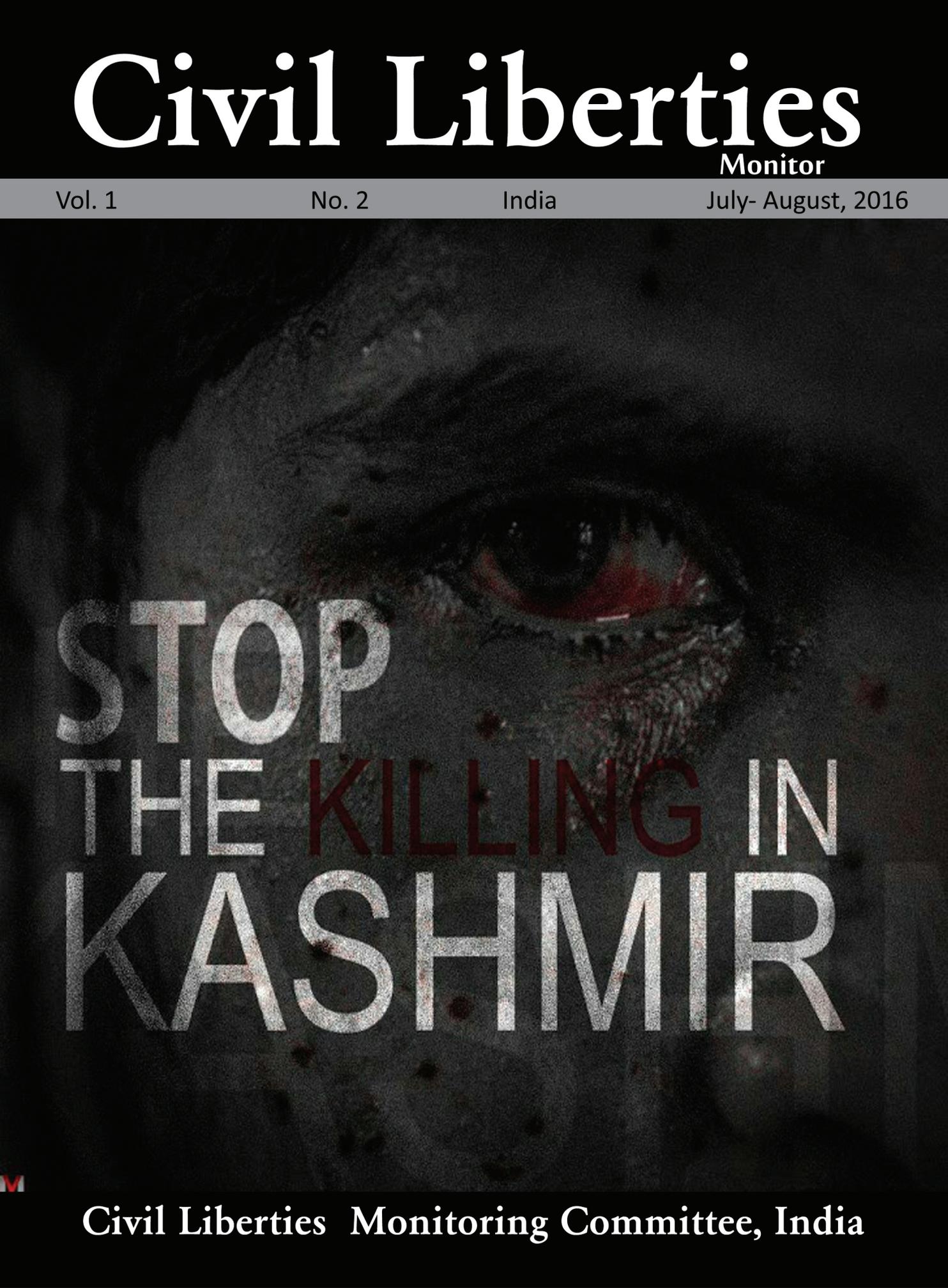
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July- August, 2016



STOP  
THE KILLING IN  
KASHMIR

Civil Liberties Monitoring Committee, India

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# Civil Liberties

Monitor

India

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## The Unrest

**T**hese days India is undergoing through a disturbed state of affairs. BJP whose foundation is based on Hindutva fascist ideology, from the time it came to power is continuously trying to inject the Hindutva ideology in each and every field of life. It wants to convert this country into a 'Hindu Rashtra'. From the past two years, the BJP government which has brought the kind of acts and policies, its affect is now seen in each and every corner of the country.

Muslims are killed and Dalits ostracized on the name of 'cow'; Tribals are killed in the deep forests of the country in the name of 'Operation Green Hunt'. Due to the campaign started on the name of 'Ghar Wapasi', the right to religious freedom is snatched away from the people. Because of the forceful implementation of Hindutva ideology on the people, they are denied to live their life as per their wish and will. India, whose foundation is based on secularism and pluralistic society, is scattered very badly. Hindutva culture is promoted to such an extent that, there is cultural clash and uproar in the country. These disturbances have reached to such a level that civil war like situation is rising in India.

In fact, due to undemocratic and non-secular character of the government, people are losing confidence on it. After the attacks on

Dalits by the Hindutva elements there have been protests by them all over the country. Christians are unsafe and the identity of Muslims is in danger. Under these conditions, the prime minister of the country and his ministers' as well as BJP's Member of Parliament give such speeches and statements with which the atmosphere becomes much worse. Their statements look like the drama script.

The recent statement by Prime Minister of India on recent attacks on Dalits, "don't kill Dalits, kill me", shows his non-seriousness and mockery of the Dalit community. It was not just a statement but in fact a political stunt to keep the Dalit vote bank in the fold of BJP and RSS as elections are forthcoming in Uttar Pradesh. PM in one of his recent speech said, 'during olden days when there was war between the Raja (Hindu king) and the Badshah (Muslim king), Raja would get defeated because the Badshah would bring the cows and place in the front row during war. One side he plays dirty politics by pretending to speak in favour of Dalits and on other side, he instigates hatred against Muslims with the above kind of statements.

Because of the Modi's politics, there is unrest and uneasiness everywhere; among Dalits, Muslims, Christians, Tribals, students and most importantly among the Kashmiris. The BJP government be it Prime Minister or its

Ministers, neither have concern towards common people's problems nor think towards the development of the country. They only aim at non-serious issues and statements such as 'ghar wapasi', 'cow protection', 'Hindu women should produce more children', 'chanting vandemataram', 'love jihad', 'bharat mata ki jai', 'compulsory yoga', 'Surya Namaskar' etc. which do not have any impact on the well-being of the society. The promises made during the elections such as, 'Ache din' (good days ahead), 'sabka saath sab ka vikas' (with everyone for development), 'mahangai kam ki jayegi' (inflation control), 'control of black marketing', 'control of crimes against women', 'employment for every unemployed youth' etc. have been thrown in dust bin and presently 'cow protection' and 'beef ban' has become the important agenda for the BJP government. It is a fact that people all over the world eat beef; whereas in India, it is a wonder that beef is eating human beings; one such incident is lynching of Mohd. Akhlaq Ahmed at Dadri in UP just on the basis of suspicion. But matter of the fact is that from the time BJP came to power, India has become No. 1 beef exporter in the world and these companies are owned none other than by the Brahmin community.

The real problems of this country are the caste system, poverty, Land and water issue, starvation deaths, farmer and weaver suicides, unemployment, corruption, inflation and nexus of politics, police and crime. But by highlighting non-issues, the government is diverting the minds of people from the real issues and problems of the country. Actually the

problem is with the mindset of the ruling political party and its mentor, RSS. Their thinking or mindset is that human being should not be given his/her human status.

The matter of great concern is the cruel situation created by the Indian security forces in Kashmir. The routine life is disturbed since 9th July 2016, a day after Burhan Wani was killed by the security forces. The government has completely failed in understanding the emotions and democratic demands of the Kashmiri people. Indian government has given free hands to security forces to use all the methods to suppress the Kashmir people, the brutality can be imagined by the use of pellet guns and other sophisticated weapons on unarmed civilians. The ruthless nature of Modi government can be seen that instead of sending medicines and team of doctors, more troops are deployed in Kashmir. This shows that Indian government desires land of Kashmir but not the people of Kashmir.

The alliance between Modi, Amit Shah and the RSS ideology are responsible for the unrest in different regions of India and particularly in Kashmir. Modi cannot escape from his responsibilities by just issuing non-serious/mocking statements. Peaceful atmosphere can be prevailed by providing justice to each and everyone and by bringing the perpetrators and criminals to justice. Otherwise, this unrest may lead towards the destruction and humanitarian disaster of the whole region.



## **Stop killing Kashmiri People Respect the popular demand of Kashmiri people for Right to self determination.**

**C**ivil Liberties Monitoring Committee condemns in the strongest terms the ongoing reprehensible onslaught of the Indian armed forces on the unarmed civilians in Kashmir. We express our deep concern on the ever increasing Human rights and civil rights violations in Kashmir at the hands of armed forces which are resulting in enormous losses to the innocent lives.

Since the protest began on 8<sup>th</sup> July after Burhan Wani's killing, over 70 Kashmiri's has been put to death and over 8500 injured due to the use of lethal force. By turning civilian residential areas into a war zone government both at the Center and State is following dangerous precedents which have in the past pushed the whole region into turmoil.

Double standards of the Indian

government have become clear for the whole international community to witness. During the Patel and Jat agitations which turned extremely violent in Gujarat and Haryana, states where the ruling central party BJP is in power, lethal weaponry was not even considered as an option. Maximum restraint was maintained even at the cost of heavy economical loss. But when it comes to Kashmir and Muslim protestors Government's and security establishment first option is gunfire with intent to kill.

Till now 117 civilians have been left permanently disabled due to the usage of controversial pellet guns. Among those blinded are women, children, young boys and old men. This action of encouraging the infliction of lethal injuries on the civilians and then sending doctors from Delhi to operate on those injured is a malicious joke

played by the BJP Central Government.

It is appalling to witness the Government following a pattern where it is conceive that crushing popular uprisings under military boots will soon give a sigh of relative normalcy. As it was done in 2008 than in 2010 and now the same narrative is getting repeated in 2016 where civilians are killed mercilessly and lethally injured to bring 'normalcy'.

This kind of normalcy and status quo where civilian population is kept under shadows of military might is a futile exercise in a democracy. Message on the streets of Kashmir is loud and clear that they want their grievance addressed and status quo is not a solution. The popular demands of the people of Kashmir for the right of self determination should be accepted as it is the only way to bring a long lasting peace in the region.

Civil Liberties Monitoring Committee believes that rampant killings of Kashmiri civilians at hands of armed forces are a crime against

humanity. It should be noted that since 1992 around one lakh Kashmiri's are killed by the security forces. It should be a matter of grave concern for the whole civil society of this world that mass shootings, kidnappings, molestation, rape, etc. have become the tools in the hands of the Security forces to suppress the popular demand of Kashmiri people for self determination.

Civil Liberties Monitoring Committee strongly believes that in Kashmir there is grave infringement to the charter of Universal Declaration of Human Rights that Kashmiri people cannot enjoy right to life with human dignity; where they do not have the right to expression nor they have right to self determination.

Civil liberties Monitoring Committee demands Govt. of India to uphold Universal Declaration of Human Rights and to stop suppression of human rights and civil liberties in Kashmir. We demand Govt. of India to repeal AFSPA and demilitarize Jammu & Kashmir immediately.



## End the witch-hunting of Lawyers, Activists and Repression on the People of Kashmir!!

**I**ndian Association of People's Lawyers (IAPL), expresses its outrage and strongly condemns the continuing use of brute force by the Indian Army, Security Forces and J&K Police on unarmed civilians in Kashmir including a crack down on lawyers.

The current escalation of violence in Kashmir, one of the world's most militarized zone where the ratio of civilian to security personnel is 1:7, is a result of the killing of militant leader Burhan Wani by the armed forces of the Indian State, on July 8, 2016. The reactions to the death of this 22 year old youth leader, who embodied the deep frustrations of the Kashmiri youth suffering under the repression of the Indian security forces, lifted the veil on the reality of the constantly-simmering valley and rejuvenated the demand for Self-Determination or Azadi. The ongoing Intifada has been met by deadly state force, numerous reports from the ground speak of police tear-gassing and then shooting bullets and pellets at protesters to kill. Many of the killed protesters have been found with bullet injuries in the chest and pellet injuries to eyes showing that the police

shot to kill, rather than incapacitate the protesters. The present phase of suppression of popular agitation which has been going on for almost two months has ended up killing more than 70 unarmed civilians and injuring more than 8500 in different parts of the Kashmir valley, out of which more than 1400 were the victims of pellet injuries and are now on the verge of losing their eye sight forever. Apart from this killing spree, 1300 civilians and activists have been arrested and many of them have been slapped with draconian laws such as Jammu and Kashmir Public Security Act, 1978 (PSA). The valley has also witnessed a sharp rise in cases of sexual violence and more than 90 such incidents were witnessed in month of July alone. The security forces have not even spared the medical services and ambulances, which is in violation of international humanitarian laws. . The Indian State's policy of governing the region through draconian laws such as the Armed Forces Special Powers Act, a British-era law that allows soldiers to shoot dead anyone on sight, on mere suspicion, has virtually allowed the police and other security forces to play

with the lives of the people, with total impunity.

The government of Kashmir has broken all past records in imposing the longest curfew in the territory which has been on for 55 consecutive days. The Indian state has continued its old tactics of curbing the press, snapping all forms of communication including mobile and internet services, besides incarcerating political and community leaders, thus denying the people all avenues to express and demand the fulfillment of their aspirations democratically and peacefully. It seems that for all practical purposes martial law has been imposed in the state and lawyers too are not being spared.

On, 27 August, 2016, the J&K Government arrested prominent peoples' lawyer, social activist and human rights defender, Babar-ul-Islam Nehru from Saah Mohallah of Doda district in Chenab valley and booked him under the draconian PSA. The PSA allows arresting and incarcerating a person without trial for two years on the mere 'suspicion' of disrupting law and order. In the name of 'security of the state', the law has been abused to imprison juveniles on charges of 'stone pelting'. The police have filed three different FIRs against Adv Babar for alleged 'anti-India activities'. Advocate Babar is the founder of Ababeel, an NGO, which actively mobilized

resources from the Chenab valley during 2014 floods in Kashmir. His organization, amongst other issues, works on health and education sector. Adv. Babar, a people's lawyer in the true sense, used to provide free legal aid to the poor.

Other than this youth icon, senior advocate and senior leader of Hurriyat Conference (G), Advocate Muhammad Shafi Reshi is under continuous house arrest for more than a month now. This is not the first time that Advocate Muhammad Shafi Reshi has been illegally and unlawfully detained. In November last year when he was en route to Srinagar from Supreme Court of India in connection with a case filed at the Supreme Court for scrapping of Article 35-A of the Constitution, he was arrested illegally from Srinagar airport and unlawfully detained at the police station Humham. The PSA was slapped against Adv. Mohammad Shafi Reshi, which was later revoked after strong resistance by the Kashmir High Court Bar Association.

Similarly, Adv. Shabir Ahmad Bukhari, a noted lawyer and member of Kashmir High Court Bar Association, was arrested in November, while on his way from lower court to High Court, and has been in continuous incarceration since then. Advocate Javed Hubbi's father, a senior Hurriyat leader Dr G M Hubbi has been arrested

and kept in illegal detention at the Police Station in Chrari Sharief. When Adv. Javed went to see him in the Police Station, he was not only dragged out from the Police Station but was also humiliated by the SHO and other police staff. Recently, J&K Government invoked PSA to book 169 persons among an estimated 1,000 identified, who have been accused of being 'organizers and provocateurs' playing a 'leading role in the current unrest in Kashmir'. The people on this list are mostly community leaders, activists, and lawyers.

IAPL strongly condemns the witch-hunting of lawyers and the motivated systematic repression on lawyers, activist and journalists in Kashmir which only points to the continuing impunity at the highest level.

IAPL further condemns the attack on citizen's freedom of speech and expression. The recent registration of sedition cases under section 124-A of the Indian Penal Code against the Amnesty India, an international human rights group, for organizing an event focusing on human rights abuses in Kashmir, where allegedly anti-India slogans were raised, and another against Tausif Ahmad, resident of Sopore, Kashmir for allegedly sharing and forwarding a post on social media endorsing Kashmir's independence, is illogical and unconstitutional. Ahmad

was arrested from a train on his way back to his home in Kashmir from Chhattisgarh, where he had been working since the last seven years. He is incarcerated in Durg jail of Chhattisgarh. IAPL also condemns the filling of sedition case against actor-politician Divya Spandana for allegedly praising the people of Pakistan and their hospitality. In the last one year, more than 150 people have been booked under this draconian British-era law, to clamp down on any form of dissent. The misuse of this tyrannical law has reached the stage where any voice against the Modi-Government is now being branded anti-India and criminalized. Other than this, there have been repeated acts of censorship on the social media, of the people who have come out in support and solidarity for the people of Kashmir. This level of oppression and censorship is unprecedented and unacceptable in a democratic country where freedom of speech and expression are constitutional rights.

IAPL strongly condemns the grossly disproportionate military response and repression by the security forces in Kashmir, which is not only in violation of basic human rights and international humanitarian laws, but also perpetuates state terror. IAPL demands that the Indian state must shun state violence and uphold international law, respect and adhere to the UN charter

and especially the UN resolutions on Jammu and Kashmir. IAPL demands the initiation of political process, by acknowledging the genuine aspirations of the people of Kashmir, who have suffered grievously for nearly seven decades under Indian military suppression and are claiming the right to self-determination or Azadi. IAPL believes that self-determination of the Kashmiri people is an inalienable right, and demands that the Indian state honour its long standing promise and conduct plebiscite in Kashmir. We appeal to the mainstream Indian media to break the silence on Kashmir. Kashmir is under siege and is facing a humanitarian crisis that requires urgent international attention and intervention. We appeal to the democratic sections of India and the international community to take serious notice of the current volatile situation in Kashmir and respect the democratic aspirations of the people of Kashmir and stand in solidarity with them.

#### **IAPL Demands:**

1. To release all lawyers preventively arrested and detained immediately and unconditionally, including Advocates Babar-ul-Islam Nehru, Advocate Muhammad Shafi Reshi, Adv. Shabir Ahmad Bukhari, and stop obstructing the access of Kashmiri people to legal recourse and aid.

2. To release all activists and political prisoners, immediately and unconditionally, including those kept under illegal indefinite house arrest and hundreds of children and teenagers detained for stone pelting.
3. To prohibit and ban the usage of pellet guns or any other lethal weapons on unarmed resisting masses, with immediate effect.
4. To repeal draconian laws like AFSPA, PSA, and sedition.
5. To end the war on the people of Kashmir by Indian security forces and to conduct plebiscite in Kashmir so as to honour the long standing promise of the Indian State.

Sd/-

Adv. Surendra Gadling (Nagpur),

Adv. Ravindra Balla (Hyderabad),

Adv. Maharukh Adenwalla (Mumbai),

Adv. Sudha Bharadwaj (Bilaspur),

Adv. Ankit Grewal (Chandigarh)

for **INDIAN ASSOCIATION OF  
PEOPLE'S LAWYERS**

(Affiliated to International  
Association of People's  
Lawyers; [www.iapl.net](http://www.iapl.net))



## Cow-Beef, Religious Minorities- Dalits and Political Games

**T**oo many incidents of atrocities against Dalits-Muslims have been making headlines during last two years. Some of these like the one of Una (Gujarat, July 2016) have shaken the conscience of sensitive citizens of the country. This one came on the back of the lynching of Mohammad Akhlaq (Dadri, UP June 2015) on the ground of killing a calf and eating beef.

A brief recap of Una incident is in order. On 11th July (2016) in a village of Una taluka in Gujarat the cow vigilantes beat up the members of Dalit family who were skinning the dead cow. The cow had been killed by a lion. The cow vigilantes dragged four Dalits, tied them to a SUV, dragged them to Una town and in front of a police station stripped them above the vest and mercilessly beat them. (1) To add salt to the injury they videotaped the whole incident and circulated it. This enraged the Dalit community who started the spontaneous protest and refused to bury the dead cows. They took the carcass of dead animals and put them in front of Collector's offices. Nearly thirty youth tried to commit suicide. There was a massive mobilization of the

Dalits all over the state where they resolved that they will not handle the dead animals from now on with the rider that those who regard Cow as their mother should do the last rites of their mother. This is coming up as one of the major social protest movements.

While some BJP leaders criticized it, some justified and Modi kept silent on it for three long weeks letting the polarization deepen. One BJP MP Hukum Singh said that those criticizing BJP do not understand the pain of those for whom cow is like mother.

While today Narendra Modi seems to be giving a message that 80% so called Gau Rakshaks are anti social elements, same Modi had used this issue as a polarizing factor in 2014 elections. One just has to recall his speech in the wake of 2014 elections and one may become clear about the reason for his silence. Mr. Modi had stated "Rana Pratap dedicated his life to gau raksha (cow protection). He fought wars and sacrificed young men to protect the cow..." He derogatorily referred to export of beef as Pink revolution and criticized the same. He

also accused that if Congress comes to power and for the sake of beef export cows will be slaughtered. (2)

In the present hysterical atmosphere which is gradually intensifying around 'Mother cow', one has to remember an incident just over a decade ago (2002) in Dulina village of Jhajjar in Haryana. A mob of over a thousand people lynched five Dalits who were skinning a dead cow to sell the hide. In the context of Dulina lynching of five Dalits; VHP's Acharya Giriraj Kishore in a press conference stated that "the life of a cow is more precious than that of a human being." The recent incidents are just the tip hiding the intense atmosphere of Hate being created around this issue. A few months ago in Malegaon Maharashtra police arrested three Muslims on the charge of storing beef. A little later after Dadri incident came the news of burning of a truck in Aurangabad alleged to be carrying beef. Such incidents are dime a dozen in recent times. What has happened lately is that such cow related violence has intensified as Cow vigilantes know that the Central Government and many BJP ruled state Governments are sympathetic to them.

At the same time two other incidents have come to light. One is that in the BJP ruled Rajasthan for the first time a 'cow ministry' with a minister in-charge has been created.

In the same state in one of the Gaushalas (Cow protection shed) in Hingonia; hundreds of cows died due to the neglect of the state machinery. Since the time BJP has come to power the export of beef has gone up and India has become one of the major exporters of beef in the World. At the same time what has been reported is that since the BJP came to power the budget of grant meant for upkeep of cow shelters has been drastically reduced by the BJP led NDA. (3)

This is quiet a complex scenario. This is forcing us to think as to what is precisely going on? It is true that there are some Constitutional provisions for preservation of Cow progeny. "After much debate and deliberation in the Constituent Assembly and a demand from a few members of the assembly, to include a total ban on the slaughter of cows as part of fundamental rights in the Indian Constitution, a compromise was reached and the protection of the revered bovine found place in the Directive Principles of state policy, which incorporates this Hindu sentiment in a somewhat guarded and hesitant form." (4)

It is to be recalled that this was couched in the secular language, 'Organization of agriculture and animal husbandry: The State shall Endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps

for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle'.

As such twenty four states in India are already having some sort of a law either prohibiting or limiting the slaughter of cows and other cattle, it is the more recent draconian acts passed by states like Madhya Pradesh, Gujarat and more recently Maharashtra in 2015, criminalizing cow slaughter as a non-bailable offence, that need to be revisited and studied in terms of their constitutionality and of their being violative of the fundamental rights of certain groups of people in the country and being against the very secular spirit of the Indian Constitution. (5)

We do realize that this is one among the many Constitutional provision like reduction of the income disparities, protection of environment among others. The one related to cow protection is being cited more often and more aggressively by communal organizations. They are impervious to the context of the needs of agrarian economy and food habits of the religious minorities, Dalits and Adivasis. One recalls that Rohith Vemula who was forced to commit suicide had participated in the beef festival in solidarity with those consuming beef or dealing with Cow as a part of economic activity. (6)

It is clear that on one hand the budget for cow shelters has been cut down, on the other the Cow shelters have been neglected despite creating Cow ministries and yet at another level the violence has been instigated against Muslims and Dalits in the name of cow.

'Cow as mother' is has now become the major tool in the hands of communal forces. As such 'Cow as mother' was the ploy used by Hindu communalism all through from late nineteenth century. At that time, there was a matching slogan of 'pig as an object of hate' from Muslim communalism on the battleground. As classic serial Tamas (Bhism Sanhi) showed the use of pig to be thrown in a mosque to instigate the riots; was running parallel to beef in the temple, such incidents leading to communal violence and boosting communal politics in turn.

After independence the 'pig in the mosque' is heard of less often. Occasionally one did hear of beef in the temple being put in by Bajrang Dal elements. (7) But not too many casualties were heard on this ground. On subconscious level the issue of beef has been kept very much alive and now it has been made more important one as far as communal polarization is concerned. This is keeping in mind the electoral arithmetic. It has added to the worsening scenario as far as communal harmony is concerned.

Talking at economic level cow has been an important part of the agricultural economy. The old bullocks and cows being used for food by large sections of society has been the norm. Apart from Adivasis, sections of Dalits, Muslims, Christians and even upper caste Hindus consumed beef, as a cheap and rich source of protein. Being a large country with big cattle strength, India is also one of the major exporters of beef.

Historically; it is interesting to note that beef was part of food habits from Vedic times. Cow got transformed in to mother hood and a major tool of identity politics later. Bhimrao Ambedkar in his celebrated essay "Did Hindus never eat beef?" demonstrates this very well. At popular level Swami Vivekananda confirms the findings of historians like Prof D.N.Jha, who traces the history of beef consumption in Vedic times. Swamiji points out, "You will be astonished if I tell you that, according to old ceremonials, he is not a good Hindu who does not eat beef. On certain occasions he must sacrifice a bull and eat it." (8)

This is corroborated by other research works sponsored by the Ramakrishna Mission established by Swami Vivekananda himself. One of these reads: "The Vedic Aryans, including the Brahmans, ate fish, meat and even beef. A distinguished guest was honored with beef served at a meal.

Although the Vedic Aryans ate beef, milch cows were not killed. One of the words that designated cow was aghnya (what shall not be killed). But a guest was a goghna (one for whom a cow is killed). It is only bulls, barren cows and calves that were killed." (9)

It is not that society cannot resolve the issue of contrasting food habits and faith in an amicable way. Gandhi shows the way and one wishes that Gandhi's way of resolving diverse things are understood at deep level. On the issue of beef eating he said, "...beef is not their (Muslims, added) ordinary food. Their ordinary food is the same as that of the millions. What is true is that there are very few Muslims who are vegetarians from religious motive. Therefore, they will take meat, including beef, when they can get it. But during the greater part of the years, millions of Muslims, owing to poverty, go without meat of any kind. These are facts. But the theoretical question demands a clear answer. As a Hindu, a confirmed vegetarian, and a worshiper of the cow whom I regard with the same veneration as I regard my mother (alas, no more on this earth!) I maintain that Muslims should have full freedom to slaughter cows, if they wish, subject of course to hygienic restrictions and in a manner not to wound the susceptibilities of their Hindu neighbors. Fullest recognition of freedom to the Muslims to slaughter cows is indispensable of communal

harmony, and is the only way of saving cow. (10)

By now the Muslim as the 'Cow killer' has been propagated so much by communal forces that yeoman efforts by those; wanting peace, tolerance and pluralism; are needed to overcome the hate built around this propaganda. The propaganda is highly inflammable and those indulging in divisive politics can easily bring in their agenda at community level, with dangerous consequences. The incident of beef lynching-atrocity in the name of cow; reflects the prevalent hatred which is there in the society and which can be and is being used for electoral purpose. Also the worsening of communal scenario after the new government has come to power is a warning bell for Indian Constitution's values of Fraternity in particular. One notes the immense rise in incidents of communal violence and intimidation of religious minorities as the communal organizations have become more bold and aggressive, feel that they have immunity in the new dispensation. We need to restore the feeling of security, trust and tolerance in our society.

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## Proud to be a complaining Indian

**W**e as Indians must be proud that our country remains the ONLY country to survive with its democratic-secular constitution out of 30 countries which got freedom after the World War II. Of course, the 'only survivor' had to face immensely critical situations like 1975-77 Emergency, violence against minorities-Dalits and terrorist attacks.

One unfortunate aspect of our post-Independence governance has been that whenever country witnesses the large scale violence against minorities and Dalits, the search for perpetrators continues endlessly and criminals rarely punished. Major incidents of violence against minorities like Nellie massacre (1983), Sikh massacre (1984), Hashimpura custodial massacre of Muslim youth (1987), pre/post-Ayodhya mosque demolition violence against Muslims (1990-92), Gujarat carnage (2002) and Kandhmal cleansing of Christians (2008) are testimony to this reality.

The status of anti-Dalit violence is no different. The major incidents of persecution and massacre of Dalits; 1968 Kilvenmani massacre, 1997 Melavalavu massacre, 2013 Marakkanam anti-Dalit violence, 2012 Dharmapuri anti-Dalit violence (all in Tamil Nadu), 1985 Karamchedu massacre, 1991 Tsundur massacre (all in AP), 1996 Bathani Tola Massacre, 1997 Laxmanpur Bathe massacre (all in Bihar), 1997 Ramabai killings, Mumbai, 2006 Khairlanji massacre, 2014 Javkheda Hatyakand, (all in Maharashtra), 1999 Bant Singh killing, Punjab, 2000 Caste persecution in (Karnataka), 5 Dalits beaten/burnt to death for skinning a dead cow 2006, 2011 killings of Dalits in Mirchpur (all in Haryana), 2015 anti-Dalit violence in Dangawas (Rajasthan) are some of the thousands of incidents of the Dalit persecution. In almost all these cases perpetrators are yet to be identified. Even if identified the prosecution rate never exceeded 20%.

On the other hand, the Dalit and minority perpetrators of violence are efficiently put on trial by constituting special investigation teams and punished by fast track courts. But when the victims are Dalits or minorities no such urgency is shown. In such cases Indian State is fond of playing commission-commission. Commissions after commissions would be constituted to see that the heinous crimes disappear from the public memory. The 1992-93 Bombay violence can be an interesting case for study in this regard.

According to BN Shrikrishna Commission enquiry report for December 1992 violence against Muslims important leaders of Hindutva organizations were found responsible. They were not even called for questioning what to talk of penalizing. On the contrary for January 1993 violence many Muslim perpetrators of bomb blasts in Bombay were hanged. This is true of 'Khalistani' violence. The 'Khalistanis' were hanged or killed on roads but for 1984 massacre of Sikhs Indian State is yet to conclude its process of finding the real culprits. Hashimpura massacre where 42 Muslim youth in police custody were shot dead on the banks of a river by a

PAC team all the culprits who were on bail were finally acquitted by the court in 2015. In almost all the anti-Dalit violence cases the culprits have been acquitted or released on bail despite murder charges against them.

It may be interesting to note here that first two convicts to be hanged after Independence were two peasant activists, G. Krishta Goud & J. Bhoomaiah. Moreover, 80% of those who are on the death row presently belong to Dalit, minority and poor sections.

It was happening when the ruling elite were normatively committed to a democratic-secular polity and a Constitution based on the principles of egalitarianism. Despite this commitment we were practicing two systems of justice delivery, one for the religious majority/Haves and other for Dalits/Minorities/poor. Any violence by the former was regarded as 'riot' and one by the latter as 'terrorism'. However, this commitment in principle to a democratic-secular polity though often superficial and unstable did not let the sufferer lose heart in the system as judiciary and civil society often stood with the victims.

However, with the present RSS/BJP government in power even this

normative commitment to democracy & secularism seems to have dissipated. PM Modi when he was CM of Gujarat while talking to Reuters journalists on July 12, 2013 identified himself as 'Hindu nationalist'. He also declared himself to be a RSS swayam sevak nurtured by Guru Golwalkar. It was first time in the history of Independent India that a constitutional functionary identified himself as a 'Hindu nationalist'. Shockingly, the term 'Hindu Nationalist' 'Muslim Nationalist' originated in a specific historical context both being committed to two-nation theory and opposed to freedom struggle. Moreover, those who killed Gandhiji described themselves too as 'Hindu Nationalists'. Moreover, if Modi is 'Hindu Nationalist' then naturally there will be Muslim/Sikh/Christian nationalist also.

Only PM Modi is not a swayam sevak of RSS most of his ministers, BJP chief ministers and Governors fall in the same category. They naturally are committed to convert India into a Hindu rashtra as RSS English organ, Organizer just on the eve of Independence (14 August, 1947) rejected the whole concept of a composite nation (under the editorial title 'Whither'): "In Hindusthan only the Hindus form the nation...the nation

itself must be built up of Hindus, on Hindu traditions, culture, ideas and aspirations."

When the Constituent Assembly of India finalized the Constitution of India RSS was not happy. Four days after it (November 30, 1949) ORGANIZER in an editorial complained demanded promulgation of Manusmriti as constitution as laws of "Manusmriti excite the admiration of the world and elicit spontaneous obedience and conformity. But to our constitutional pundits that means nothing".

This mindset has led India to the situation which we are witnessing today. 'ghar wapsi', 'Bharat Mata ki Jai' (a slogan which RSS cadres never raised against the British) and 'cow' have left minorities and Dalits at the mercy of vigilante gangs who run parallel state and have been provided with police escorts. Attacks on Muslims who are mostly Dalits did not create ripples but Dalits showed that they are not Muslims and will not submit to the fate. Today India seems to be at a cross-road; whether to stick to a democratic-secular polity or embark on a journey to undo it.

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## Dalits, Muslims and the holy cow

Since the change of guard in India two years ago, it has been one hell of a ride for the great republic. Extraordinary events and developments have been unfolding at such a breathless pace that one has lost the capacity to react to them.

When Mohammed Akhlaq, a 52-year old farmer and father of an Indian Air Force engineer, was beaten to death by his lifelong neighbors in Dadri, a sleepy village in Uttar Pradesh less than 30 km from the power center of Delhi, over "beef eating" rumors a year ago, the news sent shockwaves across India and around the world.

The usual suspects have been administered many such beatings and even lynched since but they have barely created ripples. Call it indifference on the part of media and administration or helplessness of victims that such 'incidents' do not raise eyebrows anymore, let alone invite action against the guilty.

In the new and 'Modi-fied' India, stray animals loitering on the streets are more secure and protected than humans.

No wonder the guardians of holy cow get bolder and more blasé by the day. And why wouldn't they? They are given to believe that they enjoy the political patronage at the highest level in the land and can get away with murder. And they do.

But targeting Muslims, who have all but lost all self-respect, sensitivity and capacity to respond to such attacks and abuse is one thing and taking on the assertive Dalits, the low caste communities, is quite another.

Given their increasing powerlessness and political dispossession, India's Muslims are forced to lie low and offer little resistance even when faced with attacks like Dadri. No wonder the Dadri killing was soon followed up by the lynching and hanging of two Muslim cattle hands from Jharkhand, one of them barely 15 and many other such episodes.

Even as I write this there are reports of two Muslim women being beaten black and blue by a mob in the presence of cops in the BJP-ruled Madhya Pradesh on the rumors of "possessing beef." Someone even filmed

the obscenity and posted it online. The wretched women were beaten up for nearly 30 minutes until one of them collapsed. And, yes, the duo has been charged with "illegally selling meat" after police "recovered" 30 kgs of buffalo meat from them!

Are these the 'good times' the voters were endlessly promised in 2014? Where is India headed? Are we still living in the 21st century?

Try doing the same to Dalits and you will get the taste of your own medicine, as the BJP in Gujarat and at the center is discovering.

In response to the brutal public flogging that a Dalit family received at the hands of the cow protectors in Gujarat last week, Dalits shut down the entire state and other parts of India. Some of them came up with novel protests like unloading truckloads of dead cattle and rotting meat in front of government offices.

The Dalit reaction has been so swift and overwhelming that the prime minister and the top BJP leadership that is yet to own up Gujarat and apologize for Dadri had to quickly swing into action tendering unconditional apology. This even as turning the Indian Penal Code on its head, Akhlaq's family was charge-sheeted for 'cow killing' in UP!

But then that is the power of Dalits. Unlike the weightless and rudderless Muslims, Dalit voices can shatter the

glass ceiling in Delhi, wrecking governments and many a political career. In view of the looming polls in UP, Gujarat and elsewhere, the BJP can take no chances with this influential section of the electorate. The Gujarat incident has also shattered the carefully constructed Hindutva myth, portraying Dalits as the "foot soldiers and protectors" of Hindu society, and not as the oppressed lot stuck at the lowest rung of the inhuman social order perpetuated over centuries.

Since the BJP came into being in the late '70s and especially since VP Singh implemented the Mandal Commission recommendations, shaking up the entire political and power structure, the Parivar has been aggressively trying to expand its support base among Dalits and other backwards.

On the one hand, it has been busy appropriating Dalit icons like Ambedkar who despised the communal hierarchy that Hindutva represents. On the other hand, it has been using Dalits and other groups as cannon fodder in the campaign against Muslims and other minorities. It is hardly a secret that Dalits had been successfully used during the 2002 Gujarat pogrom and other communal conflagrations.

Despite the fact that for centuries Dalits have been treated as lowest of the low, their 'Hinduness' is discovered during times of communal strife.

From the worst form of social and communal apartheid to rape, murder and casual violence, Dalits have for centuries suffered every indignity and crime imaginable.

Of late though to neutralize the politically conscious and economically empowered Dalits, the RSS has been making a conscious attempt to "accommodate" the community by discovering Dalit icons like Suhalddev in UP, painting him as the 'savior of Hindus' against 'Muslim invaders'.

Incredible as it may sound, 800 years of Muslim rule is now being blamed for the oppression and persecution of Dalits.

This is a clever, double whammy that seeks to drive Dalits away from Muslims whose egalitarian society and beliefs have always attracted the oppressed lot. Since the mass conversion of Dalits to Islam in 1980s in Tamil Nadu, disingenuous ways have been found to keep the "flock" together.

But you can't fool all the people all the time. The politically savvy and informed Dalits have begun to see through the game.

The Rajkot flogging should come as a wake-up call to Dalits and all dispossessed communities. If they thought only Muslims needed to worry about the new wave of Hindutva militancy and vigilantism in the name of cow, they were clearly mistaken.

As the history of Hitler's Germany would attest, the vicious run of fascism

never ends with one community or group. They will come for everyone, until there is no one left.

There is a desperate need for Dalits, Muslims and all right thinking people who believe in the idea of an inclusive India to join forces against the growing threat of fascism.

Unfortunately, for all the feel-good talk of Dalit-Muslim unity and the realization that the two communities have for long been at the receiving end from the same forces, little has been done to build bridges and alliances between the two groups. This talk of unity has at best remained at the level of Dalit and Muslim intellectuals and activists. The unity has remained elusive even during the rule of Mayawati-led Bahujan Samaj Party, which depends crucially on the support of Dalits and Muslims in UP. Perhaps both Muslims and Dalits are to blame for this. Be that as it may, the two communities need to wake up at least now to the shared threats. Better late than never.

The Muslims in particular must get out of their comfort zone to reach out to Dalits and other marginalized groups and communities. They cannot tackle the coming threat on their own. The very future of India as a secular and pluralist democracy is at stake. We need to stand together to fight the darkness that is fast closing in. We are in this together.

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## For Hindutva, violence is a sacred way...

**I**nternational community is looking at India where Dalits and Muslims are being attacked, killed and paraded nakedly. American parliamentarians have written a letter to the Prime Minister of India, Narendra Modi to take appropriate actions against the culprits who indulged in violence against Dalits and Muslims. Freedom of living and freedom of religion is their concern. American politicians have a keen interest in the security of common man in India.

I have many critical objections towards their response, but their concern is genuine. Indian Brahman intellectuals have shamelessly criticized the American parliamentarians. Balbeer Punj, an ideologue of Hindutva, blatantly refused American response with regard to attacks on Dalits and Muslims. His point is that America has no moral right to talk about the Dalits and Muslims security in India because Afro-Americans are killed by white policemen and are treated as sub

humans. Balbeer Punj is representing the views of casteist people. Hindutva minded people say Dalits are safe and they are constitutionally protected. They always try to overlook the heinous attacks and insults; many of them defend violence. So, violence should be understood from communal perspective.

Violence in Brahmanism (in political terms Hindutva) is considered as sacred. Violence is acceptable for Hindutva to maintain the social order which is based on caste. Manusmriti suggests various forms of violence to control the Shudras, Chandalas, and Women. Crime is defined by Hindutva ideology and punishment is declared by manusmriti. Entire Brahman literature profoundly legitimized beating up, killing and cutting different organs of the body for protecting caste laws. Dalits, according to the Hindutva ideology should not be allowed into the village and untouchables. Heinous occupations are given for them.

Disposing off the dead animals and beating drums on the different occasions for the dominant castes are assigned to Dalits. For the thousands of years, Dalits are sub-humanized and de-culturized. After continuous struggle, colonial rule allowed them to enter into the parliamentary democracy.

Babasaheb Ambedkar sacrificed a lot for achieving legal and constitutional rights in the parliamentary democratic structure. Even after six decades of implementation of Indian constitution, violence still remains a social reality.

BJP occupied the power at center and in many states of India through violence. Its mother organization RSS and allied frontal organs have implemented conspiratorial strategies to provoke the riots and violence which polarized the masses on the lines of religion. They spread hatred in the name of spirituality and disseminated the false science of cow as a sacred animal. Propaganda of Hindutva fascist ideology is not at cropping stage. It badly affected the social and human relations among the different caste groups and communities. Dalits and Muslims are vulnerable victims.

Killings of Muslims in Assam continued for two years. Lakhs of Muslims have run away from Assam. Nobody knows how many people were killed by Saffron goons. Assam was followed by Muzzaffar Nagar of Uttar Pradesh. Muslim cleansing continued for months together in the Samajwadi Party rule. Muslim women were raped and hanged to death.

Their property was damaged and were thrown out of their lands. Same violent forms are applied to Dalits in Rajasthan and UP. Entire Dalit family in Rajasthan was crushed under the tractor's wheels by Upper Castes. A Dalit family was beaten up by police and paraded nakedly in the public. Beef festivals are vandalized. In protest against all these attacks many beef festivals were organized across the country. Many attacks took place in the name of Cow protection by Hindutva organs. In this series, Dalit men were brutally attacked publicly in Una. Culprits have made the videos and uploaded on internet. The video attracted a mass protest across the country.

Gujarat Dalits revolted violently. They started Asmitha Yatra and whole movement gave a birth to Jignesh Mevani, a journalist and activist. Dalits

have walked hundreds of kilometers from Ahmedabad to Una. It is historical in the land of Hindutva forces. A leader of BJP made disgusting comments about Mayawati. Caste question again occupied a central position in the national debate.

Mayawati raised the issues in the Parliament. All the oppositional parties seriously indulged in the debate over attacks on Dalits and Muslims. The Prime Minister Narendra Modi did not speak a word in the house. A week before a grand meeting in Una, he opened his mouth in Hyderabad. He delivered a sort of filmi dialogues about Dalits.

He aimed his speech at Dalit movement which was going on in Gujarat. He did not reach his objective. Dalits continued to rally against attacks and pledged that they are giving up the traditional occupation. Meeting was a grand success which was attacked again by RSS goons while attendants were going back home.

Jignesh Mewani has done a great job in this regard. But his apolitical strategies are not useful. He received a huge support from all the quarters. Communists, Congressmen and many other political organizations have extended their support to the Una

Dalits. His words never carried a political message. He has never shown concern for Bahujan Samaj politics. His cultural articulations produced an enthusiasm among masses.

He demanded land and alternative livelihoods steps from the Gujarat government and he served an ultimatum saying demands must be fulfilled in a time of one month. This is suicidal in my view. If government fulfilled all the demands, what happens? Government will be successful in attracting the Dalits appreciation. He was unable to build solidarity with BCs and STs. Muslims from the beginning were with the Dalits' movement and participated in a large number. Apart from these two social groups, entire Gujarat has stood against Dalits. It shows how Hindutva ideology is operating in the minds of people.

Unless Dalit Muslim politics represent in the legislature houses, assassinations will not stop. You can protect yourself only after defeating Hindutva fascists in the electoral politics. Dalit Muslim unity should realize this.

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## People resist land acquisition for Mallannasagar Reservoir

**E**ver since the 29th state of Telangana was formed on 2nd June 2014 the state government has resorted to divert hundreds and thousands of acres of government, assigned and cultivable land for industries, Irrigation projects, Thermal power project, Pharma city, National Infrastructure Manufacturing Zone etc. It is estimated that the total land being acquired by the Telangana government would be around 5 lakh acres across 10 districts of the state. The people who are going to be affected by Mallannasagar reservoir started resisting the land acquisition in a big way and this has really brought this issue into forefront.

Mallannasagar Reservoir is part of Kaleswaram project (re-designed Pranahitha Chevella Project) is one such irrigation projects which is taken up by the state government very prestigiously. The proposed plan is to lift water from Kaleswaram project in Adilabad district and store water in a reservoir built in Thoguta and Kondapaka mandals in Medak district. The 50 TMC capacity reservoir if built in the proposed site would not only submerge 21,379 acres of cultivable land which includes assigned land and 3112 houses but also wipe out several

of these villages, the trees, the crops, the forest, hillocks, the animals and birds and entire biodiversity and destroy the local peoples livelihoods. 14 villages in these two mandals are going to be submerged, they are Erravalli, Singaram, Thipparam in Kondapaka mandal and Yetigadda Kistapur, Bramhana Banjarupalli, Laxmapur, Thirumalagiri, Mogilla Cheruvu Thanda, Vemulghat, Thurka Banjarupalli, Pallepahad, and Dasthagiri Nagaram in Thoguta mandal.

These 14 villages have water resources with minor irrigation tanks, surrounded by forest land on one side and Kudavelli water stream on the other; agriculture is a major activity in this area and 90 per cent of people are engaged in this. In several of these villages' crops especially vegetables are cultivated round the year and sent to Hyderabad city for marketing. People from neighboring villages come to work in these villages as agriculture labour.

The people of these 14 villages are fighting against the acquisition of land for this project. The government revenue officials have been trying to forcibly acquire land from the villagers through a combination of coercion and

arm twisting strategies along with spreading lies, misinformation and fear amongst the people. Women and youth of these villages are at the forefront of the struggle and they are clear in their demands - which they will not give up their lands, houses and villages for the larger public purpose.

### **Short route for land Acquisition**

The strategy being used by the government to acquire land across all these villages (as in other districts of Telangana too) is through the use of G.O. Ms. No. 123 (dated 30.07.15) that has been brought out by the Revenue Department. This G.O. was brought in as a device to surpass the enabling provisions provided as under the Right to Transparency and Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013 enacted by the Parliament. This legislation is an outcome of a prolonged struggle by hundreds and thousands of people who were displaced under various projects across the country in the name of development. The G.O. Ms. 123 only aims at speedy acquisition of land through a negotiated agreement between the willing seller (only patta land owners) and willing buyer while focusing only on provision of compensation but not on rehabilitation and resettlement issues. More importantly, the GO does not provide for any entitlements for various other categories of land displaced or livelihood affected households, not does it provide for any public opinion or consent seeking process or impact

assessment process prior to acquiring land for a project.

### **Lack of Transparency on the part of the state government**

A small notice was put up on the notice board in the Revenue Divisional Office at Siddipet, the division head quarters in December 2015 that the reservoir is going to be built in these villages. This notice gave details of total submergence of villages and land acquisition without submergence of villages. The notice also appeared in few newspapers and apart this there was no intimation to the people about the project. Gram sabhas were not held to explain about the project and required land acquisition. People of these villages were completely unaware of this until revenue officials started visiting the villages for land acquisition. Even then the total picture was not explained clearly as to how many acres of land were acquired in which village and which are the villages that were getting submerged. In some of the villages like Lakshmapur the people were told that only the lands will be acquired and the village is not getting submerged; but after the people signed on white papers their willingness to give their lands the marking for the reservoir was shifted this side of the village which indicated that the entire village would get submerged. When asked, the revenue officials told that the plan was changed. This has resulted in utter confusion amongst the people and those who have signed started repenting for what they did.

Even today after more than 6 months of the notification for land acquisition the government had not made the project plan public. In fact the detailed project report(DPR) giving entire details of land required, various construction sites, area and depth of the reservoir, lifts, and canals for providing irrigation, is not revealed.

Land acquisition has to be started after the DPR is declared, but in this case the government has put the cart before the horse. This is in complete violation of the Right to Transparency and Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

### **Coercive land acquisition**

The state government has started acquiring land in the above said villages using G.O.123 claiming that the owners of the land are giving the land voluntarily. The price of the land is fixed differentially. Compensation for patta land was fixed at Rs.5.5 lakhs in some villages and the maximum price offered is 5.85 lakhs acre of land and Rs.5 lakhs compensation for a house. While the 2013 act says that assigned lands given to the landless by the government have to be treated on par with patta lands and equal compensation has to be given, in this case the price paid for assigned lands ranges from Rs.3 - 37.5 lakhs/acre.

This process is done by first directing the village elders/panchayat Sarpanch to convince the villagers to give away their lands. Next step is to

tell lies that the land owners would get a higher price under G.O.123 and the money would be given away in a speedy manner. Saying this, the land owners were made to sign on white paper saying that they are willing to give away their land. If the people were not ready the revenue officials and the powerful sections of the village who collided with them started spreading lies that in case the government is going to take away the lands, and if you sign now the land owners would get compensation otherwise they would not get any money. In case of assigned lands people were threatened that the government has all the right to take back the lands assigned to them any time for public purpose so if they do not sign in future they will not get any compensation.

### **Women are the backbone of the struggle**

Though initially people were not aware as to what was happening but when most of the villages got a hint of this huge reservoir and the attempts for land acquisition and the realization that many of the villages were getting submerged they started agitating. In February and March representatives of majority of these villages began to meet and discuss the course of action. They decided to stage a demonstration on the highway but the police interfered and stalled it. In April residents of about 11 villages held a 'rasta roko' and dharna at Lakudaram on Rajiv Rahadari demanding increase in compensation for land being acquired for Mallanna Sagar project.

"Several villages will get submerged in the Mallanna Sagar project. We are demanding the government to construct houses for houses and give land for land at other selected places where new villages would be set up. The compensation being offered by the government is peanuts," said some of the protesters.

"We are offering compensation as per government norms based on the registration value with the registrar office. However, they are demanding compensation as per market rate which is not possible" said a revenue official.

Etigadda Kistapur one of the villages where the land procurement under G.O.123 was opposed strongly was visited by the Revenue Divisional Officer and he was almost "Gheroed" by the women. Police resorted to lathi charge to disperse the agitated people. Followed by this, in the second week of May the district collector visited the village and gave the people an option between G.O.123 and Land Acquisition Act 2013 but gave misinformation that they would get less compensation under the Act.

Around same time a joint Action Committee was formed with mostly the initiative of educated youth from these villages which took on to steer the movement. This has triggered a collective protest, people of four villages put up tents for a relay hunger strike and the neighboring hamlets joined them. The JAC later on held press meets in Gajwel and Hyderabad with

youth and women articulating their demand that they do not want to give away their land for the project. On behalf of the JAC they submitted complaints to the SC, ST commission and Human Rights Commission regarding the violation of basic human rights of the project affecting the people with all relevant data.

Women from these villages are strongly opposing the project; they do not want to give away the lands and are against submergence of their villages. In their own words, "we do not want the Mallannasagar project, we will not give our lands, we want our villages for ourselves, if we leave our villages where will we go, where will the old people go, how can we get our children married when the community gets dispersed." They are going on relay hunger strikes from more than a month. They are also keeping a watch on those who are signing to give away the land and registering their lands in the name of MRO. In Etigadda kistapur women wanted to teach a lesson to such people, they went in large number to their fields and uprooted the crops in protest. Police tried to file false cases on them for this act. But still the women are resisting the oppression and holding fast for their demands.

### **Counterpoising the G.O. with the Land Acquisition Act**

The government from the beginning has been trying to convince the people of these villages with their false explanation that they would get better compensation through the G.O. than

the 2013 Land acquisition Act. It is projecting itself to be generous by offering Rs.5.85 lakhs/acre while according to the Act they would only get Rs.1.8 lakhs (thrice the registration price which is Rs.60,000/acre). Here we have to understand that the registration prices of land were not revised for the past several years and according to the act in case of land acquisition, for a project the registration prices have to be revised based on the land transactions done in the past few years.

Government is talking about only the compensation while conveniently not mentioning around 25 benefits the displaced would get under the Act and which are denied by the G.O.123. The G.O. does not mention any rehabilitation for the displaced and it is an agreement between a willing buyer and a willing seller. It also does not have any provisions for any kind of compensation for landless, single women, agriculture laborers, artisans and such who are dependent on the village. This is nothing but deceiving the people by not revealing the truth and forcing them to part with their land in the name of development.

### **Feasibility of the project**

On the one side while the government is hell bent on going ahead with the construction of Mallannasagar reservoir as part of Kaleswaram project big questions are raised on the feasibility of the project itself and bringing 50 TMC water to

Mallannasagar reservoir. Experienced irrigation Engineer Mr. T.Hanumanth Rao states very clearly that "nowhere in the world reservoirs are built on lift irrigation canals. Also there is no need for a reservoir for Kaleswaram project as it is expected that there would be water available for 120 days and the khariff cropping period is also 120 days so the water can be supplied directly through canals and need not be stored. Only when the period of water availability is less like 30 -60 days and because it is needed for more than 90 days for irrigation, reservoirs can be built. Reservoirs are usually built on lift Irrigation canals for drinking water purpose and for industries." It is sad that government is not ready to heed the expert advice but is adamant to go ahead with the project.

### **Conclusion**

Mallannasagar project and the people agitating against it has raised some basic questions about the rationale of large irrigation projects and triggered a discourse on large scale land acquisition using G.O.123 for several other projects and the development model being implemented in Telangana. They have also shown a way for the displaced and would be displaced people of various districts in the state to question the illegal land procurement under G.O.123. This is the biggest of achievement of the prolonged agitation carried out by the displaced people under the Mallannasagar Reservoir.



# Preventive Detention Law: The Commandment of Arbitrary Punitive stroke

**P**reventive Detention laws are the most contested letters of Government's might. Detention without a trail is an enigma which still haunts the progressing societies. Worldwide the despotic regimes have used arbitrary preventive detention laws as a certified weapon to curb any kind of opposition or contrary opinion to their official propaganda.

Way back in 1948 United Nations General Assembly adopted the Universal Declaration of Human Rights which were expressly believed to be the rights which all human beings are inherently entitled to. Article 9 of it decrees that "No one shall be subjected to arbitrary arrest, detention or exile" which means, the government cannot deprive an individual of their liberty without proper due process of law. Moreover its offshoot the International Covenant on Civil and Political Rights specifies the protection from arbitrary arrest and detention by the Article 9. But as the current condition of Declaration itself the Article 9 has gone for a toss in almost all of its signatories' states.

As the modern Nation States takes a tilt from welfare state towards more security centric police states preventive detention laws gets more conventional status by getting clipped into the

modern liberal democracies.

In India preventive detention thrives under constitutional sanction. The authoritarian detention is the most contentious part of the scheme fundamental rights in the Indian constitutions. The Article 22 (3) of the Indian constitution provides that, if a person is arrested or detained under a law providing for preventive detention, then the protection against arrest and detention under Article 22 (1) and 22 (2) shall not be available.

In our country a person can be detained without a trial by taking vague pleas of the security and defense of the state, maintenance of public order or even for maintenance of essential supplies and services. A detainee under preventive detention will be deprived of personal liberty guaranteed under Article 19 or Article 21 of Indian Constitution.

In the scheme of Criminal Law, Preventive detention should be cautiously distinguished from Punitive Detention. Where the Punitive detention is the punishment for illegal acts done, the Preventive detention on the other hand is action taken beforehand to prevent possible commitment of crime. Preventive detention thus becomes an action taken by the authorities behind the

curtain of suspicion that some wrongful or illegal acts may have been done by the person concerned. The mere ground of suspicion to book a citizen under PD makes it vulnerable for abuse of power at hands of authorities.

Preventive Detention under Article 22(3) survives in the Constitution with the aid of subsequent clauses which in the grab of safeguards to citizens provide it pillar support for judicial survival.

Firstly under Article 22 (4) provides for an advisory board to review the detention if it extends beyond 3 months. However Article 22(7) (a) allows parliament to pass a law to circumvent the article 22(4) in classes of cases.

Secondly under Article 22(5) a person detained should be entitled to know the grounds of his detention. But the catch is Article 22(6) puts a rider on the safeguard and allows state to have arbitrary power to refuse to divulge the grounds of detention under the name of public interest. This shows that even the safeguards itself is not secure to protect the detainees from arbitrary government action.

During the British Raj imperial government took recourse of preventive detention to suppress popular independence movement. Bengal Regulation-III of 1818 and Rule 26 of Defense of India Act 1939 empowered government to detain anybody on mere suspicion.

With the validation from preventive detention provisions of the constitution Legislatures on successive intervals

passed laws providing for preventive detention.

Independent India's first Preventive Detention Act came in 1950 after its lapse in 1969 then came the "Maintenance of Internal Security Act 1971" popularly known as the MISA. In 1974 came the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act popularly known as the COFEPOSA.

During the dark days of Emergency in India MISA was grossly abused leading to many Human and Civil Rights violations. The abuse of Preventive Detention laws became so common that debate around it in electoral arena made Janata Party to rise on power ladder with an electoral pledge that preventive detention laws will be repealed. The Janata Government repealed the MISA but COFEPOSA continued. But this sigh of relief was short lived as Preventive detention powers of the government were further enhanced by passing National Security Act, popularly known as NASA of 1980.

Preventive detention has been a concurrent subject of legislation between Center and States, when Central Government was experimenting with cocktail of arbitrary draconian laws such as TADA [Terrorist and Disruptive Activities (Prevention) Act] and POTA (Prevention of Terrorists Act) many states made sure that they are not left behind the race, thus many states within country ended up having different preventive detention laws.

The state of Andhra Pradesh in the year 1986 legislated 'AP prevention of

dangerous activities of bootleggers, dacoits, drug offenders, goondas, immoral traffic offenders and land grabbers Act, 1986', a.k.a. AP Preventive Detention Act.

A person detained under this Act will have to go through incarceration of complete 12 months without a trial. As per the Constitutional framework the Act provides for an Advisory board to review the detention but most of the times when the detainee hails from a weaker section he will hardly have the luxury of board review or any subsequent court challenges.

Under this Act police authorities have to send recommendation and proposal to District Collector to invoke the Act to issue detention orders against any person. In Metropolitan areas where Police Commissioner is incharge of law & order the power of issuing detention orders lies directly with his office.

Since its inception the Act has survived many Constitutionality Challenges from the High Court to Supreme Court and since grown many folds in its rampant usage.

In Andhra Pradesh and the new state of Telangana the AP PD Act is invoked on regular basis by the Law enforcement agencies on mere ground that they anticipated that Accused will get out on court bail and commit the offence again. To interpret the reasoning of Police in layman's term the PD Act gets invoked in order to circumvent the institution of judiciary in anticipation of an accused getting his legal right of bail. Thus a bias belief

without any support of substantive proof becomes a ground to steal the liberty of a citizen.

For the state of Andhra Pradesh and Telangana the situation of frequent preventive detention orders have become so grim that due to rising habeas corpus petitions filed by detainee's families Hyderabad High Court have to allot Preventive Detention Act as subject to a division bench.

It is an open a secret that PD Act left in the hands of arbitrary power has been grossly misused. Anyone against whom Law enforcement agencies built up a grudge and is unable to grasp enough evidence to warrant his conviction that person can be sure to be thrown in Jail under PD Act. This makes the weaker sections of society highly vulnerable to such a practice.

In a reply to RTI application filed by Civil Liberties Monitoring Committee it has been revealed that in Hyderabad Central Prison at Chanchalguda there are 259 prisoners from Hyderabad alone detained under Prevention Detention Act out of which nearly half of them, 121 detainees are Muslims.

Preventive detention is inherently undemocratic. In simple terms it is denial of liberty of a person in an unsubstantiated anticipation of a crime to be committed by him. Preventive detention contradicts the rule of law with habeas corpus becoming in fructuous in democracy it is nothing but becomes a forced disappearance.

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06.07.2016

### **FACT FINDING REPORT**

On the

Arrest of Muslim youth in the name of ISIS

Stop targeting Muslim youth in the name of ISIS

**C**ivil Liberties Monitoring Committee fact finding team visited localities of old Hyderabad namely Talabkatta, Chandrayangutta, Hashimabad and Chattabazar and met the families of recently arrested youth in the allegations of connections to ISIS.

All these localities are in and around the historic Charminar of Hyderabad and popularly known as old city; these are thickly populated areas where Muslim community is in majority. Socially and educationally these areas are backward and the people belong to the lower and middle classes. Politically these localities are dominated by Majlis e Ittehadul Muslimeen (MIM) party; Majlis MLAs represent them in state Assembly and Mr. Asaduddin Owaisi is the Member of Parliament who represents them in the Indian Parliament.

All these youth are in the age group of 20-40 years with different professional backgrounds. Their

educational qualifications differ from SSC to Engineering. All these youth belong to the breakaway faction of Jamaitul Ahle-e-Hadees due to ongoing dispute on construction of a Masjid in the Yakutpura area of Hyderabad.

The 11 Muslim youth who were arrested and detained are the residents of these thickly populated localities. They are: 1) Syed Nayeemullah Hussain, 42 years resident of Moghalpura. 2) Mohammed Ataullah Rehman aged 33 years resident of Bandlaguda. 3) Abdul Khader Mohsin, aged 32 years, resident of Hashimabad. 4) Azhar 22 years, resident of Talabkatta. 5) Mohammed Arbaz Ahmed, 21 years resident of Bandlaguda. 6) Abdul Habeeb Ibrahim aged 32 years, resident of Yousuf Gulshan colony, Hashimabad. 7) Mohammed Ilyas Yazdani, 24 years resident of Talabkatta, Amaan Nagar B. 8) Mohammed Ibrahim Yazdani, 32 years, resident of Chattabazar, Lakkadkot. 9) Habeeb Mohammed, 32

years, resident of Hashimabad, Chandrayangutta. 10) Abdullah Bin Ahmed Al-Amoudi, 31 years, resident of Panchmohalla, Charminar. 11) Muzaffar Hussain Rizwan, 29 years, resident of Talabkatta.

### **Facts of the case**

On 29th June 2016, in the early hours of the morning, after prayers (Fajar) different teams of NIA and Hyderabad Task Force police barged into the houses of the above said youth, they were in group of 15-20 people in plain clothes, without number plate vehicles. As they forcefully entered into the houses, someone from the family objected their behavior on this they started beating and abusing them. Without considering even the women members of the family, they directly entered into the rooms. They did not even declare their identity. When some senior member of the family enquired as to who they are, they just said 'from NIA'; and at some other houses they said they are from Income Tax. They did not show any search warrant nor arrest warrant. After forcefully entering into the houses they separated women and children from men and made them sit in separate rooms with their hands tied at their back. 2-3 people were guarding each family person. If anyone dared to ask about their behavior and searching houses, they did not reply but just said 'investigation'.

### **Versions of Families**

**Habeeb Mohammed** - his residence is located at Hashimabad at Chandrayangutta. From this house two youth were picked up namely Habeeb Mohammed and Abdul Khader, both of them are married and are having small children. We met his mother, grandmother, Aunt and uncle. The family members were in shock and much afraid of the sensational reports making rounds in the media. The old aged grandmother has brought them up from childhood. Her straight forward question to us was, "are we looking like criminals? Can we kill any Hindu?". While giving us the details they said, on the early hours of 29th June 2016, large number of people suddenly entered into their house, over powered the youth in the house, women were made to sit in separate room and 3-4 people were guarding them. The family members said when NIA officers entered their house forcefully they went exactly to the room of Habeeb as if they knew already where he was sleeping. Then they took Habeeb Mohammed in a separate room and started beating him. The family was able to listen to his pleadings of not to beat. They started searching the complete house and said NIA officers had come with the bags and covers. They did not know what was in the bags. But the bags were sealed and packed and the NIA officers asked them to sign on the papers. When they questioned as to what is in the bags as the bags were sealed they said these

bags were recovered from their houses. But they did not show them anything. They forced his mother to sign, but his mother said to us that she does not know where the bags came from and what was in the bags. The NIA and Task Force Policemen went to the Habeeb's house in the early hours at 5.30 AM and stayed till 2.30PM. Abdul Khader brother of Habeeb Mohammed who was released after interrogation told us that they took both of them saying after some interrogation they will be released. He said they were taken to CRPF camp, RR District and was interrogated about his religion. NIA officials asked him, Why you are a Muslim? What is your opinion on Hindus and Christians? What sect of Islam do you belong to? When Abdul Khader replied that he is just a common Muslim, NIA officer shot back, 'No, which sect? Deobandi or Barelvi, which sect? He replied Ahle Hadees, then again they asked Why do you belong to Ahle Hadees sect? Why do you pray at Ahle Hadees mosque? Aren't all Ahle Hadees followers terrorists? What do you know about ISIS? These were some of the frequent questions of their interrogators.

One interesting event which should be noted carefully in this whole episode is the second raid of NIA at Habeeb Mohammed's house on 5th July 2016. According to the family immediately after NIA's first raid and arrest of their son, their landlord landed at the house along with some locals and started

threatening them to vacate the house in an hour. The traumatized family under pressure from locals and landlord was about to vacate the house, but suddenly help came from an unexpected quarter. NIA officers who got to know about the situation directed local police to detain the landlord who was creating trouble and asked the family members not to vacate the house in any situation. Abdul Khader even informed the fact finding team that NIA officials called for their rent deed to issue a notice to the landlord. Family has a sigh of relief. But again as the murky nature of things in terror trails, few days later different guests landed at their door steps, this time it was NIA officers. They brought Habeeb to his house. Gullible family members thought that 'helpful' NIA officers have brought Habeeb to meet his family. But their misconception did not last long as NIA officers separated the family members and took Habeeb to some room and announced the discovery of live rounds of bullets. According to section 27 of the Evidence Act discovery of new evidence is admissible only if the accused leads the police to the place where he has hidden evidence which have been used to commit crime. From the day one NIA officers were transcribing the scene for the 'discovery' of evidence to solidify their case while the gullible and helpless family members were fallen in the trap of 'helpful' NIA.

**Abdullah Bin Ahmed Al Amoudi**

**Fahad** - his residence is at Panchmohalla, Charminar. Abdullah has a workshop of Hydrographic Painting. The acids and paints used for painting were taken away from the workshop and these were later shown as chemicals to make the bombs. The electrical items, the cables and fibre wires were also taken away. Abdullah's family members denied the charges of NIA and said, all the things taken away was material used for their business purpose. Even at Abdullah's house the family said the NIA brought some bags with them which were sealed and packed and then told them that some material is recovered from their place.

**Ibrahim Yazdani and Ilyas Yazdani**

- The fact finding team then visited the house of Yazdani brothers. The police and media are claiming that Ibrahim Yazdani is the group leader. We spoke to Aslam Yazdani and Ishaq Yazdani, brothers of Ibrahim and Ilyas Yazdani. Their story is also similar to the story of above two youth. Ibrahim Yazdani, 29 years is B.Tech graduate and works for online sales for Flipkart and Amazon. Ilyas Yazdani is Intermediate pass and is working at Mee Seva centre. According to the brothers of Ibrahim and Ilyas, in the early hours of 29th June, 2016, around 50 men in civil dress forcefully entered into the house with hand guns, revolvers, pistols etc. each and every family member of the house was surrounded by 4-5 men. The family went into grave shock and after some time, Ishaq enquired, "Who are

they? How & why they entered in our House? And Why they are behaving like this?". One person named Jalaj Srivastava, introduced himself as Additional SP, NIA New Delhi and Mr. Rauleta introduced himself as Inspector NIA. Ishaq also said that hundreds of policemen were standing outside their home. They also asked him the whereabouts of his elder brother Mohammed Ibrahim Yazdani. He informed them that he is at his in-laws house at Chatta Bazar, Lakkadkot, Hyderabad which is hardly one kilometer from their residence. When he asked them what is the matter, why they are behaving mercilessly and inhumanly? They did not reply anything, but started searching their house, broken the Almirahs, cupboards, children's toys. He further said that they destroyed each and every thing of their house, torn off pillows available in all the rooms, Refrigerator, Washing Machine, Bathroom, Toilets, and Kitchen. They left no place unsearched in the house and left nothing untouched and unturned. They scattered all the household articles. He said that they keep separate slipper to use in for the toilet and use toilet cleaners, including toilet acids, phenyl, etc., to clean the toilets. Due to hot weather and Ramzan fastings they made ice in the Freezer of the Refrigerator. The NIA officers objected as to why they are making ice, why a separate slipper is used for the toilets? Why the Acid, toilet cleaner and

phenyl etc is used by them? They smashed entire ice, threw the cold water from the refrigerator as well. Later they saw in the TV that those toilet cleaners and Acid was shown as liquids and chemical as explosive materials. They took photographs of each and everything. They took away all the phones and laptops by saying that by evening those will be returned. They stayed for two hours. They also took their signatures. They took away electric cable bundle which was left over after house wiring done in the house. An old voltage tester of his father, who was an electrician, also taken away and later it was shown in the TV that it was used for making bombs.

Ishaq further said that while leaving they forcibly took the signatures of all the family members on various papers, including blank papers and the search list, Details of Property alleged to have been seized under Section 100 (6) or 165 of Criminal Procedure Code. Later, they came to know through electronic media that they have not only arrested his younger brother Mohammed Ilyas Yazdani but also arrested his elder brother Mohammed Ibrahim Yazdani, from Chatta Bazar, Hyderabad.

Mohammed Ibrahim Yazdani's wife Nadera Parveen said that she, her husband and children went to their parent's house on Iftar party one day before i.e on 28th June 2016 and the

next morning the same episode happened at her parents' house as well. On enquiring as to who they are and why they have come, one person responded and introduced himself as Vikram Khalate, IPS, SP from NIA, Mumbai. They searched the complete house and they took out rupees 14,99,500 from her father's Almira and seized the same, when her father objected saying that amount is of his business purpose, the policemen insisted saying that the amount is of Ibrahim Yazdani. She further said that her father has all the proof including documentary evidence of the cash which belongs to her father. Later in television channels they saw the reporting that fifteen lakhs were recovered which was to be used for terrorist purposes. They took away all the mobiles of the family members, one Bajaj Pulsor bike, personal computer of her father and many other household electronic and non-electronic items. NIA personnel also threatened her that her father and brothers will also be implicated in false cases. They took her signature on many plain and printed papers.

**Muzaffar Hussain Rizwan** - is 29 years, resident of Talabkatta. He is SSC failed works as salesman in a footwear showroom. At his house also some 15-20 people in civil dress forcefully entered into his house, they started taking video and photographs, searched complete house. His elder brother Mudassir Hussain Khan works

as web designer, graphic designer, printing etc. They seized his Personal Computer, One New External Hard Disk, Three Old Hard Disks, One Pen Drive, One Graphic Card, Mobile Phone of Rizwan, Two Mobile Phones of his newly wedded wife Mrs. Ayesha Begum, one is old one which she brought from her parents and one is New one and both these Mobiles were not in use and some old house hold accounts books of their family. They also threatened Rizwan's brother that they will implicate him in false and bogus case, like his brother. Before leaving they took his brothers sign on several blank and printed papers and left. They also said that they would leave Rizwan in 3-4 hours.

### **Media Trial**

English and Telugu print and electronic media are publishing and telecasting the terror stories by giving NIA source. As per the routine practice media is conducting its own trial and it has already declared these youth as terrorists. The gravity of unfair media reporting can be imagined by this news that these youth were planning to plant beef in religious places. Telugu and English media is in competition, in making, creating and publishing false and sensational stories. It shows that in the eyes of these media, Muslims are terrorists; the anti-Muslim mindset is dominated upon them and through their mediums they are trying maximum to defame and target Muslim

community.

### **Police version**

NIA has registered a case vide no. RC-01/2016/NIA/HYD, based on credible information that some youths hailing from Hyderabad and their accomplices have entered into criminal conspiracy to wage war against the Government of India by collecting weapons and explosive materials to commit terrorist acts by targeting public places including religious sites, sensitive government buildings etc. in various parts of the country.

### **Conclusion**

This committee by going through the facts, reports from the different sources and after consulting with the family, community and civil society members came to the conclusion that Muslim community is once more under attack and the community is terrorized by the police, media and Hindutva organizations. Because of this terror atmosphere created by the state sponsored agencies there is a threat to the life of Muslim youth; and their human rights and civil liberties is on stake. The joint operation of NIA and notorious task force of Hyderabad police is nothing but a part of greater conspiracy to defame the Muslim community and to spoil the future of their youth. Civil Liberties Monitoring Committee strongly condemns the way of investigation by NIA on the basis of imaginary stories and arresting of

Muslim youth and then spreading false stories through media and conducting the media trial by declaring these youth as terrorists. There is no doubt that Hyderabad police is notorious in making false stories and implicating the Muslim youth in the fabricated cases with the false allegations. But the matter of concern is that this time NIA's role is also not beyond suspicion. NIA is following the ruling political party policy to suppress the Muslims and also to give free hands to Hindutva elements by providing them a clean chit as it has happened in the case of Sadhvi Pragya Singh Thakur who is an accused in Malegaon bomb blast.

With this act of NIA it is clearly proved that RSS ideology is dominating the national investigating agency; and now it seems that they are getting instructions from the Nagpur head quarters of RSS. NIA and Hyderabad police together who have spun the stories are unimaginable and unbelievable. These types of stories were earlier spun on the name of ISI and now continuing on the name of ISIS. This committee reminds the people that the label and connections on the Muslims always changes as per the international scenario. Now at the international level the ISIS name is more active because of which the Muslims have become the soft target by the Indian Investigative Agencies. By making these types of fabricated cases police can get rewards and awards and also promotions but they are spoiling

the lives of Muslim youth. The recent NIA's operation can be seen by keeping in view the administration of present Chief Minister K. Chandrasekhara Reddy, who is working under the pressure of BJP government at the centre. On the instructions of central government he appointed anti-Muslim officers in the ministry of Home Affairs and the operation done by NIA is on the directions of such officers who are working at the highest posts of ministry of Telangana.

### **Demands**

1. Stop targeting Muslim youth
2. Stop the media trial
3. Conduct high level inquiry on NIA's claim on the arrest of Muslim youth
4. Protect the life and liberty of Muslim youth and stop the harassment
5. Remove the anti-Muslim police officers who are working on the tunes of Hindutva
6. The anti-Muslim officers who are appointed in the Ministry of Home on the instructions of central government should be immediately removed.
7. We demand media houses to stop defaming and targeting Muslim community. Fair reporting and journalistic values should be upheld.



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30.06.2016

### **PRESS RELEASE**

Condemn the arrest of Muslim youth in Hyderabad on the basis of fabricated stories

**C**ivil Liberties Monitoring Committee strongly condemns the arrest of Muslim youth of Hyderabad. It seems that once again terror has stroke the lives of Muslims of Hyderabad in the form of joint operation by NIA and Task Force police of Hyderabad. The stories released by police through media are unbelievable and unimaginable. It has become the practice of state to target the Hyderabad Muslims to defame and isolate them from the mainstream and to spoil their lives.

It has earlier happened in the year 2007 in the name of Makkah Masjid bomb blast and in the same way this time also it is taking place in the name of ISIS module with the charges of creating disturbance on the eve of Ramzan Eid. There is no doubt that

Hyderabad police is very much notorious in making false stories and implicating the Muslim youth in the fabricated cases with the false allegations.

But the matter of concern is that this time NIA's role is also not beyond suspicion. NIA is following the ruling political party policy to suppress the Muslims and also to give free hands to Hindutva elements by providing them a clean chit as it has happened in Sadhvi Pragnya Singh Thakur who is an accused in Malegaon bomb blast.

This committee received the information that, NIA Hyderabad unit by registering a case No. RC-01/2016/NIA/HYD started its late night operation in the old city of Hyderabad and arrested 11 Muslim youth within the age group of 21-40 years old. Police

is accusing them that they are the key members of Ansarul Touheed, a breakaway group of Indian Mujahideen which has close connection with ISIS. As per the police stories, in this group recruitment was done through internet and web based applications.

The NIA is also accusing them of preparing criminal conspiracy to wage war against government of India by collecting weapons and explosive material.

With such kind of stories by police it can provide them rewards, awards and promotions but the future of Muslim youth is spoiled. The family members of these Muslim youth categorically are denying all the charges framed against their kin by NIA by stating that their youth are innocent. Parents also said that most of the youth were arrested when they were returning from the morning (Fajr) prayers.

The police raided on their houses by saying that they are from Income Tax office and started searching; the family members were astonished by this kind of searching. They were surprised by the serious charges framed on their kin by police through

media; it is just to blame them.

Civil Liberties believe that it has become habit of the police and they are tactfully targeting Muslim community on fabricated stories. Police is spreading these kinds of stories through media in such a manner that a common man will believe that stories, it becomes easier when the person is a Muslim and religious who will be labeled as terrorist. This committee reminds the government of Telangana that it has promised that the TRS government would save and protect the life and liberty of Muslims in new state. But instead of this, Muslims lives have become miserable.

Civil Liberties Monitoring Committee demands the government of Telangana to restore the life and liberty of Muslim youth and keep a check on anti-Muslim police officers who are implicating Muslim youth in the false cases. This committee also demands high level enquiry on the arrest and detention of the Muslim youth. We also demand to stop targeting of Muslim youth in Hyderabad.

**Lateef Mohammed Khan**

Gen. Secretary

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10.08.2016

## PRESS RELEASE

Demand for Judicial enquiry on illegal activities and encounter killing of Nayeemuddin

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**M**ohammed Nayeemuddin was killed by the Telangana state police on 8th August 2016 and named it as encounter but it is a matter of fact that it is nothing but extra judicial killing and not encounter. Even though Nayeem was a dreaded criminal, no one has right to take away neither his life nor any other person's life; he should have been brought to justice. By taking the law into their own hands, the police are undermining the very basis for which the judiciary exists. This is the stand of Civil Liberties Monitoring Committee.

There are more than 100 cases and 20 murder charges against Nayeem, but still he was able to escape from the police clutches almost 11 times. How can it be possible? Police personnel take utmost care even in the case of a small criminal, then how come he was able to run away from such police personnel? How was he able to gather thousands of crores of rupees property

by being involved in grave crimes? Who has provided support to him to continue such crimes? These are the basic questions emerging in the minds of people.

It is a matter of fact that police has used Nayeem as 'out sourcing' to suppress the Naxalites, to kill human rights activists etc. Who are the officers and political leaders who turned people like Nayeem into gangster? To hide all these names and the whole criminal mafia, Nayeem has been killed and then named it as an encounter. People have the right to know the facts. Civil Liberties Monitoring Committee demands to conduct enquiry through a sitting judge on illegal activities as well as encounter killing. Committing crimes, promoting and attracting to commit crimes is more than crime.

Though Nayeem was a member of Peoples War Group, but later he surrendered himself to the police and became police informer. After that, he

turned into gangster and became don who formed various gangs, looked into the land and business settlements. All his illegal activities had support from high level ruling political class leaders and police officers. It should be remembered that he was brought up during the regime of Telugu Desam Party and Congress party under the direct guidance of Chandrababu Naidu and Rajshekhar Reddy just to suppress the peoples' movement.

While maintaining armed gangs, he used to pass threatening calls to the human and civil rights activists, demanding them to stop their activities. It is open secret that he has killed APCLC members Purushottam, Azam Ali and Kanakachary and also kidnapped Dr. Laxman. Ballet singer, Belli Lalita was brutally killed by him. Many other human and civil rights activists received threatening calls from him and his gangs, "Nallamalla Cobras", "Bharat Talwars", "Tigers" etc. this was in nexus between police and Nayeem's militia, pressurizing the activists to give up their activities.

Though Civil Liberties Monitoring Committee strongly believes that if at all Nayeem would have been arrested instead of killing, then definitely lot of big politicians, high ranking police officers would have been exposed by

him who turned him into a gangster to carry out all the illegal activities which they could not carry. Even in the Sohrabuddin fake encounter killing, in which the politicians and police of three states are involved, it is learned that Nayeem also played an important role in this case. It would not have been possible for him to carry out such grievous crimes without the support of political leaders and police personnel.

The killing of Nayeemuddin is not the solution for the prevention of crimes; the only solution is that stringent action should be taken against these kinds of politicians and high ranking police officers and they should be brought to justice who breeds such criminals for carrying out their own interests.

Hence, Civil Liberties Monitoring Committee strongly believes and demands that a judicial enquiry commission should be conducted to bring out the facts and the nexus between him, his gangs with the political leaders and police personnel as well the reasons behind the killing of Nayeemuddin.

**Lateef Mohammed Khan**

General Secretary

