

L RAVI CHANDRAN'S REPORT

The Honourable Commission for Minorities Ravi Chandran Advocate Commission vide Letter No75/MC-B (2)/07-2 dated 14-09-2007 appointed the undersigned to conduct an investigation into the matter, adopting such means and methods as you deem proper " Dr. Mahender Reddy Professor of Forensic Department Kamineni Hospital also accompanied the team that visited the Cheraiapally Jail The Commission also took the assistance of certain representative of NGOs to part take in the process and see for themselves the state of the persons lodged at the Cheralapalli Jail The other persons who came along with the Commission were Ms Nirmala Gopalakrishnan of Apna Watan, Ms. Anuradha of Aman Vedika and Afsar from PUKAR (COVA) At the outside the Commission would like to place on record its word of appreciation to the Jail Superintendent of the Cherapalli Jail and his support staff for giving full cooperation and letting the team meet up with the inmates in furtherance of the warrant. The staff was cooperative and did not raise any objections and extended the necessary facility and security during the course of the investigation.

It is also relevant to point out that none of persons interviewed made any complaint of the jail authorities or about being ill treated or harassed by the Jail Authorities. In fact most of them had words of praise for the jail authorities. It is also contextually relevant to point out that many of them are housed in a prison called Papagni. The cells house either one or two inmates. The rooms are clean . The inmates who seem to be responsible to maintain the individual cells are keeping it clean. A mere glance at the rooms would reveal that they have food like pickles for their use. They also have the holy book and other basic amenities like water, light and fan.

The A.P. State Minorities Commission has appointed an advocate commissioner to investigate and report on certain allegations of abuse of Minority by officials of the police department.

A report stands received as an interim report from the advocate commissioner appointed by the Commission.

The Commission has noted with serious concern that the report inter alia and at this stage itself records the following as features noted by the advocate Commissioner and the medical forensic expert who had gone with him as part of his team

That order in not more imp than law.

That breakdown of one leads to crumbling of the other

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

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

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

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

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

That these allegations are not without cause

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

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

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

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

That such a simmering discontent can snowball into an irretrievable divide

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

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

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

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

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

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

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

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

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

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

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

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

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

The Commission feels that there is no point in further detailing the injuries described. As the advocate Commissioner has pointed out, these are not self inflicted, these obviously

arose during police custody, custodial atrocities on young detainees all minority persons stand proved, the fact that the youths could not bring these on record on production before Magistrates shows how the system has failed to protect the rights of detainees... the list can go on.

The A.P. State Minorities Commission has been receiving reports of rights violations and discriminatory treatment vis-a-vis minorities, reading about the same in the press, and seeing video reports of the same on news networks and receiving representations from abroad as well.

The Commission is aware of the inappropriate usage of terms like Islamic, Jehadi, etc., in relation to acts hostile to the nation, unmindful of the reality that such irresponsible linguistic misuse leaves a lasting impact on any reader's mind, wrongly creating an unnecessary, unwarranted linkage between a specific minority group and such hostile acts.

The readers include government officials including police officials, and it is imperative that long misuse of words import into them undesirable and unjustified connotations. Perhaps as a result of such inappropriate usage, a subjective feeling appears to have begun to affect the thinking of a section of officials to the extent of leading them, immediately on such an act being committed, to making public pronouncements linking names associated with Muslim groups abroad with the same, much before any evidence could have been accessed; such officials routinely treated minority group members

as either automatically suspect, or actually involved in such hostile acts, causing the State's response to situations being seen as affected by bias against minorities.

The Commission is acutely alive to the threat to societal harmony that such perceptions in the minds of minority group members can lead to, as also the potential for mischief that such officials' mindset harbours, and is conscious of the need for addressing the same urgently. The Commission notes that the investigation after the blast at Mecca Masjid was in relative terms, an exercise that showed none of the vigour and sternness that the investigation after the twin blasts at Gokul Chat and Lumbini Park demonstrated. The fact that only Muslims were the victims in the first blast and the subsequent firing by police causing further deaths, has not gone unnoticed among the minority citizens.

The Commission notes that despite the growing public outcry at the State's response to the manner of detentions and treatment of suspects in the aftermath of the blasts, the State has not adopted any confidence building measures vis-a-vis the minority groups and this has left open a lacuna that can admit of exploitation to lead minority youth astray.

The Commission had appointed a panel to ascertain the facts with regard to allegations of wrongful detention and ill-treatment of Muslim youths by the police, amidst allegations of violations of rights and wrongful confinement and torture by police officials, and has received an interim report establishing prima facie such acts. The report has been sent to the Commission's legal advisor for opinion and action shall follow on the same in due course. The final report which is expected to provide greater detail of each victim is awaited.

The Commission has been seeking opinions from various quarters on the manner of effectively addressing the same. One issue that results in constant violations is the treatment of citizens from deprived sections, including and especially minorities, by the police.

To deal with these and create more meaningful interactions, one of the proposals constantly voiced by groups of citizens and human rights activists is the establishment of a 24-hour help line to register complaints against the administration, including the police

The Commission has determined that citizens require the reassurance that will come from making available a continuously functioning mechanism that addresses these complaints and events as an evolving flow, rather than having a event-responding body that acts only after distressing events have taken place already.

The Commission has in the circumstances felt the need to address the situation urgently and effectively, and has determined that this initiative of setting up a 24-Hour Helpline would be an appropriate mechanism for the purpose.

The Commission has therefore determined that what is needed, and will better sub-serve the mandate under which they were respectively created, is a Helpline unit manned 24 hours, with the following additional requirements to make it an effective tool to redress the public grievances in such matters.

The Commission has been discharging crucial functions and it is felt necessary now to have a proper interface between the citizens and the Commission to enhance the effectiveness of the Commission's working.

All violations result in deprivation of rights, and a violation of rights which set an overlap vis-a-vis general human rights and specific minority rights, can best be addressed by both agencies working together. For this purpose a joint or collaborative venture between the Commission in association with the A.P. State Human rights Commission can also be considered after a Help Line for the Commission, set up as herein, has begun to work effectively. This will result not only in coordinated result-oriented effort, but will also be cost-effective and preserve valuable resources for optimal application where most needed.

Such an interface can be in the form of a 24 hour HelpLine, which must have the attributes shall reflect the measures that shall be enforced to make officials properly responsive to citizen rights and accountable for meeting citizen needs. The HelpLine shall be an effective mechanism to ensure recognition of the concerned rights and their upholding in a manner more consistent with internationally acknowledged standards in Indian Treaty Obligations as well as Indian Constitutional and Statutory mandates.

The A.P. State Minority Commission had been working on the proposal for setting up a 24-hour helpline for Minorities, and the above report having lent immediacy to the exercise, the Commission has determined to proceed to send its recommendations on the matter including also the draft of the said proposed helpline.

Having read the report of the advocate commissioner/ and the medical observations, discussed the matter with focus on the law, and having given the Commission's anxious consideration to the contents, deliberated upon the implications, and the awareness of the several meetings being held all over the city by prominent citizens, the Commission cannot be oblivious to the likely consequences of feelings of alienation in any section of society, both for the political establishment, the issue of rule of law, the issue of integration of all sections in the "mainstream" of national life, the nurturing role the State has to play vis-a-vis its minorities consistent with its duties under international instruments it has either ratified or been a signatory to.

Here the Commission must point out that the Government of the day has set up and begun implementing In real earnest, a number of welfare schemes especially aimed at benefiting minority sections of society, and these have been the source of a growing feeling of belonging in marginalised sections, who have shown a response indicative of the realisation that the feeling of neglect is replaced by one of awareness of being nursed back to health. While so, a small section from one agency or two agencies cannot and should not be allowed to tarnish the image of the Government. There is every possibility that officers with an undesirable or ideological slant have committed grave excesses, and are deliberately playing into the hands of those who wish to tarnish the fair image of the present government, and thereafter capitalise on the feeling of resentment that will accrue in the minds of the Muslim Community. The objective seems to be to contrive a disastrous political fall-out with an eye on future elections. Police officers, who ought to know better, have begun to behave in a manner calculated to leave all decent thinking citizens, irrespective of which Community they belong to, seething with anger. If the Muslim community is thus left with the feeling that it will not get justice at the hands of the system, and they must of necessity resort to self-help measures, then the situation will be exploited by elements inimical to the nation's integrity, to lure the youth of the community to extralegal methods of addressing grievances.

Under the circumstances, it becomes the duty of the Commission to suggest the following measure to bring back normalcy, restore confidence and ensure accountability of all

officials of all departments as regards observance of procedural safeguards to prevent such events.

The Commission therefore submits, with this interim report, the following further recommendation for implementation by the State Government and it is being sent simultaneously to the National Minorities Commission.

It is hoped the measure will yield desired results.

A 24-Hour Helpline for Citizens to cover Human Rights and Minorities' Rights violations
in Andhra Pradesh
An initiative of
A.P. State Minorities Commission

The HelpLine must have the following attributes and features:

- 1 The 24-Hour Helpline must address needs of citizens on minority rights issues as well as human rights issues

- 2 The Helpline must be manned by responsible officials and citizens. It shall be located in every Town and City, and each District Headquarter shall have one for access to all villages in that district. The citizens officiating shall be nominated by a consortium of NGOs that have been in existence for a period of at least three years prior to this date, each such NGO having the right to nominate one person on a panel that shall be free to make surprise visits to such HelpLine units to oversee and monitor their performance and progress. The officials concerned shall be accountable and report to the Minorities Commission and shall in their operations be subject to supervisory control by a Review Panel as defined below.

3. Each incoming telephone call to the HelpLine must be automatically electronically logged, and from first ring be automatically electronically taped and filed by reference to i) time and date; ii) place of origin; iii) full name of person contacting and iv) right of which violation is complained of, and must be documented, with time taken for response- officials contacted, action taken, report/s filed, etc. Each direct approach shall be similarly noted. Each shall be immediately uploaded on to the HelpLine Web Site (as below) as soon as possible.

4. The Helpline must be electronically notified by the detaining official/s and the concerned SHO, of each arrest and/or calling of persons to police stations for interrogation/investigation, with each detainee's medical condition on being first

detained or first called ascertained by competent medical professionals and communicated to the Helpline.

5. The entries must be routinely reviewed by Minority Commission designates and/or review Panel member, weekly or fortnightly and their findings be forthwith released to the media which shall have free access to all material on which the findings have been based
6. All aberrations must be brought to notice of the Commission by such staff in writing and ATRs made and filed for each
7. All entries and ATRs must be available for scrutiny by news agencies as well as any person attached to any civil rights group; all entries and ATRs must be available as certified copies to any person easily and without bureaucratic delay; these shall be subject to review by a panel that shall meet monthly or where exigencies of a situation demands, at more frequent intervals, as its members deem fit; the panel, called Review Panel, shall comprise of three persons, one each of whom shall be designated by the High Court of the State, the Human Rights Commission of the State and the Minorities Commission of the State; the panel members shall comprise at least two persons from minority groups, and shall have a fixed tenure of three year.", and not be available for re-designation for at least one term after their current term ends; a vacancy arising for any reason shall be filled by the source which had made the designation in the first place, the new incumbent's term expiring with the rest of the panel, and re-designation being subject to the same terms
8. The CMO as well as the Leader of the Opposition in the Legislature shall be also notified of any aberrations by Human Rights Commission and Minority Commission staff in writing and ATRs made and filed for each
9. The Helpline unit must have officers trained in human rights issues and constitutional guarantee issues for minorities, and aware of processes and methods involved in addressing claims of violations; the HelpLine unit shall follow written guidelines and procedures to address claims of violations, and have checklists to ensure areas are not overlooked; instance of inability to immediately respond to complaints of violations must be stated clearly and reasons if any ascertained, the information being placed for recommendations of the Review Panel which shall then send its recommendations to the Chief Minister, Speaker of the Legislative Assembly, and Forward copies

also to Human Rights and Minority Commissions. The Helpline may also enroll the service of citizens with a record for public service and contribution on rights issues

10. A web site must be created for the Helpline and the same will be accessible to the public and put all public domain, including instances, responses, officials commended for contributions, officials adversely commented upon, ATRs, and the web site must be updated on a monthly basis, and shall also include links to other agencies and groups that work in the minority rights areas
11. Billboards must be erected at prominent places of resort by poor and common people informing them of their rights, the setting up of the 24-Hour Helpline, and how to go about making complaints of violations; pamphlets intimating the same shall be distributed in Urdu, English and Telugu in all mosques, temples, gurdwaras, churches, synagogues, etc., where minority citizens would usually be likely to congregate as also television channels, and news publications
12. Any refusal to register complaints or issue certified copies or acknowledgement's of complaints by officials must be made a cognizable and non-bailable offence, just like for persons accused of making caste based derogatory remarks about SCs / STs etc.
13. All pro-active steps by all officials must result in their being issued with certificates stating their contribution to the cause of upholding Human Rights and Minority Rights - these must be counted in determining suitability for promotions and salary hikes - if these steps are not associated with the responses, there is no incentive for officials to properly respect enshrined rights and honour the same
14. All officials held guilty of violating either Human Rights or Minority Rights must suffer demotion in rank as well as face a five-year transfer out of the concerned jurisdiction - these effects must find mention in such officials' ACRs and stand counted in determining suitability for promotions and salary hikes - if these steps are not associated with the responses, there is no disincentive for officials who would prefer to ignore rights or violate the same
15. All complainants must be monitored regularly on a monthly basis for two years to ensure there is no harassment of complainants by officials, and any

harassment established prima facie must result in immediate suspension of the officials concerned, and upon adverse finding such officials should be dismissed

15. On any detention, the identity of the detaining officer, the number of the vehicle used, its driver and other occupants, the time and circumstances of arrest must be immediately telegraphically notified to the family of the detainee, the A P State Minorities Commission and the Human Rights Commission; this will eliminate events like unlawful detention, non-production before magistrates in time, etc., and ensure that telegrams are actually sent and there is no assertion of sending and non-receipt of such communications; further, the result of the detainee's medical examination must within two hours of detention be telegraphically notified to the family of the detainee, the A P State Minorities Commission and the Human Rights Commission

17. All complainants must where the complaint is against persons holding high office (the term "holding high office" can be defined, and include Ministers, MPs, MLAs and MLCs) to be monitored regularly as above and also at request complainants provided with some security to ensure there is no harassment of complainants by such persons or their supporters

18. The Minorities Commission and the State Human Rights Commission can each or jointly interact with or authorize not one but several rights groups and NGOs to participate in the setting up and running of the Help Desk; that way citizens approaching the same can be assured of a more user friendly atmosphere; all such participative bodies inclusive of but not restricted to NGOs and citizens, shall be subject to over-all supervision and control by the Review Panel which shall be entitled to pass administrative orders extending or curtailing their participation for better functioning of the HelpLine units, without necessity for detailed speaking orders

19. Rights groups and NGOs can develop one or more networks on their own and get connected to the Minorities Commission HelpLine and various other linked agencies; these private networks are likely to be more motivated and able to constantly monitor any violations, assist citizens to access the proper forum, later also working to build up a support mechanism for victims and create a frame-work for participative witness protection

20. The inquiry mechanism to make inquiries against officials prima facie found to have violated rights, should involve an agency equivalent to one investigating atrocities against SCs and STs, and have power to reach any record in any office inclusive of search and seiz, powers of places of work/residence of concerned officers without further clearance or sanction

being required. All punishments meted out to violators should be of the same type and extent as for offences involving atrocities against SCs and STs.

21. Staff of the HelpLine must be predominantly from minority groups with a majority of staff comprising women and persons from other underprivileged sections of society.

22. The HelpLine must have a HelpDesk to work at which student volunteers can come forward; such association can be made part of the curriculum for social science and social work related courses.

23. Regular workshops can be conducted on relevant topics, and participation in such workshops must be made mandatory for training courses for all state agencies inclusive of Home Guards, Police and Paramilitary units, and form part of course curriculum for officer trainees of the Government.

24. Just like passing a certain standard of fluency in Telugu is mandatory for all government officials, passing a certain standard of fluency in Urdu must be similarly made compulsory, as it is seen that in many government offices, Muslims who are unable to speak in Telugu are deliberately addressed only in Telugu by staff, despite Urdu being the Second Official Language of the State, resulting in their being denied real participative opportunity in the disposal of their work; likewise, passing a course in Human Rights and Minority Rights must be made mandatory for all government officials

25. Some of these features require legislation by the State while others require funding by the State; in each case it is necessary that the State "walk the talk" by immediately providing those resources to make the honouring of all rights perceptibly felt by the citizens; to start with the unutilised annual budgetary allocation of the Minority Commission and other bodies which have the objective of furthering the cause of minority rights, can be expended for the purpose till a separate budgetary allocation is made

26. If the State finds funding an issue, then funding can be easily had from private business houses who can be given the right to use their name and logo in conjunction with the service; just as the ambulance service pioneered by a private group has tied up with the State to make available a crucial life saving facility for citizens in physical distress, so can a HelpLine be created using business house sponsorships to defray part of the initial costs : a Tata HelpLine, Aditya Birla HelpLine, Reliance HelpLine, GMR HelpLine, or one named after a funding NGO can easily be envisaged. This is not to detract from the crucial fact that the duty being primarily that of the State, the State must provide the funds even for such action groups setting up a HelpLine or any alternative

mechanism; any group desirous of setting up such a HelpLine may contact the Minorities Commission for its proposals to be relayed to the Government if found suitable by the Commission

27. With the involvement of a telecommunication company, state of the art telecommunications links including video imagery can be made available to the Helpline, and therefore a joint venture between a telecommunication company and another business house or NGO on one hand, and the A.P. State Minorities Commission and/or the A.P. State Human Rights Commission on the other hand, can easily become a reality

28. Citizens groups spearheading the proposals that have gone into the formulation of the above suggestions have indicated a desire to proceed with such a step if the State defers the matter, and hence rather than lose the initiative to private bodies the Commission proposes to host a two day conference on setting up the HelpLine, inviting similar Commissions from other states to also participate, extending invitations to industry, NGOs and prominent citizens and activists; it is expected the deliberations will substantially advance the process towards making the HelpLine a reality much faster

The A.P. State Minorities Commission strongly recommends the above be urgently favourably considered by the State Government and steps initiated to actualize the same as soon as possible.

Yusuf Qureshi, Chairman
A.P. State Minorities Commission

Before relating the various statements made by the inmates it is very pertinent to state that the entire episode seems very traumatic and allegations do not seem out of place. Speaking of the concentration camps during the Second World War the famous writer and Nobel Laureate Elie Wiesel said "By night we yearned for dawn, at dawn we prayed that night might come. From that day on I was like a man who feels blindness overtaking him. The total lack of faith in the system and a sense that they have all been done in is visible and contagious. In the context of the times we live in and the collective sense of social helplessness it could be a feel of alarm. The theme of the allegations were the same. Some details different. Somewhere in the city of Hyderabad a savage mind detailed the bomb blasts. Somehow some inhuman hands got it working. Societal response to this criminal act cannot be vengeful, much less with the authority of law. Law does not permit it. In a system governed by the Rule of Law "order" is not more important than "law" The failure of one leads to the crumbling of the other. The tales of woe recollected with nauseating similarity haunts the nights late into the nightmares of the young boys huddled in the cells. All voice the emotion of persecution. Persecution for the faith they prophesise. A method is seen in the alleged form of arrest and treatment thereafter. There is no denial that most of the detainees carry some tell tale signs of body abuse. They are obviously not self inflicted. The fact that none of them were noticed when the persons were sent to judicial remand is a sad tale of how the arrests have been made and how the persons detained have not been able to point out the same at the time of their production before the Magistrate.

A statement of the detainees, the date of their alleged arrest and the allegation of each person is given as Annexure B to this report.

It is relevant to point out that all the inmates make a common complaint of improper arrest and physical abuse. The fact also remains as seen from the statement of the medical expert that injuries of some kind or the other is visible in many of the inmates.

A detailed statement on this will be submitted later and not as part of this interim report. However the statement of the Doctor is being filed as Annexure C.

It is interesting to note that of the 20 persons listed the Commission could not see seven persons. Of the remaining 13 persons injury of some kind is visible in 9 of them. This points out that there is some truth in the story of the persons detained. Among them in three cases the Jail record also show injuries at the time of admission - in the cases of S. Nos 2,17 and 19. The initial record of the Jail Office is filed as Annexure D,E and F. No explanation is forthcoming explaining these injuries and therefore it is only safe to assume that they be attributed to the sources mentioned by the persons who have suffered such injuries.

Before proceeding any further it is also important to point out that independent habeas corpus writ petitions have been filed in some cases. For instance in the case of Ibrahim Ali Junaid (S.No.17), the writ petition is filed on 5th September 2007. It is his case that he was apprehended on 3rd September. The deponent to the affidavit also states that he has been missing since 3rd September. Even on 5th September he was obviously missing and that lead to filing of the writ petition. Apart from filing a habeas corpus writ petition, the members of his family have also sent a telegram parallel with the filing of the writ petition. The telegram and the regular writ petitions are numbered as W.P.19082 of 2007 and W.P. 19166 of 2007. copy of the affidavit filed in support of the writ petition is filed for ready reference as Annexure G The Inspector of Police Rein Bazar has filed a counter affidavit in the said writ petition stating that he was detained on 08-09-2007. A copy of the counter affidavit is filed as Annexure H. The

matter is sub judice. It is only relevant to. Point out that while the habeas corpus writ petition was filed on 5th September it is the official stand that the arrest was made on 08-09-2007. It seems too far fetched to believe that the habeas corpus could have been filed apprehending the arrest in advance and later the person was detained.

It is relevant to point out that members from the families of many of the above mentioned persons have also made statements before the Commission. Details of the same will be spelt out at the stage of the final report. It is however necessary to point out in this context that there are two specific instances that require to be brought on record. That the parents of one Mohd Abdul Majid complain that their son has been missing since September 1,2007. They too moved the Honourable High court by filing W.P. 19308 of 2007. The official respondents in the said writ petition have denied the arrest. Copies of the affidavit and the counter affidavit are filed as Annexure I and J .

Yet another case to be mentioned is that of Hafeez Mohd Bilal Muftahee who appeared before the Commission and told his tale of woe. He detailed how he was picked from his house by the police on September 2 at 2 am and was not produced before any court. He also gives a detailed description of physical and mental abuse by the police officers. Blunt injuries on the person are reflected in a medical certificate given after being examined by Osmania General Hospital after he was referred to the Hospital by the Human rights commission. A copy of the medical certificate is filed as Annexure K . He also complains that even the cell phone taken away by the -police has not been returned to him till date.

The above detailed statements would reveal that the allegations and apprehensions are not without cause. There is a simmering sense of anger and helplessness. A feeling that they are being picked up and ill treated just because they belong to a certain community- a minority community at that. Assuming that the same is false even then the matter may require serious consideration on two counts.

The officials would have to explain the manner of the arrest of the said persons. The Government may be called upon to explain the circumstances under which all the persons complain of the being literally whisked away, ill treated and being subject to third degree methods. The hurt -some physical but much deeper emotional is all too obvious and it is time a healing process is put in place.

It is still not too late. A citizenry owes a duty to ensure that people are not only safe in a city but also have the sense of safety and belonging. Simmering discontent can snow ball into an irretrievable divide which surely is not healthy. Reminiscent of the hunted in the World War II, these people are a picture of anxiety and concern. It is the duty of the state and its many other agencies to bring back faith in them. De hors the truth or otherwise of the allegation it is scenario that requires attention, correction, rehabilitation and confidence building. To yet again borrow the words of Elie Wiesel

: they symbolise solitude, distress, and the relentless march towards....It is an unhealthy atmosphere to take all wraths with wrath. Wiesel warned speaking of the concentration camps and said "it was impossible that these atrocities could be committed in the middle of the twentieth century while the world stayed silent" If we in the 21st fail to learn lessons from history then we are condemned to repeat it.

If the visit to the Jail and the meeting with the families reveal if a degree of truth then it is a dangerous syndrome. Without reference to the peculiarities of the victims, the bizarre execution of power and a defiant attitude against the procedural guarantees tell a sad tale. If they are all not true (I really really hope so) then the play is too shockingly well rehearsed. On this ground alone it is a theory to be rejected. If all of what they say is true then there is a greater failure of justice than can

be put in words. To repeat, even if there be a modicum of truth in the collective narration of agony and suffering, than we have grossly failed in understanding its implication. Cities and civilizations do not die in a hurry. Many malignancies take their secret toll. Good governments is about recognising limited power. The police must act within the precincts of their legal authority . To concede to them the ultimate authority of our safety and well being is neither the intent nor the content of our law. The failure to follow the requirements oi law as laid down by the Apex court in D.K.Basu A.I.R.1997 SC 610 is a contextual reminder of why procedural law is an important safe guard in a system governed by the Rule of Law. Travelling beyond the communal allegation, the complaint is still serious for it reflects the high handed- albeit well intentioned action of the law enforcing agency. The law enforcing agency in the name of criminal investigation cannot be permitted to violate the law. The day such action gets official sanction or the day such blatant violation is winked at by the people and the Executive the first mourning bells of a dying democracy can be heard.

This Commission in all modesty believes that the Honourable Minority commission must take a pro active role to ensure that the investigating dealing with the twin blast case and the Mecca Masjid case do not go over board with the investigation. Safety in democracy is not only about safety to limb and life in its physical form. The nuances of Article 21 extend to a life with dignity. An oppressive investigative system is a challenge to such a guarantee. Whether such violation is qua a single identified section or a larger citizenry is not so much of relevance. What is at stake is not just the lives of twenty odd young boys living in resigned solitariness in a cell tucked away some where on the periphery of the modern city. What is at stake is the functioning of a healthy democracy. If you have tears prepare to shed them now.

May it please the Honourable commission.