



NCHRO

National Confederation of Human Rights Organizations

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From

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To

Shri. Justice H.L. Dattu
The Chairperson
National Human Rights Commission
Manav Adhikar Bhawan, C Block,
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Sub: Religious profiling, isolation of Muslim youths in the eye of the society on the eve of the Bhoomi Pujan of Ram Temple at Ayodhya on August 5 - Illegal detention, Arbitrary raids, Arrests, Harassment And Custodial Torture by Uttar Pradesh Police in different districts - Requesting independent investigation into the illegalities and demanded appropriate action against errant officials in Barabanki, Lucknow, Bahraich, Sitapur, Banaras, Muzaffarnagar and Shamli

Dear Sir,

The Bhoomi Pujan of Ram Mandir was scheduled to be held on 5th August this year at Ayodhya in Uttar Pradesh where the 450 years-old historic Babri Masjid was demolished illegally by RSS and Sangh Parivar goons on 6 December 1992 by violating the order of the Hon'ble Supreme Court of India. Bhoomi Pujan was conducted on the said date.

5TH AUGUST AND TARGETING OF MUSLIM YOUTHS:

As usual, the Uttar Pradesh Police have started targeting the Muslim youths in the wee hours of the previous night, 4th August in the disguise of preventive detention. Around 38 Muslim youths have been faced different types of harassment of U.P. Police viz., preventive detention, arrested in false cases and jailed, illegally entered into the houses and conducted search and the raids in illegal and arbitrary manner, house arrest, inquiry at houses and threatening family members, custodial torture during interrogation, etc., Among

38 affected persons, 19 were taken for preventive custody by the police in different districts. As per the details collected by the human rights activists and media reports among the 38 persons faced police harassment 5 from Barabanki district, 3 from Lucknow, 15 from Bahraich district, one from Banaras (Varanasi) district, 4 from Sitapur district and 9 from Shamli district and one from Muzaffarnagar were nabbed by the police. At least 18 houses of Muslims were raided arbitrarily in Shamli and Muzaffarnagar.

NADEEM, S/o. Sajid Ali, R/o. Village Gaurhar, Post Bahrauli, Dist. Barabanki (detained in PS Kursi PS), **FAHEEM**, S/o. Sajid Ali, R/o. Village Gaurhar, Post Bahrauli, Dist. Barabanki (detained in PS Kursi PS. Faheem, the brother of Nadeem was detained first. When Nadeem went to PS to enquire about him, he was also detained), **ALAUDDIN**, S/o. Md Mustafa R/o. Village Gaurhar, Post Bahrauli, Dist. Barabanki (Alauddin is the relative of Nadeem, detained along with Faheem in PS Kursi PS), **MD WASIF**, S/o. Rasheed Ahmad, R/o. Mohalla Firoz Nagar, Nagar Panchayat Rasulabad, Tehsil Hasanganj, PS Safipur, Dist. Unnav (detained in PS Ramnagar, Barabanki, while he was at her sister's house); **TUFAIL SIDDIQUI**, S/o. Zubair Siddiqui, R/o. Achra Mau, Post Asti, PS Baksi Ka Talab, Lucknow (detained in PS Baksi Ka Talab), **ABDUL MAJEED**, S/o. Abdul Rasheed, R/o. 1/270, Shri Ram Nagar, Shadra, Delhi (detained in Kakori PS, Lucknow); **MD ALEEM**, S/o. Md Saleem, R/o. Village Atthaisa, Post Mustafabad, Dist. Bahraich (detained in PS Jarwal Road), **QAMARUDDIN @ QAMAR BABU**, S/o. Rasheed, R/o. Mohalla Katra, Uttari, Jarwal Kasba, Jarwal Road, Dist. Bahraich (detained in PS Jarwal Road), **SAHIBE ALAM**, S/o. Md Yaseen, R/o. Mohalla Sarai, Jarwal Kasba, Dist. Bahraich (detained in PS Jarwal Road), **MIZBA IRFAN @ SALMAN AHMED**, S/o. Late Irfan Ahmed, R/o. Mohalla Takiya, Jarwal Kasba, Dist. Bahraich (detained in PS Jarwal Road), **SHAHABUDDIN**, S/o. Rahmatullah, R/o. Mohalla Takiya, Jarwal Kasba, Dist. Bahraich (detained in PS Jarwal Road), **MD FAHAD @ GOLU**, S/o. Md Shamim, R/o. Mohalla Chauk, Jarwal Kasba, Dist. Bahraich (detained in PS Jarwal Road), **SHAFIUR RAHMAN**, S/o. Jaleel Ahmad, R/o. Village Bailnapara @ Husaainpur, Post Pyare Pur, PS Kaisarganj, Dist. Bahraich (detained in PS Kaisarganj), **JASEEM AHMAD**, S/o. Ghulam Md, R/o. Village & Post Gandara, PS Kaisarganj, Dist. Bahraich (detained in PS Kaisarganj), **KALEEM AHMAD**, S/o. Saleem Khan, Gandara Bagh, Post Gandara, PS Kaisarganj, Dist. Bahraich (detained in PS Kaisarganj);

SARVAR ALI, S/o. Abbas, R/o. Village Gogwan, PS Kairana, Dist. Shamli (detained in PS Kairana), **MUFTI ZUBAIR**, S/o. Shafat Khan, R/o. Mohalla Neela Roza, PS Jhinjana, Dist. Shamli (detained in PS Jhinjana), and were detained in the respective jurisdictional police stations.

HOUSE ARREST:

MD FAHEEM, S/o. Md Haneef, R/o Village Sohariya , PS Rampur Kalan, Dist. Sitapur and **MUKEET AHMAD**, S/o. Naeem Ahmad, R/o Village Asodar, PS Khairabad, Dist. Sitapur were house arrested on the whole day. Later Mukeet was brought to the police station with undue influence and enquired in illegal manner and then left him.

ILLEGAL ENTRY AND ARBITRARY NIGHT RAIDS IN MUSLIM HOUSES

The houses of **SHER KHAN**, S/o. Late Hameedullah Khan, Pata. Salar ganj, Eidgah Road, Bahraich, **MALIK MOHAMMED HASHMI**, S/o. Khaleel Ahmad, Mohalla Salarganj, Near

Water Tank, Khushbu Montesri School Gali, PS Dargah, Dist. Bahraich, **MOHAMMAD SHUAIB @ SUAIB ALAM**, S/o. Mohammad Firoz, R/o. Nikat Zohra Nursing Home, Meerpur Kasba, Bahraich-271801, **ASHFAQ AHMAD**, S/o. Mushtaq Ahmad, R/o. Salarganj, Nikat Pani Tanki, Bahraich-271801, **MOULANA NISAR**, S/o. Mohd. Yunus, R/o. Mohallah Dargah Shareef, Palhibag, Bahraich Post, Dist. Bahraich-271801, **MD ANWAR**, S/o. Late Sayid Ahmad, R/o. Qazi Pura, Nikat Jama Masjid, Bahraich-271801 and **RIZWAN**, S/o. Maqbool Ahmad, R/o. Mohalla Salarganj, Nai Basti, PS Dargah, Bahraich and house of **WAHIDUL HASAN**, R/o. Banaras were illegally barged into and some of them were arbitrarily raided in the mid-night by the police; and the family members including womn were severely threatened. The intention of the police by their attitude of enquiring about these Muslim youths in and around their areas is to create a bad impression about them in their localities.

THREAT OF POLICE OVER PHONE

MOULANA MAQSUM AHAMD, S/o. Yusuf, R/o. Village Jaita Bazar, Post Jaita Bazar, PS Baundi, Dist. Bahraich-271902 at present working in a Masjid at Lucknow. He was indirectly threatened by the Baundi PS police through his brothers in the absence of Maqsoom, viz., one younger brother MEHMOOD at his home in Bahraich and over Mehmood's mobile phone, another elder brother Abdul Qayoom who was at Lucknow, was called and threatened; **LUQMAN**, S/o. Nammoo Khan, R/o. Tendua, Niyamatpur Labarha, Dist. Sitapur-261203, and **MD ANEESH**, S/o. Md Siddiq, R/o. Tendua Bhauri, Niyamatpur Labarha, Dist. Sitapur-261203 in Sitapur were threatened by the police cover phone calls over the day.

ARBITRARY RAIDS AND HARASSMENT IN WESTERN UP

In the Western part of UP, 18 houses of Muslims were arbitrarily raided by the police illegally and some of them were threatened to face dire consequences. Some cases from Shamli district are listed below:

- Police entered into the house of **ZABIR HASAN**, S/o. Zahoor, R/o. Pawti Kala, PS Kairana, Dist. Shamli in the night through the neighbour's roof as the trespassers and threatened him that he will be arraigned in false case if he didn't stop supporting PFI.
- Police threatened the family members of **SUFIYAN**, S/o. Irshad, R/o. Chosana, PS Jhinjana, Dist. Shamli asking them to send him to police station within an hour; otherwise they would slap false case against Sufiyan.
- **MUFTI ZUBAIR**, S/o. Shafat Khan, R/o. Mohalla Neela Roza, PS Jhinjana, Dist. Shamli was illegally detained in the police station for 18 hours and was coerced to quit Social Democratic Party of India (SDPI), for its Babri Masjid campaign.
- After illegally entering into the house of **SHAHID**, S/o. Sageer R/o Chosaan, PS Jhinjana, Dist. Shamli the police asked him not to support anti-CAA movement; threatened him to be ready to go to jail, otherwise.

- During the mid-night raid and illegal entry into the house of **FARHAN**, S/o. Wakeel R/o Chosaan, PS Jhinjana, Dist. Shamli the police threatened his family members that they would encounter Farhan, if he was not sent to the Police Station (PS) within one hour and also threatened that he should not campaign for Babri Masjid and should leave PFI immediately.
- Houses of **DR. GUFAN, MOULANA RIZWAN, ISRAR** of Shamli were also raided in illegal manner.
- Police took a snap of **ATEEQUR RAHMAN**, S/o. Ronak Ali, R/o. Rayawali Nagla, PS Ratanpuri, Muzaffarnagar in the mobile phone camera at his house, after the illegal entry into it.
- Apart from Ateequr Rahman, many houses of Muslims in Muzaffar Nagar were also arbitrarily raided by the police.

RE-ARREST OF MIZBA IRFAN @ SALMAN AHMED

Even though, the Muslim journalism student **MIZBA IRFAN @ SALMAN AHMED** of Bahraich was released after 24 hours of the preventive detention on 5th August by the Jarwal Road PS personnel, he was again arrested by the local police in a night raid on 14th August, just because he shared the poster on WhatsApp with a hashtag #RSSseAzadi. He is still in jail.

HARASSMENT IN EAST UP

Wasif belongs to Unnao. He came to his sister's house at Barabanki. About 10 policemen came to that house on 4th August, at 11:30 PM in search for his brother-in-law Md Ashfaq, who was not there. Police assaulted his sister and threw out the household items and then forcefully arrested him and tortured mentally and released the next day at 11:00 PM.

In Nadeem's case also, around 8 to 10 police personnel from Kursi PS came in two vehicles in the late night of 4th August around 10.30 pm and barged into his house without any authority; wrecked the house indiscriminately and made it upside down. As Nadeem was not there, they took his brother Faheem and threatened Nadeem's wife that if Nadeem didn't come to police station, they would face dire consequences. After Nadeem arrived at home, he went to the PS to release his brother. But, both were detained. Nadeem's relative Alauddin belongs to that locality was also taken by the police for the want of Nadeem.

DESHDROHI SLANG BY POLICE

During the detention in Lucknow, Barabanki, Bahraich, Sitapur and Banaras, the Muslim youths were scolded by police officials as Deshdrohi and abused them and their religion, in foul language.

NO WOMEN POLICE

Throwing the legal procedures into air, the UP police forcefully entered into the houses of Muslims, in which the ladies are dwelling in late night without women cops and conducted searches and raids, which is against the dictum laid down by the hon'ble apex court in "*Kharak Singh Vs State of UP (1963 AIR 1295)*".

5 CASES AND 6 ARRESTS

Out of 19 persons detained, 13 were released in the night on August 5 and next day and later. Six were booked in false and fabricated cases. Nadeem, who is the adhoc committee member of a social organization Popular Front of India, UP was arrested in two cases by the Kursi PS in Barbanki, Abdul Majeed was arrested in one case by the Kakori PS in Lucknow, Md Aleem, Qamaruddin @ Qamar Babu and Sahibe Alam were arrested in one case by the Jarwal Road PS in Bahraich and Dr. Sarwar Ali was arrested in one case by Kairana PS in Shamli.

Among the above mentioned arrestees, three belong to Bahraich, Nadeem of Barabanki and Sarwar Ali of Shamli were granted bail after few days by the respective local courts. The bail application of ABDUL MAJEED (PS. Kakori, CR No. 441 of 2020, u/s. 153A, 153B, 295 A, 298, 505(1)(B), 505(2) of IPC) was dismissed by the learned Assistant Chief Judicial Magistrate (ACJM) of Lucknow and the next bail application before the Principal & Sessions Judge is pending.

CUSTODIAL TORTURE

After the detention of Nadeem on the night around 11 pm at Kursi PS, he was tortured at the police station. His mother Abida Khatun sent complaint about the torture to the Superintendent of Police (SP), District Magistrate (DM), Director General of Police (DGP), UP Home Secretary, National Human Rights Commission (NHRC) and Hon'ble Chief Justice of Allahabad High Court by email on 5th August itself and the copy of the complaint was sent to them by speed post the next day. Since no action was taken on the complaints, even after three days, a Habeas Corpus Petition (HCP) was filed by his mother before the Lucknow Bench of Allahabad High Court on 7th August to protect the life and liberty of Nadeem who had been in illegal custody for three days (till 7th August) and been tortured. Even though, the Advocate requested the Bench to consider the petition in priority, the Bench refused. If such petitions are not entertained with due importance by the higher courts, efforts to prevent custodial torture/deaths will remain meaningless; especially, where lawlessness and police raj prevail. Meanwhile, in the evening of 7th August around 05.50 pm his brother Faheem, was again taken from home and detained in the PS and arrest was shown after taking his signature in many documents and blank sheets by threatening him. Then, next day on 8th August, after 6:00 pm, the Kursi PS produced him before the ACJM and remanded.

CONSPIRACY OF THE POLICE AND APPROACH OF THE COURT

Nadeem was arraigned in two cases, one under Arms Act and another u/s 153(A) of IPC. The police showed the arrest only in Arms Act case and remanded him. During the remand,

the lawyer of Nadeem filed a petition seeking medical examination and to revoke the remand, since the case was falsely implicated. He also cited that the police wantonly hid the second case and didn't mention the arrest in it. This is the tactic of UP police. Whenever they register more than one case against any person, they won't mention all cases. If the accused is granted bail in the first case, they would arrest him in the second case and wouldn't let him come out of jail. This is the conspiracy of UP police practicing there. Even after Nadeem's lawyers mentioned about that, the police didn't show the arrest in the second case. The court endorsed the remand in first case and the ACJM told the lawyer that Nadeem will be issued summons after filing the charge-sheet in the second case. Appearance is enough by then in that case. But the ACJM refused to accept the plea for medical examination to Nadeem citing that the police had already taken him to hospital and had produced proof. It is also one of the deceitful exercises being carried out by the UP police. Hand-in-glove with the government hospital doctors they bring the accused person to the hospital and the doctor would give the medical certificate without examining the person. Even though Sec. 54 of CrPC and the direction of the Hon'ble Apex Court in "*Sheela Barse Vs State of Maharashtra (1983 AIR 378)*" case mandated the learned Judicial Magistrate to provide medical examination, it was denied by the ACJM in Nadeem's case. Apart from that he was taken to the court handcuffed and tied with a rope around his waist as an animal, which is also a usual practice of UP police of treating the accused persons. The Apex court had clearly directed the police in "*Citizens For Democracy Vs State of Assam (AIR 1996 SC 2193)*" case that handcuffing the accused is an inhuman act. It is being violated by the UP police. When Nadeem was produced before the ACJM he complained about torture, fabricated case and about handcuffing. It is not sure whether the ACJM had recorded it or not. In the name of Covid19 pandemic, nobody is allowed to access the case documents in the courts.

REMAND BY COURT STAFF IN SHAMLI

Almost the same violations happened in Sarwar Ali case also. He was also tortured by the police of Kairana PS in Shamli. When he was produced before the learned Duty Magistrate, Sarwar Ali was not given a chance to report the maltreatment of the police in the custody and the illegalities including handcuffing. In the name of Covid19 pandemic, the learned Duty Magistrate was inside the chamber. Dr. Sarwar Ali was produced before the court staff only and they have completed all formalities. In such a way, the rights of the accused are denied and go unnoticed even by the higher courts.

The officials Uttar Pradesh police in the respective jurisdictions grossly violated the legal procedures and the mandates of the Hon'ble Supreme Court of India as follows:

1. Nadeem was kept in illegal custody for four days viz., from 4th August night around 11.00 pm to 8th August evening around 6.00 pm which is the violation of ***DK Basu case guidelines, Art. 20(3), 21, 22(1), 22(2) of the Constitution of India and Sec. 2(1)(d) and (f) of the Human Rights (Protection) Act, 1993***
2. Custodial Torture by the respective PS police personnel to Nadeem, Barabanki and Sarwar Ali, Shamli, which is the violation of ***"DK Basu case guidelines", "Art. 20(3), 21, 22(1), 22(2) of the Constitution of India"*** and ***"Sec. 2(1)(d) and (f) of the Human Rights (Protection) Act, 1993"***.

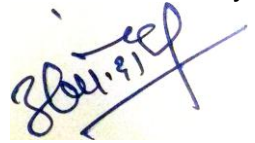
3. Handcuffing and roping to Nadeem, Barabanki and Sarvar Ali, Shamli, which is the violation of the direction of the Hon'ble Apex Court in "**Citizens For Democracy Vs State of Assam (AIR 1996 SC 2193)**".
4. The mandate of "**Sec. 54 of CrPC**" and the ruling of the Hon'ble Apex Court in "**Sheela Barse Vs State of Maharashtra (1983 AIR 378)**" was not fulfilled by the concerned learned Judicial Magistrates during the production of Nadeem, Barabanki and Sarvar Ali, Shamli for judicial remand.
5. During the detention of arrestees from their respective houses, inquiry in the houses, illegally trespassed into the houses in the name of inquiry and raids the guidelines of *DK Basu* were not followed. The police personnel didn't bear/ show their identity cards. Most of them were in the civil dress. When asked about their names and identity the victims were threatened. Most of the raids were at the midnights, which was the violation of "**Kharak Singh Vs State of UP (1963 AIR 1295)**".
6. During the night-raids or day-time raid at the houses of Muslims, in which the ladies are dwelling, the appropriate legal procedures were not followed by the police as well as no women police was accompanied, which was not only the gross violation of women's rights; it was endangered to the safety and protection of the women also.
7. After arrest and before the judicial remand, during the interrogation of Nadeem, Barabanki and Sarvar Ali, Shamli by many unknown persons in the civil dress, who came to the lock-up of the respective police stations and carried out interrogation in illegal manner. When Nadeem and Sarvar asked about their name and identity they didn't disclose. Details of such persons even didn't enter in the register of the respective police stations. This is the violation of **DK Basu case guidelines** and **Sec. 2(1)(d) and (f) of the Human Rights (Protection) Act, 1993**
8. The police personnel who are the public servant should act neutral, impartial and honest. But, here the police officials have been acted with religious discrimination and with anti-Muslim sentiment; and targeting the youths of the Muslim community to make them the scapegoats for the happenings of anything and approaching the Muslim community with a step-motherly treatment. Such act, attitude and approach of the police personnel related to the issues raised as above, are the clear cut violation of "**Section 4(1) of the UP Government Servant's Conduct Rules, 1956**" in which described as "**Equal treatment for all - Every Government servant shall accord equal treatment to people irrespective of their caste, sect or religion**".

PRAYER

The officials of Uttar Pradesh police in the respective jurisdictions grossly violated the legal procedures and the mandates of the Hon'ble Supreme Court of India as well as involved in the Religious profiling, isolation of Muslim youths in the eye of the society on the eve of the Bhoomi Pujan of Ram Temple at Ayodhya on August 5; Illegal detention, Arbitrary raids, Arrests, Harassment And Custodial Torture by Uttar Pradesh Police in different districts. Hence, I request the Hon'ble Commission to conduct an independent investigation into the illegalities and demanded appropriate action against errant officials in Barabanki, Lucknow, Bahraich, Sitapur, Banaras, Muzaffarnagar and Shamli in the interest of justice.

Thanking You

Yours Sincerely



Encl: Photograph of Nadeem handcuffed and roped