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## When Injustice Prevails

By: Darab Farooqui

*An examination of 8 well-known terror cases which resulted in acquittals reveals how innocent Muslims are arrested, often tortured, and then suffer prolonged trials. They are eventually acquitted by the higher courts, but they are not awarded compensation. How can we prevent such injustice?*

Let's start with a basic question: What is justice?

Justice is a multidimensional notion that roughly refers to the principle that individuals should be treated fairly and evenly in society. While there is no single, widely agreed-upon definition, the notion typically focuses on the concepts of fairness, equality, morality, and individual rights.

This justice appears to be elusive and elude Indian Muslims, and we have now reached a point where it is no longer an unsettling feeling but a fact. The past decade or so has demonstrated that Muslims are regularly targeted by the police and the state administrations. A constant demonisation by the media, along with persecution and harassment at every level, has altered the notion of justice for Muslims in India.

Why is this discussion relevant today? To give just one recent example: the Delhi High Court recently rejected the bail pleas of Umar Khalid and eight other individuals, Sharjeel Imam, Athar Khan, Abdul Khalid Saifi, Gulfisha Fatima, Meeran Haider, Shifa Ur Rehman, and Mohd Saleem Khan, in the "larger conspiracy" case involving the 2020 northeast Delhi riots. Even though the case hasn't even begun in court, they have already spent nearly five years behind bars without being granted bail.

When such cases do eventually come to trial, the courts' decisions in cases relating to the most serious terrorist attacks in India, as well as the aftermath, demonstrate this sense of unfairness on the part of the police forces who arrested, tortured, and had several Muslims imprisoned for years, at times for decades.

### Eight Terror Cases

Let's examine eight well-known instances of terrorism attack cases over the past 20+ years to better understand this pervasive injustice.

**1. Akshardham Temple Attack (2002):** On 25 September 2002, two fidayeen attackers killed 33 people and injured 86 at the Akshardham temple in Gujarat. Six individuals, including Adambhai Sulemanbhai Ajmeri, Abdul Kayum, Mohd Salim Hanif Sheikh, Abdullamiya Yasinmiya Kadri, Altaf Malek, and Chand Khan, were arrested and charged under the Prevention of Terrorism Act (POTA) for their alleged involvement.

**Court Verdict:** In 2014, the Supreme Court of India acquitted all six accused, ruling that the prosecution failed to establish guilt beyond reasonable doubt. The court invalidated confessional statements, citing they were obtained under duress, and criticized the investigation for attempts at fabrication. The accused had spent 11 years in jail. However, the Supreme Court rejected compensation claims for the acquitted, stating it could set a "dangerous precedent."

News reports:

[SC Acquits All Six Convicts in Gujarat Akshardham Terror Attack Case](#)

[Akshardham Judgment – I: The Law at Work](#)

**2. Mumbai Train Blasts (2006):** On 11 July 2006, seven bomb blasts targeted Mumbai's suburban railway, killing 189 people and injuring over 800. The Maharashtra Anti-Terrorism Squad (ATS) arrested 13 individuals, alleging they were members of the Students' Islamic Movement of India (SIMI) and linked to Lashkar-e-Taiba (LeT). In 2015, a special Maharashtra Control of Organised Crime Act (MCOCA) court convicted 12 of them, sentencing five to death and seven to life imprisonment.

**Court Verdict:** On 21 July 2025, the Bombay High Court acquitted all 12 convicted individuals, citing unreliable evidence, including confessions extracted through torture, questionable identification parades, and untrustworthy witness testimonies. The court noted the prosecution's failure to establish the type of explosives used or prove guilt beyond reasonable doubt. One accused, Kamal Ansari, had died in custody in 2021 due to COVID-19, but was acquitted posthumously. The accused spent nearly 19 years incarcerated. An appeal is pending in the Supreme Court

News reports:

[‘Grave error’: Why Bombay HC acquitted all 12 convicted in 2006 Mumbai train blasts](#)

[2006 Mumbai train blasts: Unpacking Bombay High Court's order](#)

**3. Malegaon Blasts (2006):** On 8 September 2006, blasts in Malegaon, Maharashtra, killed 40 people. Nine Muslim individuals were arrested by the Maharashtra ATS and charged under MCOCA and other laws, accused of being SIMI members.

**Court Verdict:** In 2016, a sessions court discharged all nine, citing lack of evidence. The accused had spent 10 years in jail.

News reports:

[Relief for Muslim Youth Accused in 2006 Malegaon Blasts Case](#)

[2006 Malegaon blasts: All nine accused let off by Mumbai court](#)

**4. Mecca Masjid Blast (2007, Hyderabad):** A bomb blast at the Mecca Masjid in Hyderabad on 18 May 2007, killed 14 people. Four individuals, including Shueb Jagirdar, Abdul Nayeem, Md Imran Khan, and Syed Imran, were arrested and charged with links to the banned Harkat-ul-Jihad-al-Islami (HuJI).

**Court Outcome:** In 2014, a sessions court acquitted all four, finding no evidence to support the charges. The accused had spent seven years in jail.

News reports:

[Court Acquits four in Mecca Masjid Case](#)

[7 yrs later, 4 Mecca Masjid blast accused let off](#)

**5. Irshad Ali & Maurif Qamar Case (2005):** Two individuals, Irshad Ali and Maurif Qamar, were arrested in 2005, accused of being members of the Al-Badr Brigade, a militant group.

**Court Verdict:** In 2017, a Delhi trial court acquitted both, noting they were falsely framed. The two, former Intelligence Bureau informants, spent 11 years fighting appeals despite a clean chit from the Central Bureau of Investigation (CBI).

News reports:

[2 acquitted after 11-year trial in terror case: No logs, no fingerprints, Delhi court points to lapses in police probe](#)

[Fighting terror tag, ex-informers get court clean chit after 11 years](#)

**6. Nisaruddin Ahmad Case (1994):** Nisaruddin Ahmad was arrested in 1994 when he was 19, accused of involvement in five train blasts on the first anniversary of the demolition of Babri Masjid.

**Court Verdict:** In 2016, he was acquitted after 23 years in jail, with the court finding no evidence to support the charges.

News reports:

[After 23 years in jail, I am free but what you see now is a living corpse, says Nisar](#)

[India man struggles with freedom 23 years after 'wrong' conviction](#)

**7. Hubballi SIMI Case (2008):** Seventeen individuals were arrested in 2008, accused of being SIMI members and charged with waging war against the country, sedition, and possession of explosives.

Court Verdict: In 2015, the Hubballi sessions court acquitted all 17, finding no evidence to support the charges. The accused had spent seven years in jail.

News reports:

[All 17 Accused in 2008 terror Case Acquitted](#)

[The real story behind the fake Hubli Terror Conspiracy](#)

**8. Hyderabad Conspiracy Case (2010):** Riyaz Khan and Abdul Sayeed were arrested in 2010, accused of conspiring to kill policemen in Hyderabad to avenge the Mecca Masjid blast of 2007.

Court Verdict: In 2017, an additional metropolitan sessions judge acquitted both, finding no evidence. They had spent seven years in jail.

News reports:

[Constable murder case: Duo acquitted after 7 yrs, released](#)

[Five suspects dead, three acquitted: Hyderabad terror case falls through](#)

All of these cases may have ended in acquittals, but there has been no justice for the years of wrongful incarceration, the many cases of torture during interrogation and the delay in the trials.

While innocent Muslims are eventually found not guilty by the courts, Indian civil society does not even debate this issue. And this serious injustice is not just a societal bias; it is systemic and systematic in nature and of enormous magnitude. The media on its part rarely tracks and records the injustice meted out by the police and how these cases end. A rare exception was [this report](#) from 2017.

These are just the high-profile cases. A systematic study of cases in courts around India over the past 25 years will show many more such cases.

The pattern of acquittals in terrorism-related cases involving Muslims in India, as discussed with cases like the Akshardham attack and Mumbai train blasts, suggests potential systemic issues in law enforcement and judicial processes.

## Why This May Be Happening

**1. Overreach of anti-terror laws and investigative haste:** Laws like POTA and MCOCA allow for prolonged detention without bail and rely heavily on confessions, which courts later deemed inadmissible due to coercion or torture. For example, in the Mumbai train blasts (2006), the Bombay High Court criticised confessions obtained through torture, and in the Akshardham case (2002), the Supreme Court rejected confessions under duress.

Why It Happens: Post-terrorism incidents, law enforcement agencies face immense pressure to show results quickly, leading to rushed investigations. This often results in arrests based on weak evidence, such as vague associations with banned groups like SIMI or Indian Mujahideen, as seen in the Malegaon (2006) case. The broad provisions of anti-terror laws enable arrests without concrete proof, contributing to acquittals when cases reach higher courts.

Systemic Factor: Lack of accountability for investigative lapses. Courts criticise “shoddy” and “unfair” probes but rarely penalise officers, allowing such practices to persist.

**2. Stereotyping and profiling of Muslim communities:** Many acquitted individuals, such as those in the Hubballi SIMI case (2008) or Irshad Ali’s case (2005), were Muslims arrested based on alleged links to Islamic organisations, often without evidence.

Why It Happens: Post-9/11 and after high-profile attacks in India (e.g., 2001 Parliament attack, 2008 Mumbai attacks), law enforcement often focused on Muslim individuals or groups like SIMI, assuming connections to global or local terror networks. This profiling led to arrests based on suspicion rather than evidence, as seen in the Mecca Masjid (2007) and Hyderabad conspiracy (2010) cases, where

courts found no proof of involvement.

**Systemic Factor:** Implicit bias in law enforcement training and intelligence-gathering prioritises certain communities, leading to false positives. Lack of diversity in investigative teams may exacerbate this, as cultural nuances are overlooked.

**3. Flawed investigative processes and evidence collection:** Courts repeatedly cited unreliable evidence, such as unverified witness testimonies, improper identification parades, and failure to establish material links (explosives in the Mumbai train blasts case 2006).

**Why It Happens:** Resource constraints, inadequate forensic capabilities, and pressure to close cases quickly lead to reliance on confessions or circumstantial evidence rather than robust investigation. For instance, in the Malegaon blasts case(2006), initial arrests were overturned when the National Investigation Agency (NIA) found evidence pointing to different perpetrators, indicating early investigative errors.

**Systemic Factor:** Lack of standardised, evidence-based investigative protocols and insufficient training for anti-terror units like the ATS contribute to repeated failures in court.

**4. Judicial delays and prolonged detention:** Acquitted individuals in these cases discussed here spent between five and 23 years in jail before higher courts overturned convictions, highlighting judicial delays.

**Why It Happens:** Overburdened courts, especially under special laws like [Unlawful Activities \(Prevention\) Act \(UAPA\)](#), delay trials due to complex procedures, multiple appeals, and backlogs. This prolongs detention for innocent individuals, as bail is rarely granted in terrorism cases. The Supreme Court's stay on the Mumbai blasts acquittal (2025) shows how appeals further delay finality.

**Systemic Factor:** Inefficient judicial infrastructure and stringent bail provisions in anti-terror laws amplify the impact of wrongful arrests, disproportionately affecting marginalised groups.

**5. Political and social pressures shaping investigations:** High-profile terror cases often attract political and public scrutiny, pushing law enforcement to make arrests to demonstrate action. In the Akshardham case, the Supreme Court (2014) noted attempts to “fabricate” evidence, possibly to appease public outrage.

**Why It Happens:** Terror attacks fuel public fear and media narratives, often portraying Muslim communities as threats, which influence policing priorities. Political rhetoric emphasising “tough on terror” policies can lead to premature arrests to signal control, as seen in the Hubballi SIMI case (2008), where 17 were acquitted after seven years.

**Systemic Factor:** Lack of insulation for law enforcement from political and media influence leads to reactive rather than evidence-driven policing.

**6. Lack of accountability and compensation mechanisms:** Despite acquittals exposing investigative failures where the court ordered disciplinary action, investigation officers rarely face consequences. The Akshardham case (2014) saw the Supreme Court reject compensation for the acquitted, citing a “dangerous precedent,” leaving victims of wrongful detention without redressal.

**Why It Happens:** There's no clear legal framework for compensating wrongfully detained individuals or holding investigators accountable, discouraging reforms. This perpetuates a cycle where agencies repeat flawed practices, knowing acquittals rarely lead to repercussions.

**Systemic Factor:** Absence of robust oversight mechanisms for anti-terror operations and judicial reluctance to award compensation embolden systemic errors.

**7. Socio-economic vulnerabilities of targeted communities:** Many acquitted individuals, like Nisaruddin Ahmad (1994, 23 years in jail) or those in the Hyderabad conspiracy case (2010), came from marginalised socio-economic backgrounds, limiting their access to legal defence and prolonging their detention.

**Why It Happens:** Economically disadvantaged individuals, often from minority communities, lack resources for early legal intervention, making them easier targets for arrests. This was evident in the Irshad Ali case (2005), where the accused, former informants, were framed and spent 11 years fighting charges.

Systemic Factor: Socio-economic disparities intersect with religious profiling, amplifying vulnerability to wrongful arrests and delaying justice.

## Final Observations and Analysis

1. All the cases discussed here show a consistent pattern: arrests based on weak evidence, prolonged detention, and eventual acquittals due to investigative failures. This suggests systemic issues in how terrorism cases are handled, particularly for Muslim suspects.
2. Muslims face disproportionate targeting, with acquittals reinforcing claims of systemic bias. For instance, Abdul Wahid Shaikh (Mumbai 2006) documented his experience of torture and framing in his memoirs, [Begunah Qaidi](#), highlighting a broader narrative of distrust.
3. Anti-terror laws prioritise detention over evidence, with low conviction rates (e.g., UAPA's 2.2% conviction rate, according to the National Crime Records Bureau data).
4. Socio-political Climate: Post-terror attack narratives often amplify anti-Muslim sentiment, influencing policing and public perception, as seen in media coverage after every attacks. Nobody remembers the acquittals but everyone remembers the arrests of the Muslims. 'Why only Muslims are terrorists', a lie frequently promoted and propagated in everyday discourse, is another factor which stereotypes Muslims.
5. Judicial Bottlenecks: Slow trials and stringent bail rules prolong detention, even for innocent individuals, as courts take years to review weak cases. This has become a political weapon against Muslims now. Governments know that only arrests will be remembered, and that the public's memory fades quickly. They will not remember the acquittals.

This will continue, with the media, politicians, and police never being held accountable for destroying the lives of Indian Muslims.



## A Few Recommendations

- 1. Improving forensic and investigational training for agencies:** Poor investigations, such as unsubstantiated evidence and ambiguous explosives in Mumbai (2006), resulted in acquittals, emphasising the need for improved forensic capabilities. Training anti-terror teams like the Anti-Terrorism Squads (ATS) in DNA analysis, digital forensics, and systematic evidence collecting, as well as collaborating with laboratories like the Central Forensic Science Laboratory (CFSL) of Hyderabad, would improve cases against genuine offenders while sparing innocents. Such reforms could increase conviction rates and public trust, particularly given the police's questionable reputation.
- 2. Establishing oversight bodies to review terrorism arrests:** Independent oversight bodies, consisting of judges and specialists, are required to prevent arbitrary arrests, as seen in Akshardham (2014) where evidence was created. These bodies could review arrests both before and after detention to ensure legal compliance, as well as publish transparency reports to address bias concerns raised publicly. This would discourage wrongdoing and restore community confidence.
- 3. Creating a compensation structure for wrongful detentions:** A legislative compensation structure for acquitted persons, such as those incarcerated for 19 years in Mumbai (2006) or 11 years in Akshardham (2014), is critical for addressing financial and social

damages. A tribunal might evaluate claims based on incarceration period, giving set amounts and rehabilitation in accordance with global conventions. There should also be some repercussions for the police officers involved in the botched investigations. This would deliver justice, curb investigative overreach, and alleviate the shame experienced by the acquitted.

**4. Sensitising law enforcement against community-based profiling:** Profiling Muslims, as seen in cases such as Hubballi SIMI (2008) and Irshad Ali (2005), encourages unjust arrests and acquittals. Police sensitivity training, a focus on facts over preconceptions, and the diversification of investigation teams might all help eliminate bias. Community involvement initiatives and guidelines against targeting certain groups would alleviate public scepticism. This might reduce alienation and increase policing accuracy.

**5. Accountability:** Accountability for police implicated in unlawful terrorism-related arrests, as witnessed in Akshardham (2002) is critical for addressing systemic failings and restoring confidence. Courts detected manufactured evidence, pressured confessions, and "nefarious means," resulting in acquittals after 5-23 years of incarceration, typically against Muslims, suffering irreparable injury. Disciplinary procedures such as suspensions or IPC Section 193 charges, which are backed by monitoring authorities, would curb wrongdoing and profiling. While proving intent is difficult given national security concerns, unambiguous punishments for purposeful misbehaviour, as for torture in Mumbai (2006), might minimise mistaken arrests.

Despite the fact that this article focuses on Muslims, UAPA, and the need for justice, it would be irresponsible to ignore the fact that Sikhs and Adivasis are disproportionately punished by UAPA, if not equally.

Punjab has seen over 400 UAPA arrests since 2010, but [only one conviction in that period](#). Arrests have especially targeted poor Dalit Sikhs on flimsy evidence like social media posts or vague 'Khalistani links'. Over [3,000 Adivasis are jailed in Chhattisgarh's Bastar region](#) alone on UAPA/NSA charges, many for 'minor offences' like opposing mining or documenting security force abuses.

The conviction rate under the UAPA is exceedingly low, averaging around 2–3%. [According to information given to Parliament](#), between 2016 and 2019, there were 5,922 arrests under UAPA but just 132 convictions, a conviction rate of 2.3%. The state has weaponised UAPA to be used against all of India's disadvantaged groups. But the most horrific and catastrophic implications are felt by Indian Muslims.

The [Overton Window](#) has shifted so far to the right that the concept of justice is no longer open to debate. However, if the idea of justice cannot be publicly addressed in a civilised society, can it truly be considered civilised?

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