

# FABRICATED!

NATASHA KHAN\*

NILANJANI TANDON\*\*

*Direction: K.P Sasi*

*Camera: Neethu & Deepu*

*Edited by: B.Ajithkumar & Shahil Shaz,*

*Asst. Director: Mustafa Desamangalam/ M. Jisha*

*Title Music: P.K Sajeev*

## **What is Fabricated?**

Fabricated is a 90-minutes documentary film on the cases of Abdul Nasar Maudany and others. This is a story of the post-independent India. Every year when this country celebrates freedom, there are thousands of innocent prisoners in Indian jails, waiting for justice without even a trial. Abdul Nasar Maudany is one such victim. As a Muslim spiritual leader, he reacted strongly against the demolition of Babari Masjid in 1992. His house was attacked and he spent nine and a half years in jail. All the charges against him were proven false and even the judgment makes it clear that the case was fabricated. He was released without any compensation. No trial was conducted on those who were responsible for such fabrication. But soon, he was framed for another series of charges and has been waiting for justice in Bangalore Parappana Agrahara jail.

The documentary highlights that this is not an isolated case, but several Muslims, Dalits, Adivasis and activists from people's movements go through similar experiences. The question raised in the film is: 'why does a person remain in jail so many years without being proven guilty?' It portrays the inner dynamics of the question in which the present institutions of democratic functions in a manner that a large number of innocent people can be framed and fabricated with false cases and dumped inside jails for long periods, without providing the basic human rights as upheld by Indian Constitution.

### **Arrest and re-arrest of Maudany**

Why was Abdul Nasser Maudany detained in Coimbatore blast case and remained in jail for nine and half years? What was his crime? Was his crime established? After being acquitted by the court, why was he rearrested? Through *Fabricated*, KP Sasi's seeks answers to these questions. The film searches for the answers in the entire 90-minute phase. It starts by raising these questions to the

---

\* Natasha Khan is a final year law student in Guru Ghasidas Central University, Bilaspur. Her interest lies in understanding the various socio-political dynamics in contemporary society. She could be reached at [natashaakhan999@gmail.com](mailto:natashaakhan999@gmail.com)

\*\* Nilanjani Tandon is a practicing lawyer, currently based in Delhi. She holds a Master in Law from Guru Nanak Dev University, Amritsar. She could be reached at [nilanjantandon@gmail.com](mailto:nilanjantandon@gmail.com)

nation and her republic. The film, originally focused on Maudany's arrest, does not actually stop there. *Fabricated* shows that the fact that it was the RSS conspiracy to get the Maudany arrested by the BJP government in Karnataka. *Fabricated* probes leftists and Congress silence in Kerala behind the success of this conspiracy. The film shows how the rapid growing popularity of Maudany and his People Democratic Party (PDP) turned a threat to all the already established parties in Kerala. Rather than focusing on Muslim issues exclusively, Maudany's efforts were to bring the different communities on the margins together!

Through the footage of old speeches, Sasi establishes what a charismatic orator and great scholar of Islam Maudany has been. The footage provides clear indication how he united the socially weaker section of society. Through various narratives the film establishes how different was Maudany from other leaders! *Fabricated* run into people trapped in fake cases and moves on to show how state lays the trap through institutions – from police to prosecution. It cites how the judiciary failed to fulfil the citizenry obligation of guaranteeing 'justice' rendered to every Indian in the Constitution. On August 17, 2010 Maudany was re-arrested in connection with Bangalore blast case under Unlawful Activities (Prevention) Act 1967 (UAPA).

### **UAPA and Political Targeting**

What is UAPA? Any activity which causes or is intended to cause disaffection against India would fall under it. It is not required that one actually commits any crime to be booked under UAPA. Many provisions violates Constitutional guaranteed under Articles such as: freedom of speech [19(1)(a)]; to form associations or unions [19(1)(c)]; protection of life and personal liberty (21).

The main objective of UAPA is to give powers in order to deal with activities directed against the integrity and sovereignty of India. As a principle the objective of any law should be to protect the innocent and punish the guilty but under UAPA one could be arrested even for attending a protest, or a fictitious story of supporting an unbanned organisation of any banned outfit, or if someone found not standing for national anthem, etc. It is a special type of law under which police can conduct a search, or seize things and arrest without a warrant. The time limit of custody is between 15 to 30 days and the period of filing the charge sheet is till 180 days, which means one would remain in jail for at least seven months. Under UAPA, the discretionary power of the judges has also been reduced.

UAPA turned powerful with the withdrawal of POTA in the Parliament and the amendment to UAPA. However, in the Amendment Act in 2004, most of provisions of POTA were re-incorporated into UAPA. In 2008, post Mumbai attacks, it was further consolidated. The most recent amendment was in 2012. One of the key strategies of the amendment was to go beyond the prevention of activities and to effectively combat money laundering and terrorism financing.

The Act defines person not only as individuals but also as company, firm and organisation. If anyone in that company or organisation is involved in any said activity prohibited by law, then a prosecution it. UAPA also defines economic crime. A person holding counterfeit currency could be arrested under the Act. If a payment is made by 'A' to 'B' and if 'B' uses that money for anything 'unlawful' then both 'A' and 'B' could be arrested.

Sai Baba in 2014 and Jyoti Babasaheb Chorge in 2011 for possessing Mao's literature and sympathy for Maoists had to go to jail. During the hearing of Jyoti's Bail, the judge said 'no one can be arrested on the basis of his political ideology. It is necessary for a person to commit a crime in reality.' Another case in this episode is the Hubli conspiracy in which 18 Muslim students were arrested for holding so-called Jihadi literature and later all the students proved innocent. The books seized were found as copies of Quran, not jihadist literature.

Binayak Sen a human rights activist in Chhattisgarh, K.K. Shahina a journalist from Kerala, Abhay Sahoo the leader of the anti-POSCO movement in Odisha, Dayamani Barla the Adivasi leader who led the anti-displacement struggle in Jharkhand, Kopa Kunjam and Lingaram Kodopi two Adivasi youths from Bastar, Sanjiv Bhat the former IPS officer from Gujarat, S.A.R. Gilani professor from Jamia Milia Islamia University Delhi, Soni Sori the Adivasi leader from Bastar, Soofiya Maudany wife of Abdul Nasar Maudany, and many others were arrested under UAPA. 72 percent of those arrested under the law were eventually found innocent. Most of those arrested under this law are Adivasis, Muslims and Dalits. Four minors have been also arrested. UAPA not only infringes rights upheld by Indian Constitution, but also violates several Articles of the Universal Declaration of Human Rights.

### **Fabricating Maudany**

The trail of Maudany began with the media criminalised him even before the case actually began. His name did not surface in initial charge sheet, which later got added after some time. In all there were six witnesses in Maudany's case. Three were from Kerala. The key witness was Jose Verghese the brother-in-law of the landlord. According to Verghese, 'there was a house of my sister near Chakkaraparambu in Ernakulam. Since his release, Maudany lived in that house on rent. I was sure he is innocent. I saw him twice in that house. He used to live under strict police security and it was not easy for anyone to see him.'

Verghese continues, 'one day I received a call from the Karnataka Police. The caller said that he was Assistant Commissioner of Police. They called me to that house and asked me to go with the rent agreement document. I went along with my friend. They informed that Maudany, T. Nasir and Sarfaraz Nawaz are accused of plotting a conspiracy in the Bangalore blast case. They said, I was called to record a statement. They brought Nasir there from a vehicle and took him back. I said let me go. They asked me to give my statement. They had

prepared a statement of three pages and I was just asked to sign it. I said, “I do not know Kannada so I cannot sign on it.” They told me that I should cooperate with them. “The language of the state is Kannada and we have to prepare this statement in Kannada and it is difficult to find a translator,” they insisted. “We cannot wait for you. We will take you to Karnataka and you can record your statement there.” I was not in the condition to go to Karnataka at that time. Then they told me that there is not much important things in the statement.’

Verghese continues, ‘after four or five months, the news came and through the media – when i got to know – that I am the key witness against Maudany. The statement that was given by Karnataka Police was as follows: “When I was there to take the monthly house rent, then Maudany, T. Nasir and Sarfaraz Nawaz were present there. I waited for the rent outside. When Maudany saw me, he closed the door and asked me to wait a little more. Then he went inside. I overheard them talking about the Bangalore blasts and when the incident happened, I realised that they were conspiring of this blast. I did not disclose anything out of fear and remained silent.” This is the essence of the statement that was prepared by the Karnataka Police. My interview was shown in all the news channels. Then I revealed that I have not given such statement and that statement is fabricated.’

The second witness was Maudany's brother. It was a statement made by the Karnataka Police that T. Nasir, who was suspected of having links with Lashkar-e-Taiba, was at Kollam with Maudany. Maudany’s brother went to the magistrate court and filed a complaint and also said that I have not given any such statement.

The third witness was Majid. According to the police records, his statement was recorded in Kannur on a particular day. But the fact is that Majid was in Medical Trust Hospital, Ernakulam on the day that police claimed to have recorded take his statement. He was on his death bed. Hospital records proved that he was at Ernakulam. Four days later he died of cancer and he was not able to speak. Three of the six witnesses had already proved to be false.

### **Shahina – The Islamic Terrorist?**

Sasi goes on to probe it with K.K. Shahina who was branded a terrorist. She tried to meet some of witnesses. Three witnesses were from Karnataka. She went to Karnataka to meet those witnesses. Two of them were RSS/ BJP workers. Shahina decided to meet Yoganandam. He was a RSS/ BJP worker. Shaina says, ‘when I went to meet Yoganandam I asked him,’

KKS – Have you seen Maudany?

YA – Yes, I have seen Maudany on TV.

KKS – Have you ever seen Maudany here?

YA – No I had never seen Maudany here but there is a rumour that there was a man who came here had only one leg.

KKS – Was that man Maudany?

YA – I cannot say whether he was Maudany or not.

KKS – Did you see that one leg man?

YA – No, I have never seen one leg man here.

Yoganandam did not even know that his name is mentioned as a witness in the police record. According to the charge sheet, Yoganandam had seen Maudany alongwith T. Nasir at the Lakkeri State.

Soofiya Maudany (wife of Maudany) says that while the police claimed that Maudany was in the Coorg, he had gone on Haj pilgrimage alongwith the Kerala Police. Karnataka Police also knew it. Since he had been released from jail he always had police security. Everyday the headquarters of the police was informed about Maudany's programme. All records of police shows that. No document could be found as an evidence of Maudany's visit to Coorg.

Shahina says, 'when we were going to Karnataka to meet the other witnesses, then we were stopped by Karnataka Police and asked to leave the place as soon as possible. Accordingly we left the place. On the way back to Kerala, I got a call. It was the same police officer who stopped us. He told me that everybody say that I am a terrorist. He quizzed me, "are you a terrorist?" A few days later a case was registered against me for threatening the witnesses. When I appealed for anticipatory bail, they added UAPA. Under UAPA it is very difficult to get a bail. That was the beginning of my fight.'

### **Fabricated and Victimised**

Maudany was also arrest under the UAPA but he was not the lone victim. The film probes into people like Dr. Binayak Sen whose crime is yet to be proven. Sharing his experiences he said, 'I was accused of sending messages to Mr. Sanyal. Mr. Sanyal was related to CPI (Maoist). In my case, 100 witnesses were examined. Trial went on for nearly three years until I was sentenced to life imprisonment. My bail petition was rejected by the High Court, but I was given bail by the Supreme Court. There are thousands of people who undergo similar situations as I had. Where on one side the road is full of criminal activities, on the other hand our jail is full of people who have not committed any crime.'

There are many such prisoners who are under trial, who have not been convicted yet they continue to languish in jail. It takes many years to their prove innocence and when they get free then many things in their life are lost. As Justice V. R. Krishna Iyyar states in the film, 'the right to live is in the Constitution, but it is meaningless. Take the case of Maudany. Who is responsible for imprisoning his freedom in prison for nine years?' What has happened with Maudany is only a tip of the iceberg with regards to the state of human rights in India. This battle is not just that of Maudany, it is the fight of all those people who believe in the values of human rights. Freedom of Maudany will be the victory of human rights. Freedom of Maudany is our freedom! Can the citizens of India stand for it?