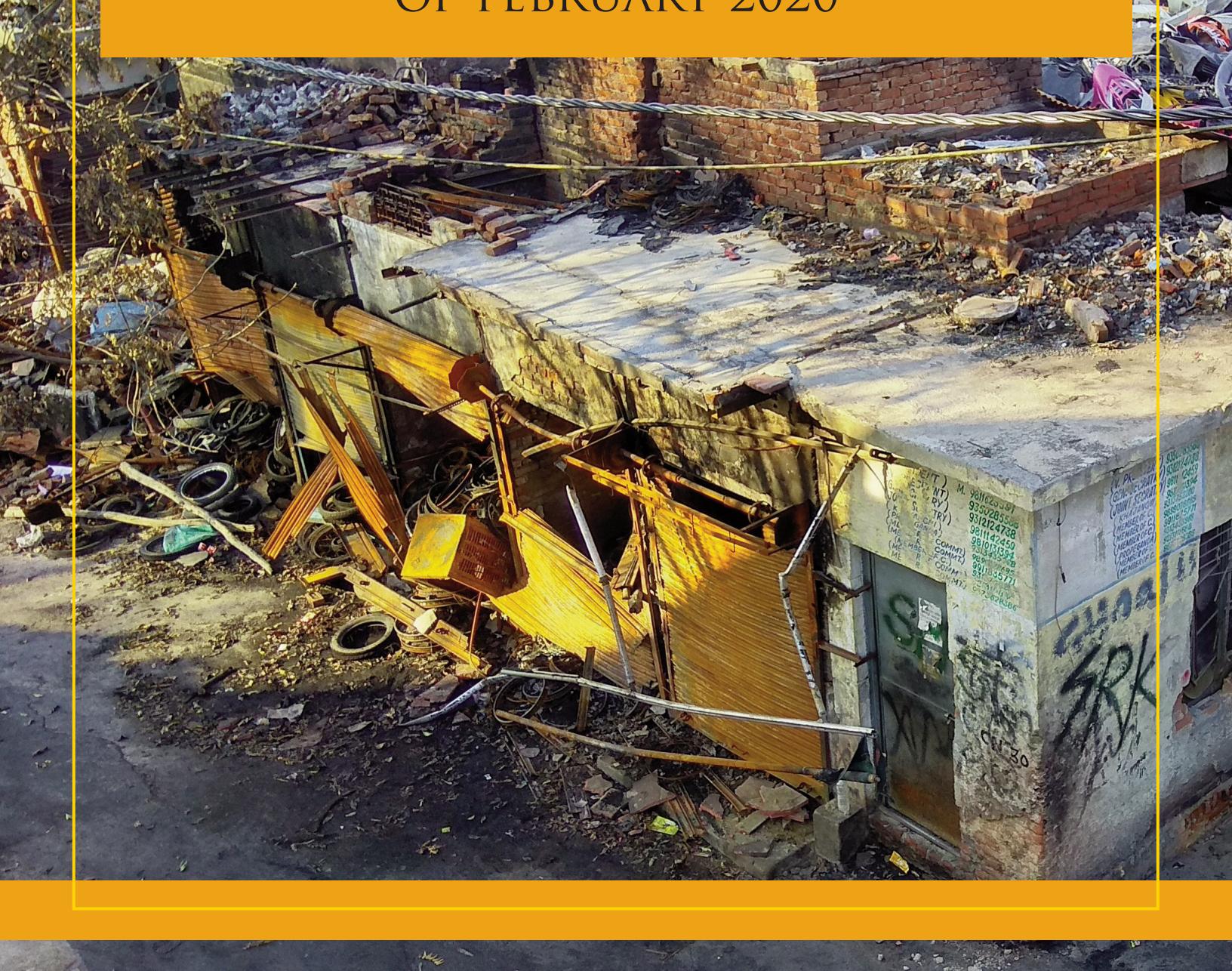


REPORT OF THE DMC
FACT-FINDING COMMITTEE ON
NORTH-EAST DELHI RIOTS
OF FEBRUARY 2020



DELHI MINORITIES COMMISSION
GOVERNMENT OF NCT OF DELHI



REPORT OF THE
FACT-FINDING COMMITTEE
ON THE
NORTH-EAST DELHI RIOTS
OF FEBRUARY 2020

*Prepared for Delhi Minorities Commission
by the Fact-Finding Committee headed by*

Mr. M.R. Shamshad

Advocate-on-Record, Supreme Court of India



DELHI MINORITIES COMMISSION
(A Statutory Body Set Up by *Delhi Minorities Commission Act 1999*)
Government of NCT of Delhi
dmc.delhigovt.nic.in

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Published: July 2020

DELHI MINORITIES COMMISSION

Government of NCT of Delhi

Vikas Bhawan, Block “C”, first floor

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Email: dmc_nct@rediffmail.com

To

**The Chairman
Delhi Minorities Commission (DMC)
I P State, New Delhi 110002**

27.06.2020

**Re: Report of Fact Finding Committee Constituted by the DMC on 09.03.2020 for
report on North-East Delhi Riots in February, 2020.**

Sir,

The fact Finding Committee has completed its report. Signed copy of the report, approved by the members of the Committee, is being forwarded. We have enclosed photographs, videos etc which may be considered as part of the report. Supporting documents, excel sheets etc are being handed over separately.

You are requested to now proceed with the report in terms of the reference dated 09.03.2020.

Thanking You


(M R Shamshad)

Chairman


(Shri Gurminder Singh Matharu)

Member


(Ms Tehmina Arora)

Member


(Tanvir Kazi)

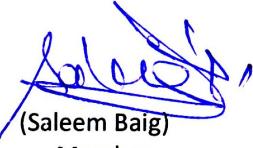
Member


(Professor Haseena Hashia)

Member


(Abu Bakr Sabbaq)

Member


(Saleem Baig)

Member


(Devika Prasad)

Member


(Aditi Dutta)

Member

DELHI MINORITIES COMMISSION

Govt. of National Capital Territory of Delhi
1st Floor, Vikas Bhawan, C-Block,
I.P. Estate, New Delhi-110002

No. F. PA/Chairman/DMC/GNCTD/2019/241

9 March 2020

Institution of fact-finding committee to probe violence in North East dist.

Since 15 December 2019, Delhi is suffering from violence by police and goons against peaceful protesters against CAA-NRC. The situation went out of control in the North East district since late night on 23 February 2020 after the incendiary threats and ultimatum of one Kapil Mishra. Over 50 persons of both communities have lost their lives as per latest official figures (unconfirmed reports put the figures of the dead much higher), properties including houses, markets, shops and vehicles worth hundreds of crores have been looted and torched. The violence continued for days a result of the attitude of police which has been seen in countless videos and audios supporting the rioters, hitting people and damaging properties and CCTV cameras. It is necessary to record and properly and authoritatively document the incidents of violence and loss of lives and properties in NCT of Delhi during these disturbances and pinpoint responsibilities.

2. In pursuance of Delhi Minorities Commission's responsibilities as per Clause 10(1) (a, c, d, g, h and i) and Clause 10(3), we hereby form a Fact-Finding Committee to prepare a comprehensive record about the events since 23 February 2020 night and present a report about the causes of the violence, persons responsible, lists of victims, lists and quantum of damaged properties, role of police, administration and others, and related issues. This will be presented to the Govt. of NCT of Delhi with any advice as per Clause 10(1)(g) of the Delhi Minorities Commission Act 1999. The Commission may later intervene with the Hon'ble High Court of Delhi to seek redressal and punishment of the guilty.

3. The fact-finding committee will include (1) Shri M.R. Shamshad, senior advocate, Supreme Court of India as chairperson, (2) Shri Gurminder Singh Matharu (Member, SGPC), (3) Ms. Tehmina Arora Adv. ((HRLN)), (4) Shri Tanveer Kazi (human rights activist), (5) Prof. Hasina Hashia, JMI, (6) Shri Abu Bakar Sabbaq Adv., (7) Shri Saleem Beg (human rights activist), (8) Ms. Devika Prasad (CHRI), (9) Ms. Aditi Datta (CHRI) and (10) Shri Suhail Saifi (social activist) as members.

4. DCP North East and SHOs of all local police *thanas* are directed to cooperate with the committee and provide it all information it seeks, and provide it security whenever required by the committee.

5. The fact-finding committee is required to complete its report within four weeks.

6. The Commission will provide all help and facilities to the committee as per rules. The committee may hold its meetings at the conference room of the Commission and use any other facility available at the commission like photocopying or help of staff members.

651-9/3/2020
Kartar Singh Kochhar
Member




Dr. Zafarul-Islam Khan
Chairman

DELHI MINORITIES COMMISSION

(Statutory Body of Govt. of NCT of Delhi, set up by DMC Act 1999)

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No. F. PA/Chairman/DMC/GNCTD/2020/419

18 June, 2020

Sh. M. R. Shamshad Adv.-on-Record Supreme Court of India
Chairman, 10-Member Fact-Finding Committee set up on 9-3-2020
B-4 [LGF], Jangpura Extension,
New Delhi-110014

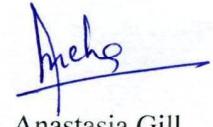
Sir,

Thank you for your mail dated 16-6-2020 regarding extension of time for your committee. We understand that due to the long lockdown at a time when your committee had just started its work, it is imperative to allow your committee more time to complete its work. Hence your committee is hereby granted an extension upto 30-6-2020.

Best regards,


Dr. Zafarul-Islam Khan
Chairman


Shri Kartar Singh Kochhar
Member


Ms. Anastasia Gill
Member

Copy to:

- Member (KSK)
- Member (AG)
- General file
- Case file
- Fact-finding committee



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Preface

The violence which hit Delhi's North East district on 23 February 2020 and continued unabated for the next few days was seemingly planned and directed to teach a lesson to a certain community which dared to protest against a discriminatory law. This was this Commission's assessment when we paid an official day-long visit to the violence-affected area on 2 March 2020.

During that unfortunate violence, many lost their lives, hundreds got wounded and hundreds of houses, shops, offices, workshops, garages etc. were looted and put to flames. Attempts ever since are being made to shield the planners, instigators, leaders and perpetrators of that violence and turn the victims into culprits. Courts of law will play their crucial role to see through the web of deceit being woven by certain quarters including a section of media. It is encouraging that victims are coming forward to seek justice and speak out. A section of media is doing its duty to faithfully unearth the unpalatable truths.

It was within this atmosphere that Delhi Minorities Commission, guided by its mandate, especially Clauses 10(c,d,h,i) and 10(3) of DMC Act 1999, saw it necessary to try to document and unearth the truths about the sad events that shook a part of the national capital territory region.

Hence the Commission established a fact-finding committee on 9 March 2020 to probe the violence in the North East district last February and to suggest ways to achieve justice as well as help rehabilitation of the victims of the violence.

Due to the unavoidable circumstances of the lockdown, clamped soon after the formation of the said fact-finding committee, it took it longer than what was expected to accomplish this task. The committee was granted an extension upto 30 June 2020 at the request of its Chairman. Finally, the fact-finding committee presented its report on 27 June 2020. The report has been accepted with thanks by the Commission.

The report has tried to delve into the causes of violence and its perpetrators, role of police and administration, adequacy of compensation offered/promised, and the requirements of rehabilitation of the victims.

The report is fairly comprehensive and even-handed but due to the non-cooperation of Delhi Police, the fact-finding committee could not present a more comprehensive and incisive report. The committee has also studied the issue of compensation given to the victims by the Government of Delhi so far. It has come up with a number of recommendations to be implemented by the Central and state governments and by the Delhi Minorities Commission. The most important recommendation is for the government to set up a high-powered probe headed by a sitting or retired judge of the High Court. We will be writing to both the Central and state governments in support of these recommendations.

We hope that this report will help government, courts, media and general public to understand the sad events of late February 2020. Our most cherished contribution will be to contribute to the creation of an atmosphere where the kind of violence that shattered the lives of thousands in the North East Delhi becomes a thing of the past, never to be seen or experienced again.

Dr Zafarul-Islam Khan, Chairman
Kartar Singh Kochhar, Member
Anastasia Gill, Member
DELHI MINORITIES COMMISSION

10 July 2020

Foreword by the Chairman of the Fact-Finding Committee

First of all, on behalf of the Fact-finding Committee members, I feel privileged to have been assigned the work of fact-finding in terms of the reference dated 9 March 2020. Due to the Covid19 lockdown, at my request, the term of the Committee was extended upto 30 June 2020.

During this period, one of our Committee members opted out from the Committee due to his preoccupation with other commitments. Apart from myself, the Committee members included Shri Gurminder Singh Matharu (Shiromoni Gurudwara Prabandhak Committee), Ms. Tehmina Arora, Advocate (ADF India), Mr Tanvir Kazi (human rights activist), Professor Haseena Hashia (Jamia Millia Islamia), Mr Abubakr Sabbaq, Advocate, Mr Saleem Baig (human rights activist), Ms. Devika Prasad (CHRI) and Ms. Aditi Dutta (CHRI).

The mandate given to the Committee was to look into and come to conclusions and give recommendations on the issues of (i) Causes of the violence, (ii) persons responsible, (iii) list of victims, (iv) list and quantum of damaged properties, (v) Role of Police, administration and others, (vi) and other related issues of the Delhi North East district riots which erupted in late February 2020. The said mandate stands fulfilled in terms of this Report.

I personally feel that the work was challenging for multiple reasons. Without getting into details, I must record that had the Delhi Police provided the required information, as had been requested by DMC and the fact-finding committee, the report would have been much more comprehensive.

My experience and interaction with various quarters suggests that the victims of arson, loot, physical injuries etc. would stand better served with fast justice and even faster disbursement of monetary relief to the victims. Similarly, Police has not registered many complaints of Muslim victims, including the most glaring example of the Mohan Nursing Home Shooting and hence no investigation has taken place on it and other such grave issues and incidents. In most cases, chargesheets have been filed by Police first against Muslim accused and the entire narrative has been changed to one of violence on both sides rather than a pogrom that was in fact carried out. This is a serious issue of changing public perception by attributing the riots to CAA protestors in general and Muslims in particular. This reflects injustice and partisan bias in the system which is neither good for a democratic system nor for our nation as whole. Much before these chargesheets were filed by Delhi Police, while being in the riot-affected area in Mustafabad, I spoke with an elderly Muslim gentleman about the prevailing situation after the riots. He narrated two couplets of two different poets to summarise the whole scenario. These two couplets are reproduced [with their English translations] as follows:

*Usee ka shahr, wahee muddae, wahee munsif
Hamein yaqeen tha, bamaara qusoor niklega*
(It's his city, he himself is the petitioner and himself the judge;
I was sure, I'd be held guilty).

— Ameer Qazalbash

*Shahar kare talab agar, tumse ilaaj-e-teergi
Sahib-e-ikhtiyaar ho, aag laga diyakaro!*
(If people ask you for a cure of darkness,
you are in power, set the city on fire).

— Peerzada Qasim

We stand at the threshold of a crucial stage. Most victims of the religious minority have stated stories and put forth illustrations reflecting religious bias against them, inasmuch as being treated as a separate and distinct ‘community’ rather than citizens of the country. I have no doubt in stating that the same discriminatory bias and hate became reason for the minorities to take a lead in the protests against the discriminatory CAA. The protests were legitimate and peaceful. Seemingly, to crush the protests, with support of the Administration and Police, a retaliatory plan of pro-CAA protesters was worked out to trigger violence at a large scale which led to loss of lives and damage to hundreds of properties owned mainly by the Muslim religious minority.

This is not the first case of targeted violence against minorities in the country. There have been innumerable instances. Most recently, about the Hashimpura killings of May 1987, the Delhi High Court has stated that the violence “was a case of targeted killing revealing an institutional bias within the law enforcement agents”. Again, in relation to 1984 Sikh riots, the Delhi High Court has noted that “the mass killings of Sikhs between 1 and 4 November 1984 in Delhi and the rest of the country, engineered by political actors with the assistance of the law enforcement agencies, answer the description of ‘crimes against humanity’.” The court also stated “That there was an abject failure by the police to investigate the violence which broke out in the aftermath of the assassination of Smt. Indira Gandhi is apparent from the several circumstances ...”

Non-registration of FIRs or delayed action on complaints naming the accused of riots, loot, arson and murder has led to no investigation in many crucial cases. Cases like the shooting from Mohan Nursing Home, instigating and inflammatory statements of Shri Kapil Mishra, have not been registered despite High Court’s observation.

Partisanship and bias on the part of the Police and Government have led to the abject failure of duty and of the law and order machinery in the Capital of India. Investigations have purposefully been misdirected to change the narrative of the cause of the violence that erupted in the North-East district of Delhi. Instances of incitement for violence by politicians of national

standing have been completely bypassed and persons like Dr M.A. Anwar of Al-Hind Hospital of Mustafabad have been castigated in the chargesheet. This reflects the partisan bias and shoddy methodology adopted in the investigation process.

Names and identities of the complainants/victims, whose testimonies/statements have been recorded in the report, have not been disclosed considering their requests to that effect. These video/audio recordings/copies of the complaints and other supporting documents have been placed in the custody of DMC.

I am thankful to all my committee members, who despite the Covid-19 pandemic and the consequent lockdown restrictions, devoted their time and energy in contributing in collection of information and testimonies as well providing their continuous valuable inputs in finalising this report. I feel that the collective efforts of all the members deserve high credit for producing the report. I hope that this fact-finding report shall go a long way in conveying the truth and facts which have been suppressed, and the victims of violence will get justice.

Apart from the Committee members, we were assisted by many socially spirited youth in doing research and collecting copies of FIRs, compensation forms details, making lists of the victims etc. in the violence-affected area. I deeply appreciate their work and thank them.

M R SHAMSHAD
Advocate-on-Record, Supreme Court of India
Chairperson,
DMC Fact-finding Committee on the
North-East Delhi Riots Feb. 2020

1. Introduction

Multiple areas of the North East district, a densely populated district of the national capital territory, suffered mass violence from 23 to 27 February, 2020. The official number of deaths recorded is 53, at least 250 injured persons who had to be hospitalised, and an unknown number of missing persons. The violence has led to huge financial losses due to the looting and arson of homes, shops, businesses, vehicles and other properties. The violence occurred across localities of North East Delhi including Shiv Vihar, Khajuri Khas, Chand Bagh, Gokulpuri, Maujpur, Karawal Nagar, Jafrabad, Mustafabad, Ashok Nagar, Bhagirah Vihar, Bhajanpura, and Kardam Puri.

Critical questions have been raised in the public sphere of the importance to accurately define the violence that took place, particularly to avoid automatically naming mass violence as “riots” when the violence may have been targeted against a particular community rather than a spontaneous breakout of violence between two sides.¹ Getting to the heart of how to define the violence is crucial - for accurate public record, to set the pathways to justice through the legal system, and most importantly for the victims of the violence to have some assurance that their suffering and loss is truly acknowledged and addressed. This report provides testimonies, observations and findings highlighting the targeting and victimization of the minority community in North East Delhi in the tide of violence in February 2020, while calling for further independent and rigorous examination and inquiry.

1.1 Constitution of the fact-finding committee by Delhi Minorities Commission

This is a report of the fact-finding Committee constituted by the Delhi Minorities Commission on 9th March, 2020. The Delhi Minorities Commission, created under the Delhi Minorities Commission Act 1999, is mandated to safeguard the rights and interests of religious minority communities in the National Capital Territory of Delhi. These include Muslims, Christians, Sikhs, Parsis, Buddhists, and Jains.

As per Section 10 of the Act, among a comprehensive list of functions, the Commission is empowered to examine the working of various safeguards provided in the Constitution of India or laws for the protection of minority communities, conduct studies to be undertaken into problems arising out of any discrimination against minority communities and recommend solutions, make recommendations to ensure, maintain, and promote communal harmony in Delhi, and look into specific complaints of deprivation of the rights and safeguards of minority communities and take appropriate action.

¹ Ashutosh Varshney, “How we define and categorise the Delhi violence matters,” *The Indian Express*, 2 March 2020 — <https://indianexpress.com/article/opinion/columns/delhi-violence-riots-death-toll-6294461/>

Acting on its mandate to safeguard the rights of minorities in Delhi, the Commission formed this Committee to conduct a fact-finding investigation and present a thorough report on the violence which occurred in North East Delhi. The specific terms of reference given to the Fact-Finding Committee were to report on:

1. the causes of the violence;
2. persons responsible;
3. list of victims;
4. list and quantum of damaged properties;
5. role of the police, administration, and others;
6. other related issues.

The Fact-Finding Committee is composed of the following:

Sl. No	Names of the members of the Committee	<i>Position in the Committee</i>
1	Mr M R Shamshad, Advocate-on-Record, Supreme Court of India	<i>Chairman</i>
2	Mr Gurminder Singh Matharu, Member, Shiromoni Gurudwara Prabandhak Committee (SGPC, Amritsar), Delhi	<i>Member</i>
3	Ms Tehmina Arora, Advocate, ADF India	<i>Member</i>
4	Mr Tanvir Kazi, Human Rights Activist	<i>Member</i>
5	Professor Haseena Hashia, Jamia Millia Islamia (University)	<i>Member</i>
6	Mr Abu Bakr Sabbaq, Advocate	<i>Member</i>
7	Mr Saleem Baig, Human Rights Activist	<i>Member</i>
8	Ms Devika Prasad, CHRI	<i>Member</i>
9	Ms Aditi Dutta, CHRI	<i>Member</i>
10	Mr Suhail Saifi, Social Activist ²	<i>Member</i>

In addition, research and drafting assistance was provided by Arijit Sarkar, Advocate, Ms Madhur Bharatiya, Advocate, Dr. Arpita Kanjilal, Ms. Aiman Khan, Ms. Ishita Chakrabarty, Shri Md. Tarique Alam, Ms Sneha Mukherjee, Advocate, Ms Nabila Hasan, Advocate, and Fawaz Shaheen. The Fact-Finding Committee was also helped by volunteers

² Mr Suhail Saifi opted out of the Committee on 15 May 2020 due to personal preoccupations.

Mozaffar Afaquei, Nadeem Ahmad, Saiful Haque, Kashif Rahman and Sahil Khan in assisting the Committee in collecting data from the violence-affected area.

Upon constitution, the Fact-Finding Committee held meetings at the Commission and in the affected area of Mustafabad. The Fact-Finding Committee members camped in the relief camp in Eidgah at Mustafabad for collection of information on damages, to document victim statements, and assist victim families to approach the helpdesk set up by Delhi Police in Eidgah for registration of complaints. Before the lockdown, at various prominent places across North East Delhi, the DMC put up banners (*see next page*) asking people to come forward with information regarding the violence. Phone numbers of volunteers and other methods of getting in touch with the Fact-Finding Committee were prominently displayed through the hoardings.

On March 11, 2020, the World Health Organization declared the outbreak of the coronavirus a pandemic,³ and soon after, the Government of India imposed a nationwide lockdown on 25th March 2020.

The total restrictions on movement, transport and functioning of public authorities prevented the Fact-Finding Committee from visiting the affected areas at this time, and severely hampered the gathering of information from authorities such as the Delhi Police. These limitations meant that the Fact-Finding Committee was not been able to complete its entire remit. Nevertheless, the Committee conducted physical surveys of the damage to religious sites; collected basic information from victims through a form (*see at the end of this report*) distributed by the Commission, and documented victim testimonies at various sites of North East Delhi. More than 400 forms were filled out and collected from victims. The information presented in this report is drawn from both primary and secondary sources.

³ Announcement by WHO Director General: <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--11-march-2020>



Delhi Minorities Commission

(Statutory Body of Govt. of NCT of Delhi, Set up by DMC Act 1999)

C-Block, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002

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दिल्ली अल्पसंख्यक आयोग द्वारा गठित उत्तर पूर्वी दिल्ली में हिंसा की जाँच के लिये फैक्ट फाइंडिंग कमेटी

S.N.	NAME	POST
1.	Shri M.R. Shamshad , Advocate-on-record, Supreme Court	Chairperson
2.	Shri Gurminder Singh Matharu , Member, SGPC	Member
3.	Ms. Tehmina Arora , Advocate	Member
4.	Shri Tanveer Kazi , Human Rights Activist	Member
5.	Prof. Hasina Hashia , JMI	Member
6.	Shri Abu Bakar Sabbaq , Advocate	Member
7.	Shri Saleem Baig , Human Rights Activist	Member
8.	Ms. Devika Prasad , CHRI	Member
9.	Ms. Aditi Datta , CHRI	Member
10.	Shri Suhail Saifi , Social Activist	Member

HELP DESK NUMBERS 80762 82502 / 95400 60606 / 97174 55303

नोट: सभी दंगा पीड़ित व्यक्तियों से निवेदन है कि वह अपने साथ हुए वर्दनाक हादसे की जानकारी सर्वेक्षण फॉर्म को दिल्ली अल्पसंख्यक आयोग द्वारा गठित 'फैक्ट फाइंडिंग कमेटी' के डेस्क जो कि राहत शिविर ईदगाह, 33 फुटा रोड, चाँद बाग, मुस्तफाबाद, दिल्ली-110094 में लगाया गया है, बहाँ से प्राप्त करें अथवा इस फॉर्म को हैल्प डेस्क नम्बर पर पर कॉल करके वॉटसेप्ट द्वारा भी मँगवा सकते हैं। अथवा आप इस फॉर्म को दिल्ली अल्पसंख्यक आयोग के दफ्तर से भी प्राप्त कर सकते हैं एवं फॉर्म को भरकर राहत शिविर एवं आयोग में जमा करा सकते हैं।

कानूनी सलाह के लिये सम्पर्क करें: एडवोकेट ताबिश सरोश - 9971695444 (वरिष्ठ कानूनी सलाहकार, दिल्ली अल्पसंख्यक आयोग)

सर्वेक्षण फॉर्म भरते समय किसी भी प्रकार की सहायता के लिए नीचे दिए गए
दिल्ली अल्पसंख्यक आयोग के सलाहकार कमेटी (Advisory Committee) के Members से संपर्क कर सकते हैं-
• श्री साबिर अली 8588833668 • श्री रियाजुद्दीन सैफी 8130452011 • मिस निशा सिंह 9871248825
• श्री जसपाल सिंह 9266991385 • श्री मनजीत सिंह 9871982481 • श्री भगत सिंह 9213239143
• श्री गुरप्रीत सिंह 9650445929 • मिस स्वीटी नॉयल 8743071249 • श्री सूरजपाल गौतम 9990616137
• श्री विकास शाक्य 8279914848 • मिस ज्योत्सना जैन 8506827779 • श्री राजेन्द्र प्रसाद जैन 9560620182
• श्री गुरविन्द सिंह कोहाट 9818370413

किसी भी प्रकार की असुविधा होने पर दिल्ली अल्पसंख्यक आयोग से सहायता प्राप्त की जा सकती है:-



डॉ. जफरुल इस्लाम खान
चेयरमैन



करतार सिंह कोचर, सदस्य
9811063250



सिस्टर अनसतासिया गिल
(वकील) सदस्य

1.2 A Brief demographic description of North East Delhi⁴

North East Delhi is one of the eleven districts of the National Capital Territory (NCT) of Delhi. It borders the Yamuna River on the West, Ghaziabad district to the North and East, East Delhi to the South, and North Delhi to the West across the Yamuna.

As per the 2011 Census, North East Delhi is the most populous district of the city. In 2011, the total population was 2,241,624, with men numbering 1,188,425 and women 1,053,199. In the ten years between the 2001 and 2011 census, the population of North East Delhi grew up 27%.⁵ It also has the highest population density in Delhi - 36,155 persons per square kilometre.⁶

Significantly, North East Delhi has the highest concentration of Purvanchalis, Muslims, and migrants from Uttar Pradesh and Bihar. Thousands of migrants live in unorganised colonies in the area, often without basic civic amenities.

The break-up of religious groups in North East Delhi, as of 2011, is as follows:

Hindus	1,529,337	68.22 %
Muslims	657,585	29.34 %
Christians	9,123	0.41 %
Sikhs	17,424	0.78 %
Buddhists	2,388	0.11 %
Jains	24,673	1.10 %
Others	48	0.00 %

There are eight Legislative Assembly seats under the North-East Delhi constituency: Seemapuri, Gokalpuri, Ghonda, Seelampur, Rohtash Nagar, Babarpur, Karawal Nagar, and Mustafabad. A majority of the Muslim population is concentrated in five assembly constituencies, including Ghonda, Seelampur, Mustafabad and Babarpur. There is an equally significant population of Dalits, who constitute 16.7 per cent (3.74 lakh) of the population.

⁴ Much of the information in this section is referenced from Ghazala Jamil, *Accumulation by Segregation: Muslim Localities in Delhi*, Oxford University Press, 2017, pp. 71ff.

⁵ <http://www.census2011.co.in/census/district/170-north-east-delhi.html>

⁶ AM Jigeesh, "Nearly 40,000 people living in 1 sq km", *The Hindu BusinessLine*, March 10, 2020, Accessed on June 23, 2020 — <https://www.thehindubusinessline.com/specials/india-file/nearly-40000-people-living-in-1-sq-km/article31029604.ece>

1.3 Major Localities in North-East Delhi

According to the 2001 census, Jafrabad had a population of 57,460. Men constituted 53% of the population and women 47%. Jafrabad has an average literacy rate of 62%, higher than the national average of 59.5%: male literacy is 67% and female literacy is 56%. Jafarabad has a large population of people who moved there from Old Delhi. Many of them are *karigars* (workers–artisans) and *karkhandars* (small–manufacturing-unit owners) who made the move due to shrinking living spaces in their old neighborhoods as a result of families getting bigger.

New Jafarabad is a contiguous locality but is very different from the rest. It has upper-middle-class residents, who are mostly the manufacturers who have managed to afford to separate their residences from their place of business. Many of the residents are also professionals, being the children of the older residents, who acquired education and professional training or are relatives who shifted here to be near their families. The houses are comparatively large, and there is a mosque that is air-conditioned. Increasingly now, many buildings are built like flats - different floors occupied and owned by different families. The roads are wide and well-paved. The locality is gated, though not very strictly guarded; making it easy for people to pass through.

Jafarabad and Chauhan Bangar primarily house Muslim small manufacturers, and the skilled and unskilled labourers employed by them. Most manufacturing units function from the ground floors of the buildings, doubling as living and sleeping areas for the workers at night. The upper floors contain residences of the owners and/or their tenants who also work in different businesses in different capacities.

Seelampur is a Vidhan Sabha constituency in Delhi. It is also a part of the North East Delhi Lok Sabha constituency. Seelampur was established to relocate several thousand families displaced following the demolition of their homes in North and Central Delhi during the Emergency. In later years, a large number of people from Western UP also migrated to Seelampur. Much of this locality is made up of *jhuggis* (shanties), squatters and slum resettlement colonies, and has poor Hindus and Muslims as residents. Among the largely Muslim population, Hindus are concentrated on Hindu-only streets.

1.4 Overview

Several developments in the months preceding the February violence must be reiterated to situate the build-up to a sharply divisive atmosphere in Delhi immediately preceding the breakout of the violence. These are a combination of nationwide developments as well as Delhi-specific events.

1.4.1 Passage of the Citizenship (Amendment) Act, 2019 (CAA)

The Citizenship (Amendment) Act, 2019 (CAA) was passed by the Parliament on 12 December, 2019. It amended the Citizenship Act of 1955 to lay down that “persons belonging to minority communities, namely Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who entered India on or before 31st December, 2014 shall not be treated as illegal migrants for the purposes of that Act”. For these persons, the Act paves swift naturalization as Indian citizens, relaxing the requirement of residence in India for citizenship by naturalization from 11 years to 5 years.⁷

According to constitutional experts, the CAA 2019 is outright discriminatory by explicitly excluding Muslims. Dr. Rajeev Dhavan, a renowned constitutional lawyer, stated that “The CAA is perhaps the modern world’s first “refugee legislation” to be subsumed by hate and discrimination”.⁸ Another legal scholar commented before the Bill was passed into law: “...the fact remains that by dividing (alleged) migrants into Muslims and non-Muslims, the Citizenship Amendment Bill explicitly, and blatantly, seeks to enshrine religious discrimination into law, contrary to our long-standing secular constitutional ethos”.⁹ In a signal of widespread concerns of the breach of constitutional standards posed by the CAA, there are a whopping 204 writ petitions challenging the constitutionality of the CAA pending with the Supreme Court.

Following its passage, the United Nations High Commissioner for Human Rights repeatedly expressed serious apprehension over the CAA. On 13 December 2019, in a press briefing on India, a representative of the UNHCHR voiced concern that “India’s new Citizenship (Amendment) Act 2019 is fundamentally discriminatory in nature”.¹⁰ In February 2020, in a statement to the UN Human Rights Council with global updates, the High Commissioner for

⁷ The Citizenship (Amendment) Act, 2019: <http://egazette.nic.in/WriteReadData/2019/214646.pdf>

⁸ Rajeev Dhavan, “India Needs a Proper Refugee Law, Not a CAA Suffused with Discriminatory Intent”, The Wire, 20 December 2019 — <https://thewire.in/law/india-needs-a-proper-refugee-law-not-a-caa-suffused-with-discriminatory-intent>

⁹ Gautam Bhatia, “A Bill that undercuts key constitutional values”, *The Hindu*, 7 October 2019 — <https://www.thehindu.com/opinion/lead/a-bill-that-undercuts-key-constitutional-values/article29611770.ece#:~:text=As%20its%20name%20suggests%2C%20it,%2C%20Bangladesh%20and%20Pakistan...>

¹⁰ United Nations Office of the High Commissioner for Human Rights, Press briefing on India, 13 December 2019: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25425&LangID=E>

Human Rights, Michelle Bachelet, with reference to India, stated that “the Citizenship Amendment Act adopted last December is of great concern”.¹¹ In March 2020, in an extraordinary move, the UN High Commissioner for Human Rights moved an application to the Supreme Court of India to intervene as an *amicus curiae* on the CAA to provide an overview of relevant international human rights standards to assist the Court’s deliberations on the matter.¹²

Soon after the passage of the amendments to the citizenship law, the government announced that a process of instituting a National Register of Citizens (NRC) was scheduled to begin in April 2020. In a legal context, Gautam Bhatia explained the consequences of this for Muslims as follows:

The implications are clear: if the government goes ahead with its plan of implementing a nation-wide National Register of Citizens, then those who find themselves excluded from it will be divided into two categories: (predominantly) Muslims, who will now be deemed illegal migrants, and all others, who would have been deemed illegal migrants, but are now immunised by the Citizenship Amendment Bill, if they can show that their country of origin is Afghanistan, Bangladesh or Pakistan.¹³

Taken all together, this led to serious fears among Muslims that they will be subject to a double exclusion and anyone deemed an “illegal migrant” will have no recourse, leaving large numbers of the members of the minority community acutely vulnerable once their very citizenship is stripped away.

1.4.2 Peaceful Protests against Citizenship Amendment Act and National Register of Citizens

Immediately, following the passage of the amendments, nationwide protests broke out across the country from mid-December 2019, led by ordinary people, particularly women and students. While the protests opposed the laws and policies giving basis to the CAA 2019 and the nationwide National Register, their larger message rested on a constitutional language and

¹¹ High Commissioner updates the Human Rights Council on human rights concerns, and progress, across the world, 27 February 2020 — <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25621&LangID=E>

¹² The Wire staff, “UN Human Rights Chief Moves to Intervene over CAA in SC, India Objects”, 3 March 2020: <https://thewire.in/diplomacy/un-human-rights-chief-intervention-application-supreme-court-caa>

¹³ Gautam Bhatia, “A Bill that undercuts key constitutional values”, *The Hindu*, 7 October 2019 — <https://www.thehindu.com/opinion/lead/a-bill-that-undercuts-key-constitutional-values/article29611770.ece#:~:text=As%20its%20name%20suggests%2C%20it,%2C%20Bangladesh%20and%20Pakistan...>

fundamental rights for all.¹⁴ The protests were characterised by an unprecedented wave of community-based, peaceful sit-in protests led by Muslim women in many cities and towns across India.

Excessive force by police to repress the protests came to the fore in multiple incidents and places. In December 2019, police forcefully entered the campuses of Jamia Millia Islamia (University)¹⁵ in Delhi and Aligarh Muslim University¹⁶ in Uttar Pradesh (UP), subjecting students to beatings leading to severe injuries, and causing colossal damage to university property. In fact, the excessive force by police against anti-CAA protesters led to people being injured and killed due to the police using both lethal and non-lethal weapons, with the highest known number of killings in the state of UP.¹⁷

1.4.3 Protests in Delhi

The Shaheen Bagh protest in Delhi, a peaceful sit-in protest led by women, began on 15 December 2019 as a spontaneous response in solidarity against the police violence meted out to the students of Jamia Millia Islamia on that day. Shaheen Bagh was the epicentre of the women-led protests in Delhi, and came to represent a social movement not just against the unlawful changes to citizenship, but also unemployment, poverty, caste and religious discrimination, and a host of issues at the heart of struggles for social justice and equality in India.

Protests were also organised in several parts of Delhi, including multiple sites in North East Delhi, like Jafrabad, Chand Bagh, Khajuri Khas, Old Mustafabad, Seelampur, Turkman Gate, Kardam Puri, Sundar Nagari, and Lal Bagh, and Inderlok (North West district), Nizammudin, Hauz Rani (South district) and Sadar Bazar (North Delhi district).

The sit-in protests in the North East district started with a call for sit-in protests by women in Jafrabad-Seelampur on 15th January, 2020. The protest started around 7 pm with hundreds of women sitting in protest with candles and banners, and men standing on the sidelines in solidarity and to offer protection to women.

¹⁴ Exemplified by the collective reading out of the Preamble of the Constitution of India at every protest.

¹⁵ <https://www.thehindu.com/news/cities/Delhi/video-of-police-brutality-in-jamia-millia-islamia-library-goes-viral/article30834535.ece>

¹⁶ <https://thewire.in/communalism/60-amu-students-injured-in-police-violence-university-closed-till-january-5>

¹⁷ International Commission of Jurists, “Briefing Paper on the Use of Force by the Uttar Pradesh Police to Quell Anti-Citizenship Amendment Protests”, 15 January 2020: <https://www.icj.org/wp-content/uploads/2020/01/India-Police-Excessive-Force-UP-Briefing-Paper-2020-ENG.pdf>

1.4.4 Delhi Legislative Assembly elections 2020: Incendiary campaign speeches and the fanning of communal sentiments in Delhi

Campaigning by political parties in the run-up to the elections to the Delhi Legislative Assembly, scheduled on 8 February 2020, began shortly after protests against the CAA-NRC spread across the country including several parts of Delhi.

By January 2020, openly communal statements were being made by politicians of the Bharatiya Janata Party (BJP) with reference to people protesting against the CAA, and often in the midst of “pro-CAA” rallies which had risen in a counter to the anti-CAA protests. In one example, on 3rd January, Shri Somasekhara Reddy, a Member of the Legislative Assembly of the BJP from Karnataka “cautioned” Muslims against participating in anti-CAA protests and warned of serious repercussions in blatantly divisive and dangerous terms, at a pro-CAA rally in Bellari district saying:

It's just a caution for those who are protesting against the CAA (Citizenship Amendment Act). We are 80 per cent and you (Muslims) are 18 per cent. Imagine what will happen if we take charge... Beware of the majority when you live in this country. This is our country. If you want to live here, you will have to, like the Australian Prime Minister said, follow the country's traditions... So, I warn you that CAA and NRC are made by Modi and Amit Shah. If you will go against these acts, it won't be good... If you wish, you can go to Pakistan. We don't have any issues. Intentionally, we would not send you... If you will act as enemies, we should also react like enemies.¹⁸

Similarly in Delhi, several elected leaders of the BJP, including those holding Cabinet positions such as the Union Home Minister Amit Shah, Minister of Animal Husbandry Giriraj Singh, Former MLA of Karawal Nagar and BJP leader Kapil Mishra, the Chief Minister of Uttar Pradesh, Yogi Adityanath among many others, made provocative, threatening speeches against the protestors. BJP leaders raised the pitch to the extent of calling the Chief Minister of Delhi a “terrorist”.¹⁹ The Election Commission of India banned BJP MP Parvesh Verma from campaigning for 24 hours for using this term to describe the Chief Minister.²⁰

The violence which broke out in North East Delhi was clearly preceded by a number of speeches by BJP leaders openly maligning anti-CAA protestors and questioning their motives with no basis, making derogatory remarks laden with communal undertones and open threats

¹⁸ “BJP MLA ‘warns’ anti-CAA protesters, says ‘we are 80% and you just 17%’”, India TV, 4 January 2020 — <https://www.indiatvnews.com/news/india/bjp-ballari-mla-somashekhar-reddy-threatens-anti-caa-protesters-says-we-are-80-percent-576220>

¹⁹ <https://www.firstpost.com/politics/days-after-parvesh-vermas-terrorist-dig-at-arvind-kejriwal-prakash-javadekar-says-not-much-difference-between-anarchist-and-terrorist-7996671.html>

²⁰ <https://www.outlookindia.com/website/story/india-news-election-commission-bans-parvesh-verma-from-campaigning-for-calling-delhi-cm-kejriwal-terrorist/346834>

of violence, and to cast the Shaheen Bagh protests, particularly, in a negative light to build an “anti-Shaheen Bagh” narrative. It must be noted that none of these political leaders had ever visited the anti-NRC protest sites and thereby had no first-hand information of the kind of speeches and messages being promoted at these sites. Excerpts from some of the more prominent speeches follow and speak for themselves in exposing the harmful violent content:

Mr Anurag Thakur, Member of Parliament, Hamirpur Lok Sabha Constituency and Minister of State for Finance, Government of India, raised a slogan in an election rally in Delhi on the 20 January, 2020 where he incited the public present to repeat: “*Desh ke ghaddaron ko, goli maaron saalon ko*” (Shoot down the rascals/the traitors to the country).

Captured widely in print and electronic media, it is clearly shown and heard how he shouted the first part of the slogan, and directed the listening crowd to respond with the second half. This amounted to asking an entire election rally to fire bullets at the country’s “traitors” within the oblique but not unmasked reference to a particular minority community.

On 27 January 2020, the Home Minister of India, Mr Amit Shah, addressed an election rally saying that people should press the EVM button on 8 February with such anger that the protesters in Shaheen Bagh should “feel the current”. He said “Your vote to BJP candidate will make Delhi and the country safe and prevent thousands of incidents like Shaheen Bagh.”²¹

On 28 January 2020, in a televised interview, Mr Parvesh Verma, BJP MP, made these derogatory remarks against Muslim men in particular:

The people of Delhi know that the fire that raged in Kashmir a few years ago, where the daughters and sisters of Kashmiri Pandits were raped...caught on in UP, Hyderabad, Kerala, the same fire is raging in a corner in Delhi. Lakhs of people gather there. This fire can reach the residences of Delhi anytime. People of Delhi will have to decide wisely. These people will enter your houses, rape your sisters & daughters, kill them. There's time today, Modi ji & Amit Shah won't come to save you tomorrow...²²

On 28 January 2020, while addressing a crowd at a community center in Ranhoula village which falls under the Vikaspuri Assembly constituency in West Delhi, Mr Parvesh Verma publicly threatened to demolish all mosques in his constituency if the BJP win power: “If in Delhi, BJP come, then after 11th give me one month, how many ever masjids have been built on government land in my Lok Sabha constituency, I won't leave even one of them standing”.²³

²¹ https://www.huffingtonpost.in/entry/delhi-assembly-elections-2020-amit-shah-shaheen-bagh_in_5e2e62d9c5b67d8874b4f4d7

²² <https://www.financialexpress.com/india-news/delhi-election-2020-bjp-mp-says-shaheen-bagh-will-be-cleared-in-an-hour-if-bjp-comes-to-power/1837215/>

²³ <https://www.firstpost.com/politics/will-remove-shaheen-bagh-protesters-mosques-on-state-land-west-delhi-bjp-mp-parvesh-vermas-poll-promise-7965961.html>

On 29 January 2020, Mr Tarun Chug, National Secretary, BJP, tweeted the following:²⁴ “We will not let Delhi become Syria and allow them to run an ISIS-like module here, where women and kids are used. They are trying to create fear in the minds of people of Delhi by blocking the main route. We will not let this happen. (We will not let Delhi burn). #ShaheenBaghKaSach.”

30.01.2020: “aaj yeh tukde-tukde gang ka head office ban chuka hai shaitanibagh, aur ye log Bharat ko, delhi ko, Syria banaana chahte hain, hum banne nahin denge (This dividing gang today has its head office in Satan-bagh and these people want to turn India and Delhi into Syria which we will not let happen).”²⁵

Mr Tajinder Pal Bagga; a candidate in Delhi Assembly election of BJP in public remarks on 30 January 2020 threatened violent actions to wipe out the Shaheen Bagh protest site if the BJP came to power: “In Shaheen Bagh, claims are being made that the Indian Army kills its own people. Indian Army is being equated with the Pakistani army. Shaheen Bagh has become a hub of anti-nationals. And on 11th February, after the results, a surgical strike will be done on this *adda* [den].”²⁶

On 2 February 2020, Mr Ajay Bisht (popularly known as ‘Yogi Adityanath’), the Chief Minister of Uttar Pradesh, addressed an election rally in Delhi of 15000 persons in support of BJP candidates in the Delhi Assembly elections and also alluded to violent actions: “(Arvind) Kejriwal and his *mandali* (clique) are trying to fan unrest and anarchy by tacitly supporting the Shaheen Bagh protests. These protests are nothing but a way for some section of people to show their objections against the scrapping of Article 370 and the construction of Lord Ram’s grand temple in Ayodhya,” He asked voters to install a BJP government in Delhi, which would promote all religions, but added that where “*boli*” (words) *don’t work*, “*goli*” (bullet) *does*.²⁷

On 5 February 2020, Mr Tejasvi Surya, BJP MP, in a speech in Parliament, equated the Shaheen Bagh protests to religious fundamentalism:

What is extremely disappointing, what is extremely troubling is that the opposition of this country, knowing fully well that these legislations, especially the citizenship amendment act, have nothing whatsoever to do with taking citizenship away from anyone, has gone around the country indulging in a campaign of lies, campaign of slander, misguiding the people of this country.....what is happening today in

²⁴ <https://www.nationalheraldindia.com/india/wont-allow-delhi-to-become-syria-says-bjp-leader-tarun-chugh-on-shaheen-bagh-protest>

²⁵ The original tweet has been withheld by Twitter due to a legal demand <https://twitter.com/tarunchughbjp/status/1222397979245469697>; See <https://www.aninews.in/news/national/politics/shaheen-bagh-means-shaitan-bagh-bjps-tarun-chugh20200130115030/>

²⁶ <https://www.indiatoday.in/elections/delhi-assembly-polls-2020/story/tajinder-bagga-bjp-on-shaheen-bagh-1641578-2020-01-30>

²⁷ <https://theprint.in/politics/shaheen-bagh-biryani-bullets-pakistan-what-yogi-adityanath-said-at-delhi-rallies/358759/>

Shaheen Bagh in Delhi is a stark reminder that if the majority of this country is not vigilant, if the patriotic Indians do not stand up to this, the days of Mughal Raj coming back and revisiting Delhi is not very far away. Sir, what is happening in Shaheen Bagh is fanatic Islamism, masquerading in the garb of constitutional secularism. Sir, and therefore we must exercise vigilance to ensure that this country is on the path to true secularism".²⁸

Shri Abhay Verma, the then sitting MLA representing Laxmi Nagar constituency in East Delhi on 25 February 2020 repeated the slogan in public: "*desh ke gaddaron ko, goli maaro saalon ko*" (The country's traitors, shoot them rascals).²⁹

On 29 January 2020, the Election Commission of India ordered the removal of Union Minister of State Anurag Thakur and BJP MP Parvesh Verma from the BJP's list of star campaigners for the Delhi Assembly Elections after finding that they made "statements/speeches contents of which were in violation of the letter and spirit of the various provisions of the Model Code of Conduct for Political Parties and Candidates".³⁰

1.4.5 Attempts at harm and intimidation of Shaheen Bagh and other protest sites, including direct violence

In tandem with the public remarks and speeches being made by leaders of a political party during in January and February 2020, there were visible attempts by Hindu right-wing groups and/or their supporters to intimidate and harm anti-CAA protestors in Delhi. These include two shooting attempts at protestors, in full public view.

On 30 January 2020, one Rambhakt Gopal fired his gun, in full view of Delhi Police personnel, at protestors at the gates of Jamia Millia University which had turned into a site of continuous protests, injuring one student.³¹

On 1 February 2020, one Kapil Gurjar entered the Shaheen Bagh protest site with a gun and opened fire.³²

²⁸ <https://www.ndtv.com/india-news/mughal-raj-not-far-away-if-bjps-tejasvi-surya-on-anti-caa-protesters-2175623>

²⁹ <https://scroll.in/video/954331/bjp-mla-abhay-verma-leads-east-delhi-march-with-goli-maaro-ko-as-mob-violence-continues>

³⁰ Election Commission of India, "Order regarding removal of Sh. Anurag Thakur and Sh. Parvesh Sahib Singh from the list of Star Campaigners of BJP, 29 January 2020: <https://eci.gov.in/files/file/11751-order-regarding-removal-of-sh-anurag-thakur-and-sh-parvesh-sahib-singh-from-the-list-of-star-campaigners-of-bjp/>

³¹ <https://www.ndtv.com/india-news/jamia-shooting-as-teen-rambhakt-gopal-pulls-gun-at-jamia-police-watch-dont-rush-into-action-2172212>

³² <https://indianexpress.com/article/india/shaheen-bagh-firing-caa-protest-6246745/>

Following these, the right-wing group, Hindu Sena, planned a large mobilisation on 2 February 2020 with a call to their supporters to “remove” all protestors from Shaheen Bagh by force. After intervention of the Delhi Police, they called this off.³³

These indicate the criminal actions taken by these groups/individuals to harm the lives and safety of the people protesting peacefully, and point to the serious threats against peaceful protestors by this time.

1.4.6 Kapil Mishra’s speech on 23rd February 2020



Kapil Mishra in Maujpur with DCP North-East standing by his right side on 23 Feb. 2020

An incendiary public speech by BJP leader and former MLA Kapil Mishra on 23 February 2020 clearly incited violence in words and intent. Women-led peaceful protests were ongoing in North East Delhi at Jafrabad from January 2020, with over a hundred women sitting in protest near the Jafrabad Metro Station and another at Kardampuri near Maujpur Chowk Road.

On 23 February, Kapil Mishra put out a call on social media to his supporters and subsequently led a rally in Maujpur, less than a kilometer away from the site of the Jafrabad sit-in protest. At about 5:30pm, Kapil Mishra addressed the gathering in the presence of the Deputy Commissioner of Police for North East District Ved Prakash Surya, in fact with the DCP standing right next to him in full riot gear. In his speech, he said:

³³ <https://thewire.in/rights/hindu-sena-shaheen-bagh-protesters>

This is what they wanted. This is why they blocked the roads. That's why a riot-like situation has been created. From our side not a single stone has been pelted. DCP is standing beside us. On behalf of all of you, I am saying that till the time [US President] Trump goes back [from India], we are going to go forward peacefully. But after that, we will not listen to the Police if roads are not cleared after three days. By the time Trump goes, we request the Police to clear out Jafrabad and Chaand Bagh. After that, we will have to come on the roads. *Bharat mataki jai! Vande Mataram!*³⁴"³⁴

1.4.7 Responses to statements/speeches made during election campaign: Election Commission of India and High Court of Delhi

The Election Commission of India took swift action against two BJP leaders with reference to their speeches/statements. On 29 January 2020, the Commission ordered the removal of Union Minister of State Anurag Thakur and BJP MP Parvesh Verma from the BJP's list of star campaigners for the Delhi Assembly Elections after finding that they made "statements/speeches contents of which were in violation of the letter and spirit of the various provisions of the Model Code of Conduct for Political Parties and Candidates".³⁵ In notices sent to Thakur³⁶ and Verma,³⁷ the Commission cited clauses from Part 1 of the Model Code of Conduct, and Sections 123 and 125 of the Representation of the People Act 1951, stating the Commission's, *prima facie*, view that the statements they made have the potential of "disturbing communal harmony and aggravating the existing differences between social and religious communities" and thereby violated the provisions of the Model Code and RP Act cited. Among others, the statements of "*desh ke gaddaro ko, goli maaro saalo ko*" were specifically cited by the Commission. The provisions of the Model Code and RP Act seek to prevent actions or statements by candidates that create divisions, or promote feelings of enmity or hatred between different citizens on the grounds of religion, caste, community or language.

³⁴ "Won't listen after 3 days: Kapil Mishra's ultimatum to Delhi Police to vacate Jafrabad roads", *India Today*, February 23, 2020 — <https://www.indiatoday.in/india/story/won-t-listen-after-3-days-bjp-kapil-mishra-ultimatum-to-delhi-police-to-vacate-Jafrabad-chand-bagh-roads-1649271-2020-02-23> ; "BJP's Kapil Mishra Has Issued an 'Ultimatum' to the Delhi Police. But Who Is He?", *The Wire*, 2 February 2020 — <https://thewire.in/communalism/kapil-mishra-delhi-bjp>. Also watch Kapil Mishra speaking here : "Kapil Mishra among these 4 videos Delhi High Court Made Police Watch on Hate Speeches by Politicians", Hindustan Times video, 27 Feb 2020: <https://www.youtube.com/watch?v=M1RcLjP9068> (*has four videos including Kapil Mishra's which Delhi High Court Justice Murlidhar made the Delhi Police watch*).

³⁵ Election Commission of India, "Order regarding removal of Sh. Anurag Thakur and Sh. Parvesh Sahib Singh from the list of Star Campaigners of BJP, 29 January 2020: <https://eci.gov.in/files/file/11751-order-regarding-removal-of-sh-anurag-thakur-and-sh-parvesh-sahib-singh-from-the-list-of-star-campaigners-of-bjp/>

³⁶ <https://eci.gov.in/files/file/11731-notice-to-sh-anurag-thakur-star-campaigner-bjp/>

³⁷ <https://eci.gov.in/files/file/11735-notice-to-sh-parvesh-sahib-singh-bjp/>

As the violence escalated in the days following Kapil Mishra's speech, the High Court of Delhi on 26 February 2020, while hearing a petition seeking the registration of a First Information Report against BJP leaders Kapil Mishra, Anurag Thakur and Parvesh Verma for their speeches that led to incitement of violence among other prayers, asked the Delhi Police to take a "conscious decision" to register an FIR in 24 hours. Justice Muralidhar expressed "anguish" that the city is burning and questioned the Delhi Police on the delay and its lack of acknowledgment of the speeches themselves as crimes.³⁸ Solicitor General of India, Tushar Mehta, appearing for the Delhi Police, repeatedly asserted that FIRs will only be "registered at an appropriate stage". However, the matter reverted to a different bench for the hearing on 27 February and the Court gave the Union of India four weeks to file a counter-affidavit in response. To date, no FIR has been registered against the BJP leaders.

While the Election Commission initiated some steps to acknowledge and penalise the harmful content of the speeches pointed to, the initial decisive actions of the Delhi High Court did not materialise into the initiation of prosecution against the BJP leaders for inciting violence through their speeches.

³⁸ <https://twitter.com/LiveLawIndia/status/1232616828045643776> (Feb 26, 2020)

2. Testimonies

Within hours of the Kapil Mishra's speech on 23 February 2020, violence broke out in various parts of North East Delhi, including Shiv Vihar, Khajuri Khas, Chand Bagh, Gokulpuri, Maujpur, Karawal Nagar, Jafrabad, Mustafabad, Ashok Nagar, Bhagirathi Vihar, Bhajanpura and Kardam Puri.

The official number of deaths recorded is 53, at least 250 injured persons who had to be hospitalised, and an unknown number of missing persons (*see Annexure 1*). The violence has led to huge financial losses due to the looting and arson of homes, shops, businesses and other properties.

In this chapter, the testimonies of several of the victims and journalists who were on the ground reporting on the violence have been compiled.

2.1 Targeted Violence



Zubair being attacked by mob (The Indian Express/Danish Siddiqui)



Photo taken by the Chairman of the fact-finding committee of an elderly man in Shiv Vihar two days after the riots

2.1.1. Statement given by three Muslim residents of Shiv Vihar, Phase-VII to the fact-finding committee.

On 25.02.2020 at around 4 pm, several people came in Gypsy cars and stopped near the *puliya* [small bridge] on the *nala* [drain] connecting Johripur. They were wearing helmets and had a cloth mask to cover their faces. Then they started throwing petrol bombs in the *gali*³⁹ dominated by Muslims. Thereafter, another group came from across the Nala Abadi side (Johripur area, which is a non-Muslim locality). They had a Santro Car with a gas cylinder inside it. At around 5 pm, they let the car roll down a slope towards the residential area of Shiv Vihar. The car was on fire as it hit the *puliya* and it caused a huge blast. After that everyone got scared. The residents were crying in panic. But the mob kept throwing cylinders, gas *golas* [bombs] and bottles towards the residential areas.

³⁹ Hindi/Urdu for lane. We have retained the word without translating as it is often used as part of an address.



Burnt cars in a garage (Source: english.matrubhumi.com / PTI)

Targeted Violence: They first looted the houses and then burnt them. While doing this loot and arson...they kept saying....*Mullas*⁴⁰...take *Azadi*⁴¹...we are giving you *Azadi*. They knew that the people here were Muslims. In this gali No 19, phase 7, there are 30 houses out of which 27 belong to Muslims and three to non-Muslims. All 27 houses of Muslims were looted, burnt and destroyed. The three houses of non-Muslims were left intact. Their neighbours identified the houses to the people who had come from outside. Somehow, many Muslim residents managed to escape the area at night.

Role of the police: The police force finally came at around 6.30 pm on 23 February 2020. A police officer aimed his gun at the attackers but someone from within the police force (may be a *Daroga*⁴²) stopped the policeman, saying 'do not stop them' [attackers]. The police officers then stopped. Seeing this, the attackers started massive loot and arson in the area. They were hitting people, putting houses and shops on fire. They continued doing this whole night. There was no safety provided by the police. During this period, the police force was sitting here but they did nothing.

⁴⁰ Slang for Maulana or Muslim cleric, used as a derogatory term for Muslims in general.

⁴¹ Hindi/Urdu for freedom, alluding to a popular slogan used by anti-CAA protesters.

⁴² Police officer.

2.1.2 Statement of Muslim person of Shiv Vihar (Gadha Chowk) to the Fact-finding Committee

The occupant of a house in Gali No. 3, G Block (Phase III) stated that 5-7 Muslim-owned shops were targeted and burnt on the night of 24 February 2020. They again came on at around 11 PM, and burnt the respondent's house in G Block. On 24 February 2020, these shops were looted first, and then burnt on the next day, i.e., on 25 February 2020.

Targeted Violence: The next morning, i.e., on 25 February 2020, the mob came again and started looting, and burning the houses. They also burnt the Taiyaba Masjid in Gali No 2. Muslim-owned shops were being specifically identified by locals to the mob for the purpose of looting and arson. This respondent stated that his grandmother had four shops, which she had given on rent to Muslims as well as Hindus. A halwai [sweets] shop given on rent to a Hindu remained untouched, while the adjacent shop (dealing with phones), given on rent to a Muslim, was burnt. Again, her Hindu tenant (*tea shop*) was spared, while a motorcycle repair shop run by a Muslim tenant, was burnt. Resultantly, two Muslim tenant shops owned by Muslims were looted and burnt down. Two Hindu tenant-run shops of the same Muslim landlady were spared.

In the nearby places, for shops owned by non-Muslims but rented to Muslims, the mob took out all the articles from the shops, looted what they wanted and burnt the remaining stuff. They did not burn the shop itself because the locals informed them that the house-owner was a Hindu of Gujjar caste.

Role of Police: The police were being called regularly but they did not turn up. The respondent stated that during the violence on 24 February 2020, a Police gypsy car was patrolling. On complaints by Muslims about the mob, the Police personnel said that they will not do anything to prevent it as they did not have order from higher-ups to prevent them. In fact, the Police told the mob: "you do what they want." The mob was chanting slogan of '*Jai Shri Ram*'.

Financial Impact: They did not receive compensation till 10 June 2020.

2.1.3 Statement given to the Fact-Finding Committee of a young Muslim woman from Bagirathi Vihar, whose brother was killed in the violence

The family stayed on rent in a four-storey building. In the locality, there was sloganeering from 24 February onwards. The mob was shouting "*Jai Shri Ram*". The lady narrated that this is a large building where many tenants stayed, out of which four-five families were Muslims. They lived on the 4th floor. Two families from the lower floor had already fled. They themselves could not go because the attackers had lit a fire on the stairs leading to the upper floors. They called their landlord, Shri Suraj, and he told them to keep calm.

On 25 February, a mob entered the building after cutting the gate at the back of the house, as the front gate was closed and they could not get through. They disconnected the electricity and dismantled the CCTV cameras. They entered her room, slapped her and asked about men in the family. She lied and told them that there were none. In fact, she had asked two men to hide in the wooden box of the bed so they were there. Upon her denial, the mob started hitting everything in the house with iron rods. They hit the bed and one out of the two cried from inside due to panic. They opened the bed and took out both of them and started beating them mercilessly. They succeeded in taking away one of them *i.e.*, her brother Musharraf, aged 32.

The family kept crying for help but nobody came. They called the police about a 100 times but in vain. Two days later on 28 February her brother's dead body was found in a nearby *nala* [drain].

Role of Police: They lodged an FIR and named a few persons who were sloganising on 24 February in the area. They could not identify anybody on the 25th because they were either wearing helmets or had covered their faces with handkerchiefs. Till now nobody has been arrested in relation to her brother's death. She doesn't know what has been done on her complaint⁴³. The police have telephoned her to come to the Police Station on a few occasions but the family is scared, and has left that area and now lives in Mustafabad. Ideally, police should have come to them to record their statements but they have not done so.

2.1.4 Statement of a Muslim gentleman who had a rented shop in Delhi Durbar Market in the Bhajanpura area to the fact-finding committee

He said that in the larger market of Bhajanpura there are about 50 shops of Muslims. All were looted and burned. His shop was in Delhi Durbar market of Bhajanpura.

Targeted Violence: In this lane, out of a total of about 40 shops, there were only two which belonged to the Muslims, including his own which was on a monthly rent of about Rs. 12,000. The other was owned by a Muslim. His shop's shutter was cut and the entire goods were taken out, looted and burned. Adjacent to his shop on one side is Krishna Digital Studio and on the other side there is an ATM of Dena Bank (*see photo below*). However, both the shops remained untouched. He said if only money and loot was the concern, they would have broken the shutter of Dena Bank ATM.

Financial Impact: He has lost his entire assets and earnings of life; he has not received any compensation from the government yet.

⁴³ After submission of this report, in terms of order passed by the Delhi High Court in WP(Crl) 995/2020 on 1.07.2020, the police has disclosed a chargesheet where Nisar Ahmad is a witness. In this chargesheet, it is reflected that FIR No 30/2020 has been registered. The complainant has no information about it.

Role of the Police: An FIR has been lodged. He does not know what the Police has done in this regard.



Photo handed over to a fact-finding committee member by the victim

2.1.5 Statement of a Muslim father and son who had shops/godowns in the Chuna-Bhatti area in Karawal Nagar to the Fact-finding committee

The father had a shop of furniture/showroom and the son had a separate godown to keep the raw materials of wood etc. In the said area, there are a total of about seven shops/godowns, out of which five were occupied by Muslims. Two were occupied by this father and his son, the third was a welding shop, the fourth a bike repair shop and the fifth was of a rickshawala. All these five shops were looted and burnt. Two remaining shops were of non-Muslims. They remained untouched. The father and son stated that the Hindu neighbours called on 25 February on their phones to say that the mob had entered the area and they were burning their shops. The neighbours said on the phone that they were helpless and they could do nothing.

Role of Police: They lodged a complaint with the Police. They do not know what is happening to that complaint.

Financial Impact: They have not received any compensation. The landlord has told the father that now he will not let out the shop to a Muslim.

2.1.6 Statement of a Muslim boy who resided in Gali No.4, Khajuri Khas, to the fact-finding committee

In this street, there are many houses (about 80-90) of both Hindus and Muslims. Out of these, 44 are occupied by Muslims. The respondent stated that his house has three floors. Stone pelting had started on 23 February in this area and they had started calling the Police since then. This situation continued till the 25th.

On 25th February, a mob came and looted and burnt all the 44 houses which belonged to the Muslims. Few of his non-Muslim friends called him to say that their houses were being burnt. His house was at the entrance of the *gali*, so it was burnt first along with 2-3 nearby houses of Muslims. Seeing this, most of the Muslims left the place by jumping from rooftop to rooftop as they are connected.

Role of police: Finally, the Police rescued them and most of the Muslim families evacuated to Chandu Nagar area which has a majority Muslim population. He saw from his rooftop that Aman Showroom was being burnt in the presence of the Police. The Police was coordinating with the mob and the mob kept on chanting: “*Dilli Police Zindabad*” (Long Live Delhi Police).

At present, these people have gone back to their burnt houses. When they went back, they saw that their Hindu neighbours were lodging false complaints with the Police stating that their houses too had been looted.

Financial Impact: Many families have received compensation though he and his uncle had received only Rs.12500 each. He does not know when they will give any proper compensation to him, or what will happen to the FIRs that he has lodged.

2.1.7 Statement of a 35-year-old Muslim man of Old Mustafabad, who was rescuing people during the violence, to the Fact-Finding Committee

Luckily he could escape from Ganga Vihar area and then he was involved in rescuing people trapped due to the violence. He said that at Johripur Naala, there are four houses of Muslims. All the four were first looted, then burnt. On the lane of Johripur Nala and Brijpuri Puliya, all the houses that belonged to Muslims were selectively burnt. If by any chance one or two Muslim houses were left out, it was because of confusion. Even a retired Muslim police officer's house was burnt. In Ganga Vihar, all the Muslim houses were targeted and burnt. At many places, people in vehicles were stopped and asked for their identity cards, thereafter their fate was decided. If they were Muslims, their vehicles were burnt.

2.1.8 Statement of a Muslim boy of Old Mustafabad to the Fact-finding Committee

About 6:30 pm on 25 February 2020, Rahul Verma, Arun Baisoya, Chawla Ji, residents of Brijpuri alongwith the Police attacked the ladies who were sitting in the protest. They beat up the women with *lathis*⁴⁴, tridents, spears and threw petrol bombs into the protest area. This resulted in a fire in the tent where the protesters were sitting in. He was near the gate of the Faruqiya Masjid at Brijpuri. He had gone there for offering *Namaz*⁴⁵. There were seven *Namazis*⁴⁶ inside the Mosque. Many goons entered the Masjid through the adjoining school roof.

Role of police: The respondent stated that Police in Blue Uniforms⁴⁷ entered the Mosque and started beating people who were offering *Namaz* there. People coming out of the Masjid were hit by the Police. The owner of the Chawla General Store, along with his companions, cut them into pieces and threw them in the *naala* [drain]. The respondent said that he also recognised some local men namely Rahul Verma and Arun Baisoya. **Rahaul Verma sent many of the *Namazis* to their deaths by shooting at them and Arun Baisoya started throwing petrol bombs inside the Masjid.** They desecrated copies of the Holy Quran saying that “*If you consider this book a great one, then see how this will be burnt.*” His complaint (*a copy of which was given to this Committee*) says that Baisoya exhorted people to kill the Imam and Muazzin⁴⁸ of the mosque, after which the mob started hitting them with iron rods. **When this man tried saving the Imam from Rahul Verma’s attacks with a *danda* (stick), his left eye got hit and he permanently lost sight in one eye.** The second blow was struck on his head and he collapsed. He has named the owner of Chawla General Store, Rahul Verma, and Arun Baisoya and their companions in his complaint.

His lawyer has also sent an e-mail to the Delhi Police for the registration of FIR. Till date the complainant has not been told about the status of the registration of his FIR. **Delhi Police personnel personally visited him and conveyed to him a message to compromise with the named persons or write a new complaint without naming the persons in his complaint.** During the violence, many people visited in police uniform. When residents gathered and asked for their IDs and name tags, they refused to show same and disappeared. **In the area where the violence was going on, Police people was just sitting in their cars and the mob kept on attacking people.** Police was not in small numbers, rather they were there in about 10-12 Gypsy vehicle. Police were not receiving telephone calls. He feels that there still exists a tension in the area and the

⁴⁴ Hindi/Urdu for long bamboo stick.

⁴⁵ Refers to the Muslim prayer.

⁴⁶ People offering prayer.

⁴⁷ Probably refers to personnel of Rapid Action Force (RAF) which is a paramilitary organisation that often wears a blue uniform.

⁴⁸ A person who calls for Namaz in a mosque.

mission of the attackers is yet not fulfilled. He fears that there might be further violence in the future.

The Fact-finding Committee also received a video of the Muazzin narrating his story. He says that the Police beat him in the Brijpuri Pulia Masjid after he had performed his *Maghrib*⁴⁹ *Namaz* and had gone to his house which is attached to the Mosque. He says, police beat him a lot. His photo and video show his injured condition.



*Muazzin of Farooqia Masjid, Brijpuri Pulia, in injured condition
(Photo given to the fact-finding committee by a neighbour)*

2.1.9 Statement of a Muslim boy in Old Mustafabad to Fact-finding committee

On 25 February 2020, while he was returning from his sister's house in Shiv Vihar, he was shot by somebody from behind but it passed by, scraping his neck. Even though the damage was not fatal, he did suffer an injury. He got admitted at Al-Hind Hospital. He was told that there were small fragments of the bullet still inside him near his shoulder.

Role of police: There was violence all over but no police officer was ready to control the situation. The mob was shouting "*Jai Shri Ram*". He tried to call the Police many times, but he could not get through. Later Police came to enquire about him but he was not at home. He states that there still exists much fear and tension in the area. Police people come there quite often which terrifies him. He did not lodge a formal complaint due to fear of reprisals.

Financial Impact: He had filled a form for compensation and has received only Rs. 20,000.

⁴⁹ Prayer offered after sunset.

2.2 Places of Worship: 14 Testimonies

In the process of fact-finding, we identified various religious places that had been vandalised during the violence. We visited several places including Ashok Nagar, Gokul Puri, Bhajanpura, Shiv Vihar, Mustafabad, Jyoti Colony, Khajuri Khas and Ghonda. We found that the following religious places, among others, were damaged/attacked/destroyed by the mobs:

1. Chand Masjid, Ashok Nagar
2. Masjid Farooqia, Brijpuri
3. Jamiatul Huda Madarsa, Brijpuri
4. Jannati Masjid, Gokulpuri
5. Madarsatul Uloom Madarsa, Gokulpuri
6. Sayyed Chand Baba [Baba Shaikh] Mazar, Bhajanpura
7. Qabristan (Graveyard), Jyoti Colony
8. Fatima Masjid, Khajuri Khas
9. Madarsa Mahmudia, Khajuri Khas
10. Masjid & Madrasa Abdullah Bukhari, Tyre Market, Gokulpuri
11. Masjid Umar Farooq, Ghonda
12. Madina Masjid, Shiv Vihar
13. Auliya Masjid, Shiv Vihar
14. Tayyeba Masjid, Shiv Vihar
15. Allah-wali Masjid, Bhagat Singh Colony
16. Masjid Maula Baksh, Ashok Nagar, Gokulpuri
17. Madrasa Tayyibul Uloom, Ashok Nagar (Shahdara)

All these religious places belong to Muslims, including mosques/masjids, a graveyard and a *Dargah*. In the above mentioned areas, there are other religious places too, mostly Hindu temples. The committee could visit five temples in different parts of New Mustafabad, Nehru Vihar and Brijpuri Pulia. None of these temples had sustained any damage.

To assess the nature of damage caused to the mosques and injuries to the people who occupied them, we had formulated a questionnaire containing 11 questions which were asked to either the caretaker of the religious place or the members of the Managing Committee. All estimates of damages given in this section are based on those drawn up by the relevant managing committee.

2.2.1 Chand Masjid, E block, Ashok Nagar

This is a two-floor, 110 square yards masjid. The caretaker of the masjid is Mr Mohd. Raees and the manager of the Masjid Committee is Hafiz Feroz. Mohd. Raees stated that this Masjid was built in 1983. His family has been taking care of it since his father's time.

Non-Muslims, especially Hindus, are in majority in terms of population. There are about 10-15 Muslim families in the surrounding, mostly labourers or other workers. There are one or two businessmen too but they are not well off.

On 25th February, at around 2 pm, an aggressive group of 10-12 young boys came but people of our locality drove them away. They returned at 3 pm with a larger mob consisting of around 100-150 people. First, they broke the main gate of the Masjid.



(Photo taken by a fact-finding committee member)

Then they went inside the masjid and started looting and damaging. There was construction going on outside the masjid, so a lot of stones were piled up there. They collected air conditioners, coolers, a sound system, books etc. and piling them in the middle of the mosque and set them ablaze, perhaps using petrol bombs. There was no one who could dare to go inside and see what was happening. Masjid authorities and other residents only went inside around 4 pm when the perpetrators had left. Inside, everything was burning. After they put out the fire, they saw that even the floor of the masjid was broken. Despite repeatedly calling the fire brigade

and the police, no one responded. They had been calling the police since 12 noon when the atmosphere began to get tense. Police finally arrived at 6 pm in the evening. Even in the FIR, they have not recorded that the Masjid was set on fire despite eye witnesses, photos and videos.

The mob was not made up of residents of their *mohalla*.⁵⁰ Locals who assisted the attackers had come from nearby D Block and B Block of the locality. Most of the attackers had covered their faces with either helmets or handkerchiefs. They did not appear to be more than 25 years old, and were chanting slogans like “Jai Shree Ram”.

The caretaker and committee members of the mosque could not see what weapons were used in the violence as none of them dare to go in front of the rampaging mob. But their Hindu neighbors did tell them later that some of the boys carried backpacks filled with petrol bombs. They also had iron rods and sticks, etc.

The ground floor of the mosque has been damaged to the extent of around 80%. Nothing is left, except the walls. The fire also reached the first floor of the mosque. The damage is of around Rs 5 lakh. On the second floor, carpets, AC, geyser, fridge, coolers, doors of sagwan wood, CCTV system, copies of the Quran and other books were kept. Regular five time prayers were offered here.

Nearby kids come to study the Holy Quran after *Zuhr* (afternoon) prayer. Regular prayers were restarted on the first floor the very next day of the attack. The children’s lessons haven’t been resumed though.

No compensation from any government or from a non-government source has been received. The restoration work is being taken care of by the Delhi Waqf Board.

2.2.2 Masjid Furqania along with Madarsa Jamiatul Huda Madrasa, Brijpuri

This is an approximately 20-year-old Masjid with an adjoining Madarsa, situated in a mixed population area of both Hindus and Muslims. On 25 February, at around 6 pm, the mosque was attacked by a mob. The mob tried to enter the Madarsa, but couldn’t do so as it was locked. According to a person who was present and who suffered injuries at the time, the perpetrators were police in uniform who attacked them while shouting “Jai Shri Ram”. On 26 February at around 6:30-7 am, the mob broke the locks and entered the mosque. They destroyed the CCTVs and LLDs first. On the 26th, a police force, in the uniform and wielding batons, entered the mosque.

⁵⁰ Hindi/Urdu for locality.



(Photo taken by a fact-finding committee member)

At the time of the attack, Mufti Tahir was leading the prayers. The mob attacked the people offering prayers. The Muezzin was held at the gate, while Mufti Tahir was dragged towards the *Wazoo Khana*.⁵¹ He was assaulted by the attackers until he was half-dead. During this attack, an 85-year-old man was beaten and both his hands were broken.

Some chemical spray was used to torch the Masjid. All the books, including several copies of Holy Qur'an were burnt to cinders. The damage is estimated at around 50 lakh rupees.

In the Madrasa part, the police persons in uniform first set fire to the small office room on the right side, after entering the gate. They threw in cylinders, and managed to destroy CCTV footage and camera. From this room, substantial amount of money was looted/burnt. Total damage/loot at this madrasa was around 55 lakh rupees as per the estimate of management of the Madrasa.

2.2.3 Jannati Masjid – Gokulpuri, A-Block with Madrasatul Uloom Madrasa-Gokulpuri

This is a three-floor building consisting of Masjid and Madrasa built on a 450 square yards area and established in 1978. There are around 200 houses of Muslims in Gokulpuri and Yamuna Vihar area.

The whole colony was evacuated on 24th February when the violence began. On 25th February, there was stone-pelting in the morning. By evening, fire was ignited inside the Masjid, and in the morning of 26th February, smoke could still be seen erupting from the minarets of the mosque.

⁵¹ Ablution area in a mosque.

On 26th February, gas cylinders were thrown inside the Mosque at around 5:20 am. On the 27th evening, more than two CNG cylinders were blown up inside the structure. Iron gates were stolen from the Masjid and its CCTVs camera were destroyed. The mob was chanting “*Jai Shri Ram*” and carrying rods in their hands.

Loss and damage to the structure along with the loot were of more than 1.5 crore rupees, but no compensation has been given by the government till date.

2.2.4. Sayyed Chand Baba Mazar, Dayalpur *thana*, Karawal Nagar, Bhajanpura



Source: Al Jazeera/Akash Bisht

This is a 40-year-old *Mazar*⁵² located in a Hindu majority area - a place visited by both the communities.

The incident occurred on 25th February, 2020 at around 12:00PM. Nobody was inside the Mazaar at the time. The perpetrators had surrounded it from all sides. They were not from the locality though they reportedly received help from some local residents. They were young boys shouting, “*Yeh Musalmano ki hai, yeh todo pehle*” [this belongs to Muslims, break it first], “*Har Har Mahadev*”, “*Jai Shri Ram*”. They said, “*Yeh Hinduon ka ilaka hai*” [This is Hindu locality]. They even attacked and looted some Hindu shops as well, so that Muslims are blamed. They used iron rods, hammers, petrol bombs and petrol which was poured inside the mosque, and then it was burnt.. All this occurred on the 25th February 2020. According to the

⁵² A Muslim saint's shrine.

mazaar management, more than 90 percent of the structure was burnt down and the damage was estimated at Rs. 3 lakh.

2.2.5. Qabristan (Graveyard) at Jyoti Colony

Area of this graveyard is 5 bighas in L shape. There was a room at the far right of the place which the mob razed to ground as they broke into the place. The walls of the graveyard were demolished, graves were put on fire, properties were torched, a set of gates was stolen, a water-tank and some other parts of the structure were also destroyed. The qabristan's submersible pump was blocked, branches of trees were broken and its stone-benches were broken. The place stood intact since 1983. Even during the 1984 violence, this Muslim qabristan was untouched. This was the first time that this place has seen such destruction. This is a mixed area where Hindus are in a larger number as compared to Muslims.

2.2.6 Fatima Masjid, Khajuri Khas and Madarsa Mahmudia, C-429/29, Khajuri Khas

The foundation of the four-floor Masjid and Madrasa were laid in 2006-07. The locality mainly consists of poor and working-class residents, especially from the Gujjar community and has a Hindu majority. There are around 42 working class Muslim families here. In this area, violence began on 23rd-24th February, but the Masjid and Madrasa building was attacked on 25th February at around 10-11 am. The mob entered the gate and forced the Imam of the mosque to say, "Jai Shri Ram". They were climbing a terrace to reach the top of the Masjid. One person was hit with a stone. Two persons of the area, personally known to the Imam (M & N) and others for the last 30 years, were leading 15-20 others in the mob who were wearing helmets. "N" had fired shots at the Masjid but no one was injured. They pelted stones at the Masjid and threw petrol bombs. Gas cylinders were also thrown inside and set on fire. "MS" from the neighborhood supplied cylinders to the perpetrators. Floor of the building was demolished. The mob looted around 2 lakh cash while the damage was estimated around 15 lakh rupees.

The madrasa and its students' hostel were also damaged, religious books other properties were looted and burnt. No FIR was filed and no compensation has been given so far.

2.2.7. Masjid & Madrasa Abdullah Bukhari, Tyre Market, Gokulpuri



(Photo taken by a fact-finding committee member)

This Mosque was built in 2001 when this Tyre Market was shifted from Meena Bazaar, Jama Masjid, Old Delhi to Gokulpuri. The area of the market is surrounded by Jat-Gujjar Hindu population while the market is run almost exclusively by Muslims.

On 23 February, 2020, at around 6:30 pm, everyone had left the tyre market due to the communal tension in the area. A mob attacked the market at around 7:30 pm. The market kept burning for three days continuously, from 24 to 26 February. Fire brigade, which came to put down the fires, was attacked by the mob. The shop owners who came back to check their property were also attacked with sticks, and their vehicles were damaged. The mob was shouting “*Jai Shri Ram*”.

Many of the perpetrators live-streamed the attacks on social media, and uploaded videos of themselves committing violence. They were all doing it all in the open and proudly. These perpetrators can be seen and identified in the Gokulpuri Metro Station CCTV footage, as all the other cameras installed in the market were burnt down. They were openly carrying swords and other weapons as well as gas cylinders, petrol and chemicals, etc. They broke open shutters and burnt the shops as well as the mosque located inside the market.

Nothing of the mosque is left as everything was burnt completely, including copies of the Holy Qur'an. The Imam was attacked with a sword but he was able to run away. A damage of around 7-8 lakh rupees has been estimated for the loss at the mosque. No compensation has been given by the government. The Waqf board is rebuilding the Masjid and Madrasa.

2.2.8. Masjid Umar Farooq, Ghonda Chowk, North Ghonda, Delhi-110053



(Photo taken by a fact-finding committee member)

This is the only Masjid in the market. There are a few shops nearby which are owned by Muslims. Also, there is no mosque in the surrounding area for the Muslim shop-owners. This Mosque was built around five years ago. It's sole purpose was to provide a place to the Muslim shopkeepers to offer their obligatory prayers. The area is dominated by Hindus, mainly of Gujjar caste. Hindus live in the area near the Masjid. Some of them come from well-settled backgrounds with strong financial position while others belong to the middle class. There are a few Muslim houses in the locality but, compared to Hindus, they are insignificant in numbers. The time of the attack cannot be mentioned accurately as all the shop-owners had left because of the tension that was escalating. The very few Muslim residents had also evacuated the area. The violence continued for two days — 24 and 25 February. The Masjid was surrounded by shops and houses belonging to Hindus. The structure didn't even look like a Masjid. It was a house which was bought and used as a mosque. It looks more like a room and didn't have minarets or other obvious symbols to signify that it was a Masjid. Only those who knew the area intimately could know that it was a Masjid. It was attacked by the outsiders with the help of local Hindus. It seems that stones were hurled; petrol bombs and gas cylinders were blasted

to burn the Masjid. The structure is totally damaged. The floor, the ceiling and the walls are fully damaged which require repair of about 3 lakh rupees.

2.2.9. Madina Masjid, Shiv Vihar

This 25-year-old Masjid had three floors with an area of 200 square yards. The area has more than 20,000 Muslim residents and 15,000 Hindus. It consists of people specializing in bakery products. Most of the non-Muslims are engaged in government, private jobs, and factories. Muslims had started evacuating the area on 24 February itself because of the hostile environment.

On 25 February, the perpetrators came at 11:30 pm and broke the lock of the Masjid. A person named Mohammed Wakeel was standing near the Mosque and was attacked with acid due to which he lost both his eyes. Subsequently, he was admitted to GTB Hospital. The goons who attacked the mosque were wearing helmets and were armed with weapons. They were chanting slogans of “*Jai Shri Ram*”, “*Har Har Modi*”, “*Modiji, kaat do in Mullan ko*” [Modiji, cut these Muslims into pieces], “*Aaj tumhe Azadi denge*” [today we will give you freedom].



(Photo taken by a fact-finding committee member)

The perpetrators were armed with pointed weapons, gas cylinders, petrol bombs, acids and cylinders. They were fully equipped and they set the mosque ablaze. The interior of the Masjid

has been totally burnt. Pillars of the mosque have been completely damaged. The windows have been shattered and burnt. Copies of the Holy Quran and other religious books were set on fire. The Madrasa attached to the Masjid has also been destroyed. The damage is estimated to be about 40 lakh rupees. No compensation has been given till date.

2.2.10. Auliya Masjid, Shiv Vihar

It is a 50-square-yard mosque comprising four floors. People come here to offer their prayers and there is also a *maktab*/madrasa for students. This Masjid was constructed in 2007. The area consists of a large Hindu population and some 150 Muslims. Most Muslims are labourers while Hindus are government employees and businessmen.

The Fact-finding Committee spoke to the Muezzin of this mosque who informed that on 25 February 2020, after Maghreb at 6:30 pm, he saw people in police uniform approaching. Oddly, they were wearing slippers and helmets. There were two persons inside the Mosque when they attacked it chanting slogans like "Jai Shri Ram." They broke the locks of the Masjid, destroyed the interiors, and set it ablaze. Cylinders which were used to blast and demolish the structure were found inside the Masjid. As a result of the impact, the floors and tiles were broken and electrical equipment was completely destroyed. The Maktab/Madrassa adjacent to the mosque was also damaged. Damages have been estimated at Rs. 15-20 lakh. However, no compensation as of now has been received from any state agency.



(Photo taken by a fact-finding committee member)

2.2.11. Tayyaba Masjid, Shiv Vihar



(Photo taken by a fact-finding committee member)

This Masjid was constructed in 1992. It is spread over an area of 100 yards and has four floors. It additionally served as a *Maktab* for nearby children. The area, where it is located, is adjacent to the border of Uttar Pradesh. The Muslim population here is minuscule as compared to Hindus who form the majority. About 300-400 Muslims live here while the number of Hindus is around 10,000. The Muslims residing here are mostly low-wage workers.

The Fact-Finding Committee spoke to some of those who were present at the site of the attack on the mosque. They informed that around 2 pm on 25 February, the perpetrators started pelting the mosque with stones. They numbered close to 2500-3000 and were covering their faces. Some of them were wearing helmets. There were around 60-70 Muslims inside the Masjid at this time as it is time of *Zuhr* (noon) prayers. Even though the door of the mosque was locked from inside, the mob managed to enter the building by breaking the door. They started damaging the mosque immediately after entering. One person suffered severe beatings. The attackers raised slogans of “Jai Shri Ram” and taunted the victims saying that they had come to give them “*azadi*” (freedom).

The attackers managed to loot an amount of Rs. 1.5 lakh and thereafter hurled CNG gas cylinders into the mosque to set it ablaze. The masjid was damaged on multiple levels: tiles and walls were broken and many books were burnt. The fact-finding committee has been informed that the estimated damage to the mosque stands at Rs. 6.5 lakh. However, no compensation has been received yet.

2.2.12. Allah Waali Masjid, Bhagat Singh Colony, Karawal Nagar

This Masjid was a four-floor structure located in Karawal Nagar. The fact-finding committee members were informed that on 24 February 2020, the Masjid was attacked at around 6 pm by a mob of 200-250 people chanting “Jai Shri Ram.” They looted whatever assets they could lay their hands on and then burnt the Masjid along with 100 copies of the Quran, leaving it in ruins. The victims informed that they had made several calls to the police, but in vain. Although a few police officials did arrive later, they only saw the situation and left, without doing anything further. In spite of the complaint, no FIR has been registered and no compensation has been received yet.

2.2.13. Masjid Maula Baksh and Madrasa Tayyibul Uloom, Ashok Nagar

This masjid has been completely destroyed. It was built around 45 years ago, in 1974, on an area of 400 square yards. The foundation was laid by Hakimul Islam Qari Mohammed Tayyab Sahab of Darul Uloom Deoband due to which it has a great historical relevance. The *baani* (founder) and *mutawalli* (caretaker) of this Masjid, Haji Rafeeuddin, had been taking care of this Masjid since the last 45 years. Apart from its religious significance, it also served as a Madrasa and a guesthouse to members of the community.

The population in this locality is mainly Hindu. There are not more than 25 Muslim households in this locality and all of them are scattered. At most, there are around 40-45 Muslim families in the whole area of Ashok Nagar. Two of the houses of Muslims are adjacent to the masjid, while five more houses are located right behind it. These houses, and a few shops adjacent to the mosque also suffered the brunt of the attack. Barring a few middle-class households, most of the Muslims residing here are petty workers and laborers. Hindus in this area are economically better off compared to Muslims.

The fact-finding committee members were told that the masjid was attacked at around 1 pm on 25 February 2020. The perpetrators had their faces covered and therefore were unrecognizable. They were armed with metal rods, petrol bombs, knives, swords, hammers and cylinders. They managed to burn down the masjid with petrol.

The victims informed that, having burnt down the masjid and receiving information that some Muslims lived in the adjacent houses, they quickly moved to attack these Muslims. One of the residents recounted how they smashed open the door of his house and tried to come up the stairs. They also burnt the two wheelers parked outside. People could barely see each other amidst the smoke and had to jump out from their houses in order to escape.

This attack continued for around two hours until the police arrived at 3 pm. The SHO had also come with a minibus and they were able to rescue 17 members from three families. None of them had suffered any major injuries.

The damages sustained were so extensive that even the walls and pillars of the structure of the mosque have crumbled. The losses could be around Rs. 50 lakh.

Apart from the masjid, seven out of the nine adjacent shops were also looted and then set on fire. The perpetrators looted everything: coolers, inverters, electrical appliances, carpets, fans, iron-gates, furniture, kitchen tools, and washing machines. The victims told the fact-finding committee members that they had to abandon everything and run barefoot. When they returned days later they found everything had been turned into ashes. No compensation has been granted by the government yet to the house-owners.



Copies of the Quran burnt inside the mosque (Photo taken by a fact-finding committee member)



Source: The Quint

2.3. Hindu temples in Muslim majority areas

The fact-finding committee members visited many Hindu temples situated in Muslim majority areas, and managed to speak to the *pujaris* and residents there. Although there aren't many temples in the area, the fact-finding committee members found that the few that existed were completely intact. They were neither looted nor damaged. The following list of temples was compiled after visiting localities which saw large-scale violence. The residents informed the members that the Muslim majority population had kept a strict vigil to ensure the safety of these temples.

1. The fact-finding committee visited a temple in Gali No 5, Bhagirathi Vihar, Phase 2, Mustafabad area, near 33-Futa Road. Adjacent to the temple lay a hardware shop named '*Chaudhary Hardware*' and a jewelry shop named '*Prem Jeweller*' — both belonging to Hindus. None of these, temple or shops, were damaged or looted.



(Photo taken by a fact-finding committee member)

2. The Fact-Finding Committee visited another temple in Gali No 14, Rajeev Gandhi Nagar, New Mustafabad. This temple too was found intact. The locals informed members of the Committee that they kept a vigil on the temple while the caretaker himself had left the area. They had expressly warned the youth of the area against indulging in activities that could cause damage to any property.



(Photo taken by a volunteer assisting the fact-finding committee)

3. Next, members of the Committee visited the temple located in Gali No. 15, Nehru Vihar (near Mustafabad). This too, was found intact.



Photo taken by a volunteer assisting the fact-finding committee

4. The Fact-Finding Committee members visited a temple in Gali No. 18, Nehru Vihar near Mustafabad. The temple was found intact.



Photo taken by a volunteer assisting the fact-finding committee

5. The Fact-Finding Committee members visited another temple in gali no. 10 near Brijpuri Pulia. Although the Farooqia mosque that stood in front of this temple had been damaged, no damage had been sustained by the temple.



Photo taken by a volunteer assisting the fact-finding committee

6. The Fact-Finding Committee members visited Shakti Vihar temple in Mustafabad. This too was found intact.



Photo taken by a volunteer assisting the fact-finding committee

7. The Fact-Finding Committee members also visited Munga Nagar, which is another Musim-dominated area in Mustafabad. A Shiv Mandir situated in Gali no. 5, Munga Nagar, was found intact.



Photo taken by a volunteer assisting the fact-finding committee

Note: Due to paucity of time and travel restrictions due to the lockdown, the Fact-finding Committee was unable to meet with other victims. The Fact-Finding Committee acknowledges that meeting with others personally would have provided a deeper understanding of the violence experienced by the residents of the North East district of Delhi. The committee has relied on some media reports on some instances where Hindu homes and businesses had been attacked.

2.4. Women and Children:



A child crying over the body of his slain father (Source: Ahmedabad Mirror)



Source: LiveMint

In this chapter, testimonies of women were taken from three sources – interviews by the Fact-finding committee, the Writ Petition (Criminal) No. 665 of 2020 filed before the Delhi High Court⁵³, and media reports.

The testimonies revealed that the nature of attacks on women was multifold and this part will specifically address some of these aspects. The attacks were verbal, physical, psychological and the social security of the victims was robbed.

2.4.1. Verbal Abuse

A woman narrated how a movie based on Partition (*Gadar*)⁵⁴ was referenced by the mob to attack her. She said that the rioters had all kinds of weapons with them; they had lathis, swords and they kept chanting ‘Jai Shri Ram’ and “*Mullen ko Maaro*” (Kill the Muslims!). The rioters were yelling at the women and, saying, “*Bahut see sakeenaayein aaj pakdi jaayengi.*”(A lot of Sakeenas [Muslim women] would be caught today.)⁵⁵

Several testimonies suggest that women were continuously told that Muslims will be killed, and they should ‘run to save themselves.’ Women narrated that they were called ‘Mother f***r’, ‘Sister f***r’ by the rioters.

2.4.2. Psychological Trauma

A woman narrated that when the mob came, she had to run with her young children. She talks about the trauma of explaining this situation wherein she said that her children would not stop crying, they did not stop crying for days, and she didn’t know what to tell them. She added that the lane where her house was situated was burning. She had no idea what to tell her children and she had to lock up her children inside the house and did not venture out even buy essential items.⁵⁶

Another woman who had to hide with her children, described being terrified and pained as she stated that the rioters entered her house on 25 February 2020, and they understood that her family and she herself were extremely terrified of them. She stated that they looted everything that they could lay their hands on, and she felt lucky that her house was not burned down.⁵⁷

Several accounts of crying, hiding, and being terrified for hours were shared. One such account says that on 25 February 2020, her children and herself had to run to the neighbour’s terrace,

⁵³ This petition, *Shaikh Mujtaba Farooq & Ors v. Union of India*, was filed on 12.03.2020 when investigations into the violence were ongoing and no chargesheet had been filed.

⁵⁴ *Gadar - Ek Prem Katha* is a 2001 Hindi movie based on Partition wherein Sakeena is a Muslim girl, and her family is trying to escape to Pakistan but she gets caught in a riot, and gets ‘picked up’ by a Hindu mob.

⁵⁵ Complaint of a woman from Mahalaxmi Enclave, Shiv Vihar.

⁵⁶ Complaint of a woman from Shiv Vihar, Phase 6.

⁵⁷ Testimony of a female resident of Shiv Vihar.

which was on the fourth floor, to ensure their safety. She says that there were about 100 people on that terrace. She stated that all of them kept crying for more than five hours as they could see their houses being burnt one by one but they could do no more than just sit there helplessly, hiding themselves.⁵⁸

While a mother recounted the horror of losing her child, a young adult and a wife recollected the memories of her deceased husband. When asked if they received any support, one of these women painfully stated her uncertainty,⁵⁹ and imploded while stating that all the compensation that they have received so far was in the form of bullets. She wondered whether she even has a house to go back to anymore.

The feeling of being looked at as an ‘outsider’ in one’s own country is the trauma that these women communicated. One woman said that in this violence, she had lost everything that she had collected over decades and that the rioters burnt everything in her house. She said that she is still extremely fearful of staying in her house and avoids staying in that house during night.⁶⁰

A woman spoke about the trauma that her children went through, stating that her children had to witness the horror of their toys being burnt right in front of their eyes.⁶¹

Back inside their homes, in multiple accounts, the women pointed to the empty kitchens, to their children who they had not been able to feed properly, to babies going without milk. They recount that they have young children to look after and the children have their basic daily needs, and often they were crying for food and milk.

Another woman spoke about how she is too scared to return to her house because of the haunted memories. She is a single-mother and she doesn’t know how she will start her life again and how she will raise her two young children alone, after the losses she has suffered. She stated that she doesn’t know for what mistakes she is being punished for.⁶²

One woman from Khajuri Khas narrated that she assumed she would be safe on the terrace with her children, but at a point, it became impossible for her to safeguard her children and all her perceptions proved wrong that day. She said that in order to save her children from stone-pelting, she had to throw them from the top of a three-storey building. She narrated that the stench of hatred and fear of getting killed still persists.⁶³

Even after being brutally attacked by the rioters, in some situations, the rioters came back to attack again. The victims were in a condition of continuous fear and anxiety over several days. A woman from Bhagirathi Vihar stated that she was attacked by the rioters, and as they left, she

⁵⁸ Testimony of a female resident of Khajoori Khas

⁵⁹ <https://www.thequint.com/news/india/women-on-north-east-delhi-violence-2020>

⁶⁰ Testimony of a female resident of Khajoori Khas

⁶¹ Complaint of a woman from Dayalpur

⁶² Testimony of a woman from Khajoori Khas

⁶³ Testimony of a female resident of Shiv Vihar

and her kids turned the lights off so that the mob outside would think that no one was home. They stayed hungry, thirsty and in continuous fear for hours. But as soon as they opened the door, the rioters started to bang their windows again, and that made her feel so humiliated, and she was in so much pain that she felt dizzy. She further stated that she is still in a state of complete shock, and that the physical injuries will subside, but the mental scars will endure, particularly for her young children.⁶⁴

2.4.3. Social Security

For at least three days during and after the violence, several women became homeless and were forced to live on the streets or in relief camps. For most women who lost their husbands, their source of income suddenly stopped. The women whose houses were looted and set on fire, lost all their jewellery, documents, gold, money among several other valuables, all of which gives one a sense of social and financial capital and self-worth. A woman stated that she is left with nothing now and does not know what to do. All the gold and wealth she had stored was looted by the rioters.



People fleeing from the riot-affected area (Source: The Hindu)

⁶⁴ Testimony of a female resident of Bhagirathi Vihar

A mother⁶⁵, who had saved Rs 10 lakh for her daughter's wedding and had a total savings of Rs 60 lakh from her husband's retirement, lost everything. A young woman's marriage was fixed but it was cancelled because she had lost everything.

A woman from Shiv Vihar stated that all her belongings were burnt and her money and pieces of jewellery were looted. She had 30 grams of gold, 750 gms of silver and 30,000 rupees cash which were all looted. She is a single-mother.⁶⁶

2.4.4. Role of Police

Several women from the Chand Bagh area described how they were attacked by the police. Police forces attacked women at the protest site, and later did not provide any help or support when the mob attacked the protesters in the same area. These physical attacks on women were carried out by male police officers. Several women suffered grievous injuries.

One pregnant woman, who received 35 stitches after being hit by the police at the Chand Bagh protest site, recounted that on 24 February 2020, the Police started attacking the protesters who were at Chand Bagh and they brutally beat up a few men who were also present at the protest site. The women at the site decided to form a chain around the men to protect them. She adds that at about 3 pm, the Police started throwing tear gas canisters which led to a situation of chaos. She states that she is pregnant and one of the tear gas shells exploded right in front of her. It was then that she saw an angry mob of men chanting '*Jai Shri Ram*' and '*Bharat Mata ki Jai*'. The mob attacked and beat up an old lady in front of her. The police had hit her instead of the mob. She also stated that some men in military uniform were also beating them with sticks. The rioters kept shouting '*Yeh lo Azadi*' [Take freedom!] and one of the men from the crowd picked up a stone and hit her on the head, after which she fainted. Later, when she managed to reach home and tried calling for an ambulance, she says that the police did not allow the ambulance to come into her lane to pick her up. She somehow managed to get to Al-Hind Hospital where she was treated and informed that she had received about 35 stitches on her head. She was so traumatized that slogans like '*Hindustan Hamaara hai, ek bhee Musalmaan nahi rahega yahaan*' (India is ours, not even one Muslim will stay here!), kept ringing inside her head.⁶⁷

Women also stated that it was the police who started the violence at Chand Bagh. The protesters were peacefully sitting there, and it was after the police attacked that the mob also gathered. In that tumult, several women were injured.

⁶⁵ <https://www.thequint.com/news/india/women-on-north-east-delhi-violence-2020>

⁶⁶ Testimony of a female resident of Khajoori Khas

⁶⁷ Complaint of a female from Chand Bagh

One of the protesters said that she stood there and could identify the rioters. She says that the rioters tried to hide their faces but she knew who they were. She tried to contact the police multiple times but nobody came to help them.⁶⁸

One woman also narrated the violence that unfolded in her locality, and specifically spoke about the lack of action from the police while the mob was on the rampage. She says that she woke up to slogans like *Mullon ko maaro* (Kill the Muslims) and *Hum Denge Azadi* (We will give freedom). When she looked out of her window, she saw that the rioters had all kinds of weapons. She saw them throwing acid on a girl's face. She felt that some people who were part of the mob were from the same locality. She also saw some policemen in "military" uniform who were attacking them. The victims ran and continuously tried to call the Police, but no one picked up their calls, and when they finally did receive the calls, the victims' plight was not their priority. She said, she and others had to deal with the situation themselves and by the time they could go back to their homes to check their condition, it was all burned down.⁶⁹

2.4.5 Sexual Assault and Gender-based Violence

When the violence broke out in Shiv Vihar, a Muslim woman from the area stated how several women were left with no option but to leave their houses in order protect the men in their families. As they stepped out in the violence-hit areas, they were physically assaulted and sexually harassed by the mob. Several women recounted how the mob used vulgar language and threatened them⁷⁰ saying that if they wanted "Azadi" (freedom) then they were ready to give them Azadi, using the word as a metaphor for sexual assault.

Despite several calls made by these women to the police, in most cases they did not receive any help at all. One of the protesters at the Chand Bagh sit-in stated that the Delhi police brutally attacked and even sexually assaulted women.⁷¹ In her harrowing account, she stated that she was being attacked by rioters at Chand Bagh and that the two men who were trying to help her were being beaten up by the Police. She was even witness to the police dragging a 12-13-year-old girl. She tried to protect her but failed as she was hit on the head by a stone and she subsequently fainted. When she regained consciousness, she saw that there were many injured women around. The crowd of the rioters continuously kept abusing them. She recounts that it was then that the Police pulled their pants down and pointed their genitals towards the women stating that they wanted "freedom" and they were there to give them "freedom" and that this was their "freedom".⁷²

⁶⁸ Testimony of a female resident of Shiv Vihar

⁶⁹ Testimony of a female resident of Karawal Nagar

⁷⁰ <https://www.newsclick.in/delhi-riots-untold-stories-sexual-violence-and-attack>

⁷¹ Complaint of a woman from Dayalpur

⁷² Complaint of a woman from Dayalpur

Moreover, at the sit-in protest in Chand Bagh, some women fell unconscious due to the incessant tear gas shelling by police. The police *lathi*-charged the women including elderly and pregnant women,⁷³ causing grievous injuries.

A woman from Shiv Vihar spoke of a “neighbour’s daughter who was dishonoured and killed”.⁷⁴ When the violent mob walked towards a couple of Muslim households, chanting “Jai Shri Ram” slogans, a woman in the vicinity heard them categorically saying: bring them out and they will assault them on the spot.

Another woman narrated how her clothes were torn to shreds by several men who entered her house forcefully. When these women, who were in such precarious situation, made calls to the police,⁷⁵ there was no timely response from the police. One of these women stated that the Police kept on assuring them every time they called up but they never came to help them.

In the testimonies, women have recounted how the mob was carrying acid and using it to attack women in the immediate vicinity. A woman in a video interview⁷⁶ spoke about the acid attack her family members and she herself were subjected to. She recounted that acid was thrown on her, her daughter and her brother in law. She said that she still carries the marks on her face and that her clothes turned to paper as a result. Her daughter and her brother in law were still admitted in the hospital. They too tried to call the police to get their help but to no avail.

Another woman from Khajuri Khas recounted that some of the women together had to jump off a wall of 8-10 feet, and this resulted in several injuries to them.⁷⁷

2.4.6. Attack on Religious Identity

Any markers of ‘Muslimness’ were attacked by the mob, as the testimonies suggest, their *burqas* and *hijabs* were snatched and taken off. Wearing a *burqa* or a *hijab* reflects a religious identity specific to Muslim women. Accounts of women suggest that they were not being attacked just because of their gender, but more specifically they were being attacked for their Muslim identity.

A woman had to flee her house in Khajuri Khas along with her two kids. Through the testimonies, it is evident that Muslims were constantly referred to as ‘terrorists’, ‘anti-nationals’ and ‘foreigners’ by the mob. This language to define the Muslims as a community has been regularly used by mainstream media and has now turned into ‘common knowledge’ about the community. The same narrative was also employed by the mob. Woman stated that they said “sorry” and that they had not done anything to them. But the mob kept on referring to them as

⁷³ <https://thewire.in/women/delhi-riots-women-sexual-harassment>

⁷⁴ *Ibid.*

⁷⁵ <https://www.bbc.com/news/world-asia-india-51670096>

⁷⁶ <https://www.newsclick.in/delhi-riots-untold-stories-sexual-violence-and-attack>

⁷⁷ Testimony of a female resident of Khajoori Khas

“terrorists” and “anti-nationals”. A woman said that her family had for generations lived and died on this soil, then how can she be an anti-national or a traitor?⁷⁸

Another woman who wears *burqa*, spoke about the painful experience of leaving her *burqa* behind to save herself by the mob. She stated that the mob held huge stones in their hands. She came out to go to Babarpur with a resident of that locality. But the mob kept snatching at their *duppattas* [head cover]. She tried walking faster, all the while trying to cover her face. She stated that she is a Muslim and she wears a *burqa* but on that day her *burqa* was left behind.⁷⁹

2.5. Role of Police during the violence

2.5.1. Statement of a Muslim husband and wife, residents of Khajuri Khas, given to the Fact-finding Committee.

On the 25th of Feb. between 8:00 AM- 4:00 PM, there was a lot of disturbance in the *gali* (lane) near their home. A mob comprising of 50-60 persons was throwing stones and petrol bombs into the *gali* and Muslim homes. Initially, his neighbours told him not to worry and just try to hide insides their houses quietly. However, since his house was the tallest in the *gali*, it became an easy target for the mob. When a petrol bomb was thrown inside his house, he first tried to extinguish the flames with his hands but was unable to do so. The flames spread quickly to other parts of the house, where he had stored some cloth, as well as on the upper floor of his house and woodwork in the lower half which was part of his business. In spite of the efforts of the family, they could not extinguish the flames. The couple stated that they did not have any hope of making it out alive as the mob was also firing bullets in the area.

Role of Police: Both the husband and wife tried to call the police several times, but the police did not arrive. The husband told the fact-finding committee that the police told him on the phone: “*aazadi chahiye, aazadi le lo*” (you want freedom, take it). In another call to the police, the wife said that the police told her that “*hum majboor hain*” (we are helpless). Since one of their neighbours happened to be working in the Border Security Force, he was able to make some arrangement for them to leave their house. Some college students who were in the area also helped them contact police officials but the couple does not recognise them.

The mob completely destroyed their house after looting everything valuable from there. Police came to help the residents on 25 February 2020 at about 2-3 PM. The couple informed the fact-finding committee that the police did not take any action against the goons who were wielding arms and walking in large groups. They just walked beside them as if they were escorting the mob. The Police did not arrest any of the perpetrators; they just made way for the couple to escape while the mob stood there with sticks and weapons in their hands. The police, instead of

⁷⁸ <https://www.thequint.com/news/india/women-on-north-east-delhi-violence-2020>

⁷⁹ *Ibid.*

helping them, fired tear gas shells on the people who were not part of the mob and were only trying to get to safety. The husband says that when he went to file complaint against the attackers, the Police told him that they would register the FIR only if he removed the names of the accused from his complaint, thereby implying that they wanted him to compromise with his attackers.

Financial Impact: The husband informed the fact-finding committee that his daughter's wedding was due towards the end of March which had to be cancelled because of the violence and the loss of his life's savings, which had been destroyed and looted during the riot. All the dowry items collected for his daughter were looted. The husband stated that he remembered and could recognise the faces of the accused. One of them was his neighbour and he stated that this man has still not been arrested by the Police and he was still roaming around freely.

The family is currently living in Mustafabad with some relatives but is under a lot of pressure and is distressed.

Impact on Women: Their daughter's marriage was delayed because of the violence and all her dowry items were stolen and lost. The wife expressed distress and trauma and inability to sleep at night.

2.5.2. Statement of a Muslim businessman from Khajuri Khas to the fact-finding committee

On 23 February, when the mobs started gathering in his area and he saw things escalating, he quickly left his home and went to his neighbour's house in the vicinity. The house of the Muslim businessman is a three-storied building which serves as his home, office and godown or storage. He sells chemicals, cleaning solutions, personal care and home care products. The situation became very tense since the evening, around 6-6:30 pm, on 23 February. He kept dialling the police helpline (100). On 25 February, their house was attacked at 11:30 am. From their neighbour's house, they saw a huge mob gather outside his house. He recognised some faces in the mob — all of them were Hindus who were shouting "Jai Siya Ram". Many from the mob were outsiders whom he did not recognise. He told the fact-finding committee that the mob burnt down his house and office completely. Nothing was left — the door frames, windows, wiring — everything was gone. Though he called the police emergency number several times, police did not show up. The police kept saying that they were coming or sending someone but nobody came. The *thana* (police station) is located about one km away from his house.

Finally, at 3:30 pm on 25 February, paramilitary personnel helped them get out. The SHO of Harsh Vihar also helped them in getting out. They were given five minutes to leave and save their lives. There were only about 50-60 police personnel while the mob comprised of around 3000-4000 men. The police took no action to stop the mob and did not arrest any of the

attackers. Also, the police did not make any announcements or put up written orders in public prohibiting people from carrying weapons or assembling in groups. Police fired tear gas towards us as we gathered in the neighbour's home.

This businessman told the fact-finding committee that he has received only a compensation of Rs. 5 lakh for the three floors of his house that were damaged, but did not receive any compensation for the factory.

He also told the fact-finding committee that only Muslim houses were burnt in the area. At the end of May, police came to his house and gave him copies of two FIRs: one (FIR No. 231/20 PS Karawal Nagar dated 2 March 2020) for the damage to his house and the other (FIR No. 154/20 PS Khajuri Khas dated 2 March 2020) for the damage to his factory. But no statement has been taken from him until now. Copies of the FIRs were given to him after about 15-20 days of filing of the complaint. When questioned about how he felt, he told the fact-finding committee that the situation is still the same, there is a fear and terror in the hearts of many people. He also said that he believed that if the police had acted in time, things would have been different.

2.5.3. Statement of a Muslim businessman from Karawal Nagar to the Fact-finding committee

Due to reports of violence in the area, he had closed his shop in Gali No.2, Chandu Nagar, Main Karawal Nagar Road, and returned to his house. On 25 February, he was informed by a friend that a mob attacked his shop at around 8:00 pm and that his shop was being burnt. Due to fear of himself being attacked, he did not leave his house and did not go to his shop. He did not even called the police because he was scared. It was only after 5-6 days after the incident that he dared to go out and see the damage done to his shop.

Role of Police: Later he managed to get an FIR registered by the police at Dayalpur *thana* on 29 February. The FIR was based on the complaint he had given to the police but he had to make several trips to the police station in order to get a copy of the FIR. The police acted on his complaint as the Investigating Officer informed him after 5-6 days that he had arrested somebody in connection to his complaint.

Financial Impact: This businessman sells personal and home care products in his shop and has received a compensation of Rs. 500,000 (five lakh) for the shop that was burnt but he has not received any compensation for his godown that was also burnt down. He feels a bit safe in his house right now but the business that he had built up over so many years has been destroyed.

2.5.4. Statement of a Muslim couple from Ram Rahim Chowk to the fact-finding committee

On 25 February, the wife was washing clothes at around 2:00 pm while their children were watching TV. One of the sons had gone to buy milk; he came back running into the house

saying that there was a huge mob outside shouting “Jai Siya Ram” and that they had sticks in their hands.

It was a big crowd and they were all very scared. The wife told the children to run away and find a safe space in the neighbour’s house. She ran to her husband who was in the house and told him to escape too. By that time, the mob had moved very close to their house but somehow they managed to leave and ran to their neighbour’s house which is a big house and the neighbour took them in. In all this chaos, they were not sure where their children had gone; the only thing on their minds at this time was to somehow save themselves and their children.

They climbed up to the fourth floor of their neighbour’s house and watched the mob from there. Some people from the mob were pelting stones, others were firing from their guns. The mob had entered their *gali* and burned a wooden bed in the first house. The couple also witnessed their car being attacked by some men with handkerchiefs tied on their faces. The mob, shouting “Jai Siya Ram,” entered their house and set fire to it. The couple were soon to have a wedding in their house, and had been making preparations for it. The mob took out things from the house and burnt them while the couple was watching all this from their neighbour’s house, but they could not do anything. Everyone was screaming.

Preparations: The woman alleged that the rioters had previously come to inspect the area and identify where Muslims lived, and where they did not need to attack. She had tried to warn her family but they dismissed the same.

Role of the Police: The woman informed the fact-finding committee that she called the police from her phone, but no one responded. **She called the helpline no. 102 at least 4-5 times.** They also tried various numbers but there was no response. Two policemen were stationed near their *gali* during the incident, but that was not sufficient to fend off the violent mob. The Police did not make any arrangements to put up signs or warn people against taking up firearms or moving in large numbers with the intention of carrying out violence. The Police did not arrive till the time the rioters had gone away. The mob was indulging in violence, looting and destruction for more than half an hour before the police arrived.

The Police did not help the victims in any way; it rather threatened them by saying that they might shoot them (the victims). The woman told the fact-finding committee that she caught hold of the collar of a policeman and asked him to shoot her as she had already lost everything. The policeman retorted that at least her life was saved. The police did not take any action against the perpetrators.

The couple gave a statement to the Police about their car being destroyed and had also forwarded videos and photographs that they had taken during the incident. But, they are unsure if any arrests have been made so far.

Financial Impact: The husband is a carpenter but has lost all his tools and his vehicle was also left completely burnt. He is unable to restart his business.

Impact on Women: The wife expressed distress and trauma and inability to sleep at night.

2.5.5. Statement of a Muslim man from Karawal Nagar to the Fact-finding Committee

On 24 February, a mob was carrying out attacks near Chandu Nagar, Nehru Vihar and they were shouting “*Jai Siya Ram*” on the streets. During the day it was difficult to move out of the house due to the danger of getting attacked, so he tried to leave at night. During the day, there was a police force, but at night he saw no police in the area.

When he was trying to escape at night, with his family of three kids and wife, he was shot by some unknown person. They tried to call ambulance after that. The ambulance services told them that they could not reach the spot but would be able to come only till Shanbagh *Puliya* and that they had to try to reach that place somehow. The ambulance drivers were scared that their vehicle could be attacked.

Thereafter, his friends and his brother who were present there, put him on a vegetable cart and pushed him to the site where ambulance vehicle asked him to reach. The ambulance took him to GTB hospital and whole night he was only given pain-killers. After that, he was shifted to the AIIMS Trauma Centre and was operated at around 6:00 pm on 26 February. Bullet fragments are still lodged inside his body and he has lost ability to use his left arm. He cannot hold his child. He is not sure when his arm will heal; he has lost most of the functionality of his arm.

Role of the police: He told the fact-finding committee that Police did not take any action against the goons who were roaming around freely with arms, and in large groups. He stated that the police who were in blue uniforms (RAF personnel) just stood there and did nothing as the shops were being looted and burnt. Police did not take any action against individuals who were part of the mob. He said that he saw about 40-50 policemen there and more than 200 rioters.

Police, he said, were not helping the people who were trying to escape the mob. In his own case, his brother and friends had to push him on a vegetable cart till the place where ambulance came. He called the police on multiple occasions but they did not come for help. After 15-16 days of the incident, he went to the Police Station along with a lawyer and only then his FIR was registered.

Financial Impact: He has not received any compensation so far even though he filled out the form. He was told that because of the lockdown they have not been able to disburse the compensation.

2.5.6. Statement of a Muslim businessman of Munga Nagar to the fact-finding committee

This businessman owns a shop named “Gulshan Garments – Kids Wear” in Bhajanpura. He has been running the shop for the last 11 years.

On 24 February, he was sitting in his shop when he received a call that there were riots taking place. He shut his shop and left for his home. Around 8:00 pm he received another call and the caller told him that his shop was being looted. He informed the caller (whom he did not know) that he would not be able to come due to the riots. While his house is only five minutes away from his shop, he never went there due to fear. He only went there after one week of the incidents. The police also called him a couple of days later to inform him that the shop had been looted.

Role of the police: He stated that the police informed him about his burnt shop and later on registered his FIR as well. He stated that the police was helpful to him. He has the copy of the FIR and had received it within 5-6 days of filing of his complaint. He also alleged that the police took no action against the armed rioters in his area and failed to discourage the mob from rioting. He stated that the police could have prevented the violence. No arrests have been made in his case.

Targeted violence: The area is mainly a Hindu dominated area. Only a few Muslims have their shops in that area, and only the shops belonging to Muslim were looted. The respondent has five brothers and all their shops were looted on the 24th and the 26th February. He did not ask his neighbours about the riots but said that it was one-sided and that he believes that the Hindus had planned it. His brother has a cosmetics shop that was looted by the mob but the gold shop adjacent to it, which belonged to a Hindu, was not looted.

Financial Impact: His shop was completely gutted and he has lost everything that was kept in it. As on date he has received Rs. 3.5 lakh as compensation.

2.5.7. Statement of a Muslim businessman of Chand Bagh to the fact-finding committee

The victim narrated two incidents: 1. *Killing of his brother:* On 25 February 2020, the respondent's brother, a bus conductor by profession, was at work when the violence was unleashed. When he did not return home after work, the respondent called his brother's friends the next day i.e., on 26 February, to find out the whereabouts of his brother. He was informed by them that they suspected that his brother was killed on 25 February 2020. On 27 February, he went to the police station to inform them about his brother's murder. The police asked for some identification mark by which they could recognize his brother. He told them that the name “Mumtaz” was tattooed on his chest. The police had recovered a body from Khajuri Khas. The police checked and the tattoo was clearly visible. He believes that the rioters killed

his brother. His brother had some visible wounds on his body. He does not know about the post-mortem report. He has not received it yet.

2. His shop was burnt by the mob. On 25 Feb. 2020, he was sitting in his shop in Bhajanpura. At around 3-4 pm, when the tension started to escalate, he left the area. This escalation coincided with the demonstrations held in the area. Soon after he left, his neighbours informed him that his shop was looted and burnt. He could not go down to the area at the time. He only went there after 3-4 days.

Role of the police: Instead of tackling the violent mob, police kept telling him to go inside his house and not come out. He states that the police were spectators and they did not do anything. **He added that he has video footage showing that the police saw the mob burning a shop in front of them but they did nothing.** It seemed to him as if the police were encouraging the mob to carry out the riots. He stated that the majority of the mob was Hindu who are yet to be arrested and he is scared to give their names due to the consequences that may follow as they are in power. He stated that the police were in equal numbers compared to the mob; if they had wanted they could have stopped the mob but they did not. When his family members called up the Police they did not come. He said it seemed that they did not care. Even the FIR with regards to his complaint was registered after a month of the incidents.

Targeted Violence: A few Muslim boys have been picked up from his area, and it seems to him that the police are not acting fairly in the matter.

Financial Impact: No compensation has been received by him. Nothing is left of his shop. He has been able to reopen his shop with the help of a few neighbours.

2.5.8. Statement of a Muslim man from Shanbagh to the fact-finding committee

He had a small shop in the house where he lived. The landlord had previously asked him to vacate the house as he wanted to renovate it. He is unsure of the exact date but he had put all his household items on a cart and was pushing it to a new location. While he was going, he saw a huge mob near Khajuri. When they saw him, the mob came towards him. He immediately left his cart and ran for his life. The mob looted the cart and then set the cart on fire. The mob also burnt cars in the area. While he was running, he saw another mob near the *pushta* [embankment], which was attacking shops with sticks. After this, he ran away. He called his family and heard that a mob was in Bhajanpura too so he was not sure where to go.

He decided to run towards the bus *adda* [station] and then towards the Nanaksara where some policemen were standing. He managed to put a *tika* on his forehead [espoused by religious Hindus] and tried to escape to Khajuri and was finally able to reach home. Thankfully, his family was safe. The next morning, he went to offer *Namaz* [prayers at mosque] at around 6-7 am, and after that he went to drink tea. He saw a couple of *Gujar* boys there at Khajuri. They fired at him and hurt him in his leg. He screamed and then someone came from the *masjid*

to help him. Then someone who was going to get milk, rushed to help him. He tied a piece of cloth on his leg to stop the bleeding. People put him on a motorcycle and took him to Al-Hind Hospital. Later, they took him to the LNJP Hospital where doctors took a long time to treat him. They shifted him to the ward on the 27th and prepared an MLC. They treated him for 6-7 days. They treated him in a very poor manner at the hospital. He was discharged on 7 March 2020.

Role of the police: The Police were not present at the time of the violence, only the mobs were present on the streets holding sticks and weapons. In some places, he noticed some police officials standing and later they were joined by police in blue uniforms (RAF). The people of his locality are scared to complain against anybody as many Muslim boys have been picked up and detained by the police since the riots. He stated that there was hardly any police force present at the time the violence broke out. He added that he called the police but no police came to help him. He returned from the hospital on 7 March 2020, and the police came to visit him to take his statement after a month. The Police came to his place twice but he has received no copy of any FIR.

Financial Impact: He has four daughters and is the only earning member of his family. He has received no compensation till date. He is not able to walk properly due to the bullet injury.

2.5.9. Complaint submitted to SHO Dayalpur

A complaint addressed to SHO Dayalpur stated that throughout the day on 24 February 2020, slogans of “Jai Shri Ram” could be heard as a mob burnt the buses of Victoria School located in front of the complainant’s house. In the evening, the complainant came to know that the supporters of Shri Jagdish Pradhan had burnt the mosque in the Tyre Market. Thereafter, in fear, he had gone to his brother’s place at Chand Bagh. On 25 February 2020, women resumed the protest holding the photograph of Dr. Ambedkar. It is further stated in the complaint that at around 1 PM on that day, owner of Mohan Nursing Home and few others started firing and stone pelting from the roof of the nursing home.

Role of Police: At this point, SHO Dayalpur started pushing the women protesters and abusing them in filthy language. Police removed Ambedkar’s portrait and started beating women. Thereafter, the complainant states in his complaint: he got to know that Shri Chawla of Brijpuri along with other people, Mr Jagdish Pradhan and Mohan Singh, etc., along with the police attacked people and killed many. He further states that the attack on Farooqia Masjid that happened the next day was also carried out by these people. He also stated that police took DVR of CCTV cameras, and the SHO told him that he better tell the residents to leave the area, otherwise they shall be killed. Thereafter the mob set the Madarsa on fire and left. The said complaint was submitted with Eidgah Police Camp and also sent to the Delhi Commissioner of Police, NHRC and Lt. Governor through his lawyer. Only NHRC has acknowledged his complaint. No FIR has been registered till date.

2.5.10. Complaint of a resident of Bhagirathi Vihar

Another complainant, who is a resident of Bhagirathi Vihar, stated that at about 4-5 pm on 24 February 2020 he heard loud noises and when he went to his roof-top, he saw that around 200 people had gathered roughly 100-150 meters away from his house. It was further stated that those people were raising religious slogans. He said that he could identify some people in the crowd, namely Vikas Kashyap, Golu, Gaurav Dabra, Mukesh and Kanhaiya Lal. He also stated that he could identify other people by their faces if they are brought in front of him. He added that one Kanhaiya Lal with the help of a microphone was giving communally-charged speeches, and was asking all the Hindus to come out of their houses and drive away the Muslims from the area. He (Kanhaiya Lal) also assured everyone that the police were with them. The complainant rushed back into his home and called the police and told them that some people were making communally-charged statements to the people and that it might result in violence. Thereafter, he called the police multiple times. Each time they said that they were sending someone but they did not. He added that the mob remained there the whole night and whenever they found a Muslim family in a car, they burnt it. At 10 am on 25 February 2020, Michael, Mogli and Tinku along with 200 other people came to his house and broke the locks of his shop on the ground floor and burnt down most of the goods kept there as well as his motorbikes that were there. He again called up the police and they told him again that they were sending somebody but, again, nobody arrived. He locked the stairway to his third floor fearing that the rioters would come up to attack him. He then jumped on the roof of the building adjoining his house and ran to safety. On 2 March 2020, when he managed to return to his house, he found that his house had been looted and all his property documents had been burnt. The floor below his house had been destroyed by the rioters. Since he is scared for his family and their well-being, he went to take shelter in the Eidgah Camp.

Role of Police: When he tried to lodge a complaint with the police, they refused outright saying that they would lodge the complaint only if he did not name anyone in it, otherwise they would fabricate false charges against him and then register a case⁸⁰.

The complainant lodged a subsequent complaint wherein he stated that when he tried to return to his house, he was threatened by people he named in his complaint who told him to take back their names, and one Vikas also suggested that he sell his house for Rs. 5 lakh and go away from there for good.

The complainant in this case was saved by a few of Hindu neighbours, including a man named Vicky, a local Hindu boy, who was present there at the time. However, the complainant felt that local residents permitted the mob to carry out attacks which they could have stopped. Videos of such incidents were also given to the police, he said. He showed most of the videos to

⁸⁰ After submission of this report, in terms of order passed by the Delhi High Court in WP(Crl) 995/2020 on 1 July 2020, the police has disclosed that this complaint was clubbed with FIR No 78/2020.

the fact-finding committee members also. He also stated that many persons, whose relatives had been killed, were not coming forward to name the accused persons despite knowing them.

2.5.11. Arrest of a complainant from Shiv Vihar

A resident of Shiv Vihar has stated in his complaint that his house was looted at around 3 pm on 25 February 2020. He named three persons as culprits in his complaint: 1) Diwan, 2) Dashrath, 3) Bhudev (*aka Pappi*). He stated that these people stay nearby. When asked by a member of the fact-finding committee, he stated that he was approaching the police for lodging his complaint from 26 February 2020 onwards but it could not be lodged because he had named persons in his complaint. After great difficulty, the complaint was lodged on 1 March 2020 by giving it diary no. 42 at PS Karawal Nagar. He was subsequently informed that his complaint had been attached with another FIR (FIR No. 72/20 dated 28 February 2020) and a copy of the complaint attached with the FIR was supplied to him after a long time. On 4 April, 2020, he was called to the police station and arrested on the basis of the same FIR in which his own complaint had been attached. He was in custody from 5 April to 18 May, 2020 when he was released on bail.

2.5.12. Five Muslim men beaten up by Police in Kardam Puri

In a complaint filed at PS Bhajanpura, the complainant has stated that he had gone to the Kardam Puri Pulia area in search of his son on 24 February 2020. There he was surrounded by 6-7 policemen who beat him with their boots and sticks on his head, legs and whole body. Thereafter, the police dragged him to Mohalla Clinic on the main road. Three young men who were severely injured were already lying there and bleeding. The policemen threw him at that place. After sometime, police brought one more person and threw him near them. Policemen kept beating all five of them with sticks and boots. Police told them to sing '*Jana Gana Mana*' (national anthem) and directed one Kausar to say '*Bharat Mata Ki Jai*' (Long Live Mother India). While beating them, the policemen were saying, "You want Azadi?, take this Azadi!"⁸¹ One policeman told them that even if they died, nothing will happen to the police officers. The policemen present there kept abusing them. Later, a policeman asked the other officers not to beat them. After some time, a police car came and took them to GTB Hospital. The doctor performed an X-ray of the complainant. He stated that the doctor told him that his X-ray will be available after two hours because he was a Muslim. He received stitches on his injured head and bandage on his legs. After that the doctor told the complainant that he could go. He was not given his X-Ray report. He was not given medicines or any medical reports either. Next day, he went to LNJP Hospital where he was denied admission as GTB hospital had not earlier given him any reports. Thereafter, he was admitted to St. Stephen's Hospital with the help of an NGO. There, the doctors found that he had fractures in his ribs, right arm, fingers and right leg. He was discharged from St. Stephens Hospital on 13 March 2020. Later, he saw a video of the

⁸¹ See a video of this attack here: <https://www.aljazeera.com/news/2020/02/death-toll-rises-violence-continues-day-delhi-200225054836893.html>

incident which was circulating and identified that out of five, one was Faizan who died. He told members of the Fact-Finding Committee that on 24 February 2020, police had also beaten Faizan along with him. Police had taken Faizan and three others, besides himself, to GTB hospital in a Gypsy car.



*Kausar Ali in St. Stephens hospital
(Photo provided by the victim to the fact-finding committee)*



Kausar Ali, Faizan (now dead) and three others being beaten and forced by police to chant slogans and national anthem (Screenshot from an NDTV video)

2.5.13. The case of Shahrukh Pathan

In the light of the wide publicity given to the case of Shahrukh Pathan, who was seen pointing a country-made pistol in the direction of police officers and was later arrested, a member of the fact-finding committee visited the family of Shahrukh Pathan to get their version. According to the family, while stone-pelting by the mob was going on against anti-CAA protesters in Jafrabad, a mob attacked Shahrukh Pathan's house and his family. Police did not help them despite being present nearby. At that stage Shahrukh took a pistol, came out on the road and fired. His neighbours and family members say that it was because his family was attacked at his house that he acted in a fit of rage. A chargesheet has already been filed in this matter. Prosecution version is laid out in the chargesheet and we leave it at that.

2.5.14. Complaint received by the Delhi Minorities Commission regarding Khalid Saifi and Ishrat Jahan

Delhi Minorities Commission received a complaint through email on 28 February 2020, regarding two activists, Shri Khalid Saifi and Ms. Ishrat Jahan, who were detained from the Khureji sit-in protest site on 26 February 2020, and allegedly subjected to torture in police custody. The complainant asked for immediate intervention to secure medical attention as both Khalid Saifi and Ishrat Jahan had appeared before the magistrate with casts in their hands and legs. The complaint further recommended requisite action be taken against the erring police officials. The Fact-finding Committee also came to know that the National Human Rights Commission has registered a case No. 1161/30/2/2020 dated 6 March 2020, based on a complaint appealing for an inquiry into the alleged custodial torture of Khalid Saifi and Ishrat

Jahan, including to review police compliance with law and all procedures on arrest and detention.

2.5.15. The deaths of Ankit Sharma and Ratan Lal

During the violence between 23-27 February, 2020, two public officials namely Shri Ankit Sharma, Intelligence Bureau personnel, and Police Constable Shri Ratan Lal were killed. These names were widely circulated in the media as supposed evidence of Muslim culpability during the violence. Police has filed a chargesheet in the matter wherein Muslim persons including Tahir Husain have been made accused. However, Tahir Husain's lawyer has pointed out that he was escorted out of his house by the police on the intervening night of 24th and 25th February after repeated calls and pleas for help, and he was nowhere near the area in the evening on 25th February when the killing is said to have taken place.⁸²

2.6. Journalists' testimonies

2.6.1. Rahul Kotiyal, *Dainik Bhaskar*, 25 February 2020⁸³

Bhajanpura, Chand Bagh, Chandu Nagar, Karawal Nagar

I reached North-East Delhi on 25th February, around 10 in the morning. The minute we got down from Signature Bridge, the tension could be felt in the air. Shops were closed, there were stones all over the road, burnt vehicles on both sides and the buildings set on fire still had smoke emitting from them.

The first site to witness the violence was Bhajanpura Chowk where a police help desk and a *mazar* were burnt down the previous day, 24th February. One of the burnt shops was a shop called Azad Chicken Corner. I met the owner, Mohammad Azad, who told me that the day before rioters came from the other side of the road, broke his shutter, looted the shop, threw petrol on the building and the cars outside and set them on fire. The shop was burnt down to ashes.

On the opposite side of the road was the petrol pump set on fire the day before. Next to the petrol pump was a building owned by one Manish Sharma which also got caught in the petrol pump fire and was up in flames.

Around 11 AM, I noticed there was still a mob of people in the lanes of Bhajanpura raising slogans of Jai Shri Ram. Even though paramilitary forces along with Delhi Police had been deployed by now, they were only on the main road while in these by-lanes there was no security for the residents. The residents had taken up patrolling the streets by themselves now and were

⁸² <https://www.thequint.com/news/india/ankit-sharma-ib-officer-delhi-police-charge-sheet-ne-delhi-riots>

⁸³ Text confirmed by Drishti Chibber, a volunteer helper of the fact-finding committee.

in the lanes with sticks and rods. At the entrances of these lanes, elderly people had stacked chairs to prevent mobs from entering and to prevent the youth in their lanes from retaliating.

Around 12, I made my way to Chandbagh, a more Muslim-dominated neighbourhood. Chand Bagh at that time was quiet. There was no sloganeering and no neighbourhood patrol. However, right ahead of it, in areas like Chandu Nagar and Munganagar (Hindu-dominated areas) mobs were roaming on the streets shouting Hindutva slogans and carrying sticks and iron rods. The situation was tense. There were almost thousands of people in these mobs, and hardly a dozen CRPF officers in this area.

“ऐसी लाचारी में हम क्या करें। हमें नहीं पता कि हमें यहां तैनात क्यों किया गया है, जब हमें कुछ भी करने का आदेश नहीं है। आदेश होता तो इन दंगाई लड़कों को हम 10 मिनट में सीधा करके घर भेज देते।” सीआरपीएफ का एक जवान

“We are also helpless. We haven’t been told why we are deployed here when we don’t have orders to do anything. If we had orders, we would have straightened [tackled] the rioters in 10 minutes and sent them home,” CRPF *jawaan* as filed by Rahul in his *Dainik Bhaskar* report.⁸⁴

By this time, Paramilitary forces had started entering the lanes of Karawal Nagar. A few local Muslim leaders could be seen carrying out a flag march requesting residents to maintain peace. But on both sides of the road, there were mobs shouting Jai Shree Ram, drowning the voices of those asking for peace. It seemed like violence would break at any second now.

By 3 PM things got worse in Chand Bagh. A mob of thousands with *lathis* and sticks was out on the roads. I saw them stop people and ask their names and religion. People were collecting stones in sacks and taking them outside on the main roads. Around 3:30, I noticed CRPF deployment being withdrawn. They had been there since 8 PM the night before and at once they left and no replacement was sent either.

Mobs from both communities reached the main Karawal Nagar road and started stone pelting at each other. They did not stop at stones, but petrol bombs were also being thrown. There were no security forces to contain the violence. Almost half an hour after this, a Delhi Police vehicle arrived. Seeing the vehicle, the Hindu mob shouting “*Jai Shree Ram*” and “*Bharat Mata ki Jai*” started walking forward and at that moment a Delhi Police officer threw tear gas towards the group of Muslim residents. This prompted the Hindu group to start shouting “*Delhi Police Zindabad*”.

It was an odd sight to see that Delhi Police was taking clear sides in these riots. It was only around 5 PM that I saw the Delhi Police trying to control both sides, at which they failed. The stone-pelters did not stop and Delhi Police had to retreat.

⁸⁴ Rahul Kotial, Burning Delhi, DaninkBhaskar.com (Feb 27, 2020) — <https://www.bhaskar.com/db-originals/news/delhi-violence-latest-news-and-updates-delhi-police-crfp-over-over-citizenship-amendment-act-caa-protest-126848296.html?art=next>

At almost around 7 PM, combined forces of CRPF, RAAF, SSB and Delhi Police entered from the Muslim group side and after hours of stone pelting that had taken place, the first tear gas shell was thrown towards the side of the Hindu mob. After this, the crowds started dispersing. But some of the men from the Hindu mob made their way towards Tahir Husain's building and openly told the Police that they will not leave till the whole house is set on fire. The cops peacefully asked them to leave. Once the streets were empty, Delhi Police Special Commissioner Satish Golcha came for an inspection and refused to answer why the forces were withdrawn for a few hours during the daytime.

By 9:30 the curfew had been clamped but in areas like Chand Bagh there were still men with *lathis* roaming on the streets.

2.7. Naomi Barton, *The Wire*, 24th and 25th February 2020⁸⁵

Maujpur, Kardampuri, Chand Bagh, Mustafabad, Gokulpuri, Ashok Nagar, GTB Hospital

24th February evening we reached Jafrabad at around 6:00 PM. The anti-CAA protesters were under the Jafrabad metro station and Delhi Police had barricaded off the area. We walked towards the Maujpur metro station. There were people with swords, *lathis*, stones and even guns. We didn't want to confront them head on, so we decided to take the inner lanes of Maujpur. The mob on this side had Hindutva music playing on loudspeakers, some of them were dancing on the road and were also offering food to the cops in a tray. There were kids with *lathis* as tall as their heights and the whole sight was disconcerting.

It was evident that media people were being observed closely and we were conscious of taking out our phones and recording anything. I even took out the sticker of my Media organisation from the back of my phone at which I was asked what I was peeling off and why.

We walked up to Kardampuri. We had heard that petrol bombs had been thrown at the protest site there. By the time we reached Kardampuri we got the news that one person had died. The women there told us how the police threw tear gas shells at the protest site while the mob was throwing petrol bomb.

We made our way to Gokulpuri to find a masjid we were told was set on fire. On our way we saw the Gokulpuri tyre market set on fire. Mob was still there shouting slogans of Jai Shri Ram. A police vehicle came and the mob dispersed. But the cops made no effort to follow them or arrest them. We could not find the mosque, so we decided to head back.

Even on the way back we could see gangs of men with *lathis* and other weapons roaming around the streets. On the Jafrabad stretch of the road, I remember hearing glass crunching under our car tyres. There were stones and glasses all over the road.

⁸⁵ This text has been provided by the author to the Chairman of the Committee.

We went back on 25th February. While crossing the Jafrabad flyover we saw a biryani shop being looted and burnt down. From the bridge itself we could see buildings on fire. There was a huge deployment of security forces. My colleague was trying to take pictures from the bridge but some of the men on the bridge snatched his phone and deleted the pictures. They were also asking him why being Hindu he would malign his own community by taking pictures.

We went straight to Ashok Nagar from there. We had gotten information that some people were stuck inside a mosque and it was being attacked by the mob. They needed to be rescued. When we reached there the mosque was on fire. We weren't there when it was set on fire, but we saw the Hanuman flag that had been mounted on the minaret. We managed to get inside the building opposite that mosque, we went to the terrace and managed to get a video of the mosque on fire. We saw the shops under that mosque being looted by the locals.

Around noon we headed to GTB hospital. On our way, we stopped at Kardampuri again where we saw a 14 year old boy with bullet wounds. We were told he had been there since 11 AM in the morning. Ambulances had not been allowed to reach there. There was a massive group of security forces close to the site. We tried to talk to the cops to take him to a hospital, but they kept saying they can't do anything. After realising we were from the media, they finally took the kid to a hospital.

At GTB Hospital, I spoke to a man with severe injuries on his head and arms. He had stepped out only to get fruits. The mob asked him his name, he gave a fake name. They then asked him to read the Hanuman Chalisa⁸⁶ and when he could not, he was beaten up.

By evening we started getting distress calls from Chand Bagh so we headed there. We saw shops that were burnt down. There were some cops there who tried to discourage us from going inside but we made our way in. There were skeletons of burnt down cars and the roads were strewn with stones. An old Muslim man took us to see lanes 1-4 which were largely peaceful.

By now we started getting news of violence from Mustafabad as well, so we went towards there. By now it was pitch dark and the only light was coming from a house that was set on fire. The Mustafabad protest site had been burnt down by then. A local took us to a small clinic and there was a dead body on the floor and another severely injured man lying there.

Some locals told us that the Hindus had set a mosque and a madrassa on fire. We were across the road from the mosque. We could not cross over there because there was shooting taking place there. A kid was still inside the mosque. They finally let some people from the community pull the kid out to safety. I spoke to the kid on phone when he was still inside the mosque and he told me he was beaten up which made it difficult for him to walk so he had locked himself inside the mosque. He had to be carried out.

⁸⁶ A Hindu devotional hymn addressed to Lord Hanuman. It was authored by the 16th-century poet Tulsidas.

There were houses on fire around us. At that point it became dangerous to stay there and we left from there. But even over the next few days, people I had spoken to on ground kept sending pictures and updates from the ground.

2.8. Amit Bhardwaj, *Asiaville News*, 25th and 26th February 2020⁸⁷

Maupur, Jafrabad, Kardampuri, Chand Bagh, Karawal Nagar, Khajoori Khas, Shiv Vihar, GTB hospital

On 23 February 2020, I started receiving images and videos on a reporters' Whatsapp group depicting incidents of stone-pelting in North East Delhi. From the videos it appeared that there were some police officials ahead of this crowd and not making any efforts to stop this crowd which till then was being termed as a 'Pro-CAA' group as they kept pelting stones at the 'anti-CAA' group. We quickly found out that the video was from Maupur area of NE Delhi. Initially thought of a small scuffle between the two groups but by 23 February night news of similar incidents started coming in. All of 24 February, news of arson and escalating violence in NE Delhi with images and videos flooded social media and newsrooms.

On 25 February, I along with a few other reporters made my way to North East Delhi. We got off at Gokulpuri Metro Station which was the last station operational on the 25th. We took an auto from there to mid-way and then walked to Maupur Chowk which had become the flash point at the moment. We reached there around 12 noon. On our right-hand side was Maupur metro station and on left Jafrabad metro station. The first sight we noticed was charred down vehicles right next to the police barricades. A small tempo used for carrying milk was lying open with milk spilling out of it. The sense of fear in the air was palpable, even for us reporters. The entire street was taken over by the Hindutva group, we could see saffron flags everywhere, with 'Jai Shree Ram' written on many of them.

The entire Jafrabad side was barricaded by police. I have covered riots before, including the Haryana reservation riots, but this sight was different, it was scarier than anything I had seen before.

"The Joint Commissioner of Police, Alok Kumar, was trying to contain the situation. Kumar had proposed a formula whereby 10 people from both sides – pro-CAA and anti-CAA – should sit together and help the police to restore peace and harmony.

However, it seemed that few in the pro-CAA camp were ready to pay much heed to what the police had to say. "You remove the Jafrabad blockade, our boys will step back," said the man wearing a helmet and a vermillion *teeka* on his forehead."

This mob was also threatening us reporters to keep our phones inside and men holding iron rods and sticks threatened us to vacate the locality. We could see smoke coming from the inside

⁸⁷ This text has been provided by the author to the Chairman of the Committee.

lanes. The stretch between Maujpur and Kardumpuri remained extremely volatile. The sound of gunshots echoed through the air and stone-pelting was being carried out indiscriminately. Even though the police and anti-riot vehicles were moved into these localities, they couldn't disperse the rioters.

We went to GTB hospital from there where victims of gunshots and mob violence were being brought in large numbers. We met two Muslim men there who were stopped at Johri *puliya*, they were asked their names. They gave fake names. They were asked to read the Hanuman Chalisa and when they couldn't, they were beaten up brutally. I saw their injuries – cuts all over the body, including injuries to the head.

"Mohammad Khalid, a North Ghonda resident, broke down in tears. "We stepped outside of our house to see the ruckus happening. A large crowd was stone-pelting. Suddenly, we heard the gunshots. And my brother fell on the ground right in front of my eyes," Khalid told Asiaville. His 34-year-old brother, Nasir Khan, works as a clerk with the Delhi government. "His head and left eye have been severely ruptured," he said'

Most of the victims we spoke to were not even part of the anti-CAA protest. They were either coming back from work or the market. We left for the night from ground to file our story but all of 25th night we kept getting reports of gunshots in various localities of North-East.

On 26th, I went back on ground. In all the localities I went, I could see a clear pattern. Properties with Muslim names were identified, looted, and then set on fire. For example, we saw barber shops broken, all the material thrown out and then set on fire. Local neighbourhood patrols were in place in some lanes.

I reached Karawal Nagar where I saw a burnt down house and neighbours informed that the night before a mob chanting "Jai Shree Ram" came and burnt the house. The Muslim inhabitants were rescued by the neighbours just in time. Molotov cocktails were thrown inside houses when women and children were still inside. A few houses were bolted from the outside to prevent people from escaping through the doors. As per the survivor accounts, many Muslim residents who managed to escape ran for their lives, jumping from one terrace to another, but they could not save their valuables and their homes. Most of them have been ransacked and completely gutted.

I made my way towards Shiv Vihar. The sight there was nothing less than a war zone. There were stones strewn across the road and fumes coming from houses and shops. A makeshift barricade had been made. At this crossing there is a bakery shop. A man came up to me and informed me that there is a dead body on the top of the shop. I went inside the building and on the second floor I saw a completely charred body. Both his legs and arms were cut off. It seemed like the body was there for more than a day.

On the right-hand side there was Rajdhani School. Stone pelting was taking place from the terrace of this school. The rioters had managed to gather bricks and hundreds of Molotovs

inside the school. Importantly, they had enough time to install an iron slingshot on the roof of the school. The slingshot enabled the arsonists to attack the properties even at a certain distance.

We walked towards Khajoori Khas. In this area the attack seemed to have been in a more systematic and planned manner. Religious identity of the property owners was being identified through name plates. We saw families leaving with whatever belongings they could carry. We could see petrol bombs inside these houses.

We were told that in the morning of 25th February in *Gali* Number 29 of Khajoori Khas extension, Fatima Masjid was attacked. One of the locals showed me a video of stones being pelted at Fatima Masjid from rooftops. When we reached there, the masjid was completely charred down. The locals of the *gali* said they called police innumerable times, but no one responded. Many even recognised some people in the mob as their own neighbours, kids they have seen growing up. Remains of Molotov cocktails were on the streets.

There was a deployment of Delhi Police and paramilitary by now but at no point did they take any actions to prevent or contain the violence actively. The violence continued in spurts even on 27th and 28th according to the reports we received.

2.9. Testimony of an academician ‘X’, Sociology Professor, in Delhi⁸⁸

From 24th February onwards WhatsApp groups and social media were buzzing with call out for volunteers to help with rescue of locals in North East Delhi caught in the violent riots. I responded to one SOS call on the evening of 26th February and reached GTB Hospital where a number of injured victims were being brought.

Other than me there were two lawyers and one social activist present there. There were victims being brought in with gunshot wounds and injuries from being beaten up mercilessly by mobs. They needed help filling up hospital forms and getting their MLCs done. We were helping them with the forms when dead bodies also started coming in.

I visited the mortuary at GTB Hospital helping families identify bodies and helping them fill forms for the bodies to be released. This is not a sight I was prepared for. There were bodies being brought in that were completely charred. Families were telling stories of how their houses had been burnt down.

Some bodies were in unrecognisable shape and DNA tests had to be done to confirm their identity. These tests take up to one day which meant that the families stayed in the hospital dealing with uncertainty and grief. The post-mortem of everybody was taking up to 2-3 hours.

I visited GTB Hospital for next two days. A lot of families were coming in looking for missing people, checking the beds and mortuary before moving to other hospitals where the injured and

⁸⁸ This text has been provided by the author to the Chairman of the Committee.

dead were being brought in. Most of the injured were being brought in private vehicles and not ambulances. These families mentioned calling the police throughout the night when their houses were being set on fire or when the mob was beating up people but to no avail. Ambulances were also unresponsive or not being able to enter the narrow lanes.

Families who were looking for missing family members had no clue on how to go about the search and were not receiving help from any police officials. Only a few activists and lawyers who had managed to reach on site were providing any help.

On the 25th evening, I left GTB for a few hours to head to Mustafabad as more SOS calls started to pour in of families who had been displaced and were in urgent need of essentials such as ration. With the help of another volunteer we managed to procure some ration and headed to Mustafabad. Deployment of security officials had taken place by then, but they were all on the main road and violence continued unabated in the inner lanes of these areas. We could see men with sticks and rods on the roads and buildings still up in flames. When we reached Noor-e-Ilahi, locals advised me to not go inside because I am visibly Muslim, and they were afraid the mob would attack me as well.

The volunteer I was with dropped the ration and I went back to GTB hospital to help with the incoming of more injured people and dead bodies. Over the next few weeks I met families of these people and heard their horrific stories. The relief work is continuing but the damage done to the fabric of the society is significant. This was unprecedented violence and not even half of what we saw in the hospitals has been covered by mainstream media.

2.10. Looking Forward

Despite the deadly violence and irreparable loss of life and property, there were a few glimmers of hope that emerged from various parts of North East Delhi, which reflected the resilience of the victims, and the amity that is characterised by a diversity of religious beliefs and practices in our country.

2.10.1. Chandbagh

One of the residents of the area named Afzal, who has lived in the area for more than 40 years, narrated the events of that night, wherein he mentioned that when the entire episode of violence was unleashed, all the people of the neighbourhood came together and decided that they would keep each and every one of that block safe. He further claimed that all the Muslims who were in majority in that neighbourhood went and assured the Hindu residents that no harm would befall them in this area.

One of the Hindu residents, Brijmohan Sharma, also pointed out that they had lived through the previous violence of 1992 as well and had never fought till date. He further added that he wanted one Shri Kapil Mishra to be arrested and brought to justice.⁸⁹

2.10.2. Vijay Park and Yamuna Vihar

The residents of the area did not allow the attackers to enter into their colony and cause a ruckus amongst the residents. Rakesh Jain, a resident of Vijay Park, gave an interview to *Dainik Bhaskar*, wherein he mentioned that the rioters did try to force into the colony but they did not let them. He further added that the Muslims residents living in the colony are like brethren and they were assured that they will be kept safe even in times of crisis. The residents further ensured that the mosque and the temple that are in the locality were not damaged in any way.⁹⁰

Another resident of the locality reported that the residents who were capable had taken up sticks to guard their area at night to protect the residents from the unwarranted elements of the society.⁹¹

2.10.3. Mustafabad

The Hindu residents of Mustafabad, which is predominantly a Muslim-dominated neighborhood, recounted their Muslim neighbours protected them from any harm that might have been brought upon them by the angry mob. They further added that they are fortunate to have such neighbours in their locality.

Adim, a Muslim resident, said that as soon as the reports of the mob violence came in, he along with others from the community were aware of the risk to Hindu families present in the area and thus assured them and ensured that no harm should befall on them. During the violence they also ensured that the Hindu temple that is found in the area was not desecrated in any way whatsoever.⁹²

⁸⁹ Naomi Barton, “How Muslim and Hindu Neighbours Protected Each Other Through the Long Night at Chand Bagh”, The Wire, 1 March, 2020 — <https://thewire.in/communalism/chand-bagh-delhi-riots-hindu-muslim> (Accessed on 15.06.2020 at 13:23 pm)

⁹⁰ Sidharth Shekhar, “Amid violent communal clashes in North-East Delhi, Hindus and Muslims join hands to protect each other”, Times Now News, 27 Feb. 2020 — <https://www.timesnownews.com/india/article/amid-violent-communal-clashes-in-northeast-delhi-hindus-and-muslims-join-hands-to-protect-each-other/558270> (Accessed on 15.06.2020 at 13:23 pm)

⁹¹ *Ibid.*

⁹² Somrita Ghosh and Sana Shakil, Delhi riots: Muslim neighbours brave mob wrath to save Hindus in minority-dominated area, *The New Indian Express*, 27 Feb. 2020 — <https://www.newindianexpress.com/good-news/2020/feb/27/delhi-riots-muslim-neighbours-brave-mob-wrath-to-save-hindus-in-minority-dominated-area-2109351.html> (Accessed on 15.06.2020 at 13:42 pm)

2.10.4. Indira Vihar

It is one of the localities that come under Shiv Vihar, and is a predominantly Muslim-dominated area. The residents of the area took matters in their own hands and ensured that there was a constant presence of people even in shifts to ensure peace in the locality. The people of the locality, to keep the residents safe, changed the nameplate of a house, that belonged to a Hindu resident, in order to ensure that it was not a target of any hostile mob.

One of the neighbours added that they had always lived in peace with each other and thus have a feeling of brotherhood amongst them; they had no reason to worry.⁹³

2.10.5. Shiv Vihar



A damaged house in Shiv Vihar (Photo taken by the chairman of the fact-finding committee)

⁹³ TNN, “Delhi riots: How outsiders were kept at bay in this ‘island of peace’” *The Times of India*, 27 Feb. 2020 — <https://timesofindia.indiatimes.com/city/delhi/how-outsiders-were-kept-at-bay-in-this-island-of-peace/articleshow/74326579.cms> (Accessed on 15.06.2020 at 13:42 pm)



*A damaged house in the riot affected area
(Photo taken by the chairman of the fact-finding committee)*

A Muslim man from Shiv Vihar spoke to the media and narrated that he along with his family were stuck in the area on the day of the riots and had to flee and take shelter in the house of his Hindu neighbour. He added that not only did his neighbour keep him safe for the night, he also ensured that both the Muslim man and his wife were dressed as “Hindus” the next day and only then did he let them outside to get a safe passage to Mustafabad.

Another man, who is a resident of Shiv Vihar and is a Hindu, was rescued by his Muslim neighbours who assured him that no harm would come to him and that they won’t let any mob touch him.⁹⁴

It is very visible that amidst the hateful atmosphere artificially created by the leaders of some political parties, and the subsequent violence that took away many lives, destroyed life earnings and, most importantly, tore down the fabric of peace that prevailed earlier, there were these glowing instances which are assuring and helped a semblance of humanity prevail amongst people.

⁹⁴ Safoora “Amidst Delhi riots, Shiv Vihar tells tale of Hindu-Muslim unity,” *The Siasat Daily*, 28 Feb., 2020 — <https://www.siasat.com/amid-delhi-riots-shiv-vihar-tells-tale-hindu-muslim-unity-1841469/> (Accessed on 15 June 2020 at 13:42 pm)

3. Response of Delhi Police to the Delhi Minorities Commission/Fact-finding Committee

As part of the Fact-Finding Committee's mandate was to examine the role of the Delhi Police, we sent multiple requests for information and clarification to them. This was done both by the Fact-Finding Committee itself under the terms of reference of its formation by the Delhi Minorities Commission and through the Delhi Minorities Commission itself. The Fact-Finding Committee received no substantive response from the Delhi Police to any of its queries, whether to it directly or through the Delhi Minorities Commission.

3.1. The Delhi Commission for Minorities issued a notice (No. 2020/254) under Section 10(h) of the DMC Act, on 18.03.2020 requiring:

- List of detainees since 23rd of February, 2020.
- Police station-wise copies of FIRs
- Complaints not converted into FIRs.

3.2. The Commission received no response to this till compilation of this report. The Commission sent another letter (ref. 2020/259 dated 18 March 2020) raising concerns over arrests by Delhi Police being done arbitrarily, based on media reports and complaints being received by the Commission. The DCP North East, Delhi Police, vide letter dated 13 April 2020, denied the allegations, giving no details, and stated that arrests were being done according to procedure and investigation was being conducted fairly and impartially.

3.3. The Fact-Finding Committee would have been in a much better position to analyse the facts by looking into related documents if they had been supplied to the Commission. The Fact-Finding Committee therefore decided to directly approach the Delhi Police and an e-mail was sent to the DCP, North-East, with a copy to the Commissioner of Police, Delhi on 11.06.2020 seeking the following information:

- An appointment at the earliest possible convenient dates.
- Copies of the chargesheets filed till date.

3.4. The Fact-Finding Committee attached a detailed list of information required to the email. The said list is enumerated below:

a. **Deployment** (23 February to 27 February): A list of all the units and personnel of the Delhi Police, both civil and armed, that were deployed in the affected areas. Please provide each point below date-wise from 23rd February to 27th February:

1. Master list stating the total numbers of civil police (rank, gender, posting) and armed police (rank, gender, battalion or armed police unit) deployed;

2. Separate district-wise list stating the total deployment of civil police, by police station or unit, rank, gender;
 3. Separate list stating the total deployment of armed police, by battalion or armed police unit, rank, gender;
 4. Certified copies of every written request and order for deployment;
 5. List of areas/localities where police deployed, with separate lists for civil and armed police;
 6. State which authority made and signed each deployment order or request;
 7. Provide certified copies of all notifications issued for additional police under Sections 38 and 39 of the Delhi Police Act 1978;
 8. Certified copies of applications received under Section 38, Delhi Police Act 1978.
- b. **Preventive measures taken:**
1. Written description of all operational measures and actions taken to disperse gathering mobs from 23rd February to 2nd March 2020;
 2. Written description of all operational measures and actions taken to identify and apprehend individuals who were seen to be gathering mobs, shouting slogans to incite violence, holding and wielding weapons from 23rd February to 2nd March 2020;
 3. Full list and certified copies of all notifications issued under Section 30 of the Delhi Police Act 1978;
 4. Full list and certified copies of all orders issued under Sections 33(1), 36, 46 and 47 of the Delhi Police Act 1978;
 5. Full list of all persons preventively arrested under Section 151, Code of Criminal Procedure, to include name and age of detainee, date and time of detention, date and time of release, full address of place where detained, name, rank and posting of police officer who made the detention, and reasons for detention. If any person was detained beyond 24 hours, provide a list of the offences for which they were detained and a certified copy of the FIR registered;
 6. Full list of all persons apprehended and brought into custody under any relevant preventive detention law, to include the name and age of detainee, date and time of detention, full address of place where detained, name, rank and posting of police officer who called for the detention, and the law, specific offences, and reasons for which the person was detained.
- c. **Outbreak and duration of violence and rioting (23rd February to 26th February):**
1. Certified photocopies of the full entries in all relevant duty registers from all police stations of NE district and the DCP NE Office, date-wise;

2. Certified copies of all vehicle log book records pertaining to NE district, date-wise;
3. Certified copies of all arms allocation registers, including numbers and types of bullets, for both civil police and armed police, date-wise;
4. Certified copies of all entries made in the relevant registers of the return of firearms and unused bullets, date-wise;
5. Certified copies of all call detail records of all relevant police officers (any and all mobiles used in that period);
6. Certified copies of all Daily Diary registers of all police stations of NE Delhi from 22nd February to 28th February;
7. Certified copies of the verbatim transcripts of all calls made to 1) 100 police helpline, 2) all police stations in NE district, 3) the district police control room (NE), 4) the central police control room, and 4) Office of the DCP North East from 23rd February to 26th February, date-wise;
8. Certified copies of all records and transcripts of all communications among and between i) police personnel, ii) police stations, iii) police stations to district offices, iv) police station or district offices to Police Headquarters in this period, to include wireless, written orders, and emails;
9. Certified copies of all relevant operational Standing Orders in place during or pertaining to this period;
10. State whether the Delhi Police had a Riot Control Scheme in place as of February 2020. Provide a certified copy of the full riot control scheme. Provide a written description of all the operational steps, measures, and actions taken to implement the Riot Control scheme in the affected areas from 23rd to 26th February.

d. **Aftermath of the violence:**

1. Certified copies of all First Information Reports registered in relation to the violence from 23rd February to the present date;
2. List and certified copies of all medico-legal cases (MLCs), including supporting documents, forwarded to Delhi Police from 23rd February to the present date;
3. List of all persons arrested in relation to the violence from 23rd February to the present date, to include the name, age and address of arrested person, date and place of arrest, the relevant FIR number, the offences under which arrested, the police station and name and rank of the arresting officer;
4. Certified copies of all arrest memos (as under Section 41B(b) of the Code of Criminal Procedure) made for all arrests done in relation to the violence from 23rd February to the present date [police station-wise if possible];

5. Written description of the progress in investigations in cases in relation to the violence to date, including in FIRs registered against “unknown” persons in which accused have been identified and the steps that have been taken to apprehend these accused;
 6. Certified copies of all complaints received against named or unnamed police personnel from 23rd February to date;
 7. Numbers and certified copies of all FIRs registered against named or unnamed police personnel from 23rd February to date;
 8. Number of departmental inquiries instituted against police personnel, by name, rank, and posting of each police personnel complained against;
 9. Status of departmental inquiries against police personnel, with name and designation of enquiry officer assigned.
- 3.5. Up to the date of completion of this report, the Fact-Finding Committee has not received any response from the Delhi Police. With this limitation, we collected copies of various FIRs from the victims who were willing to share them with us. Many of the victims preferred not to share the FIRs due to fear of reprisals.
- 3.6. The Delhi Police has chosen not to publicly disclose copies of FIRs and the list of arrested persons. This is also reflected from the stand taken in their status report dated 11.06.2020 filed in Writ Petition (Crl) No. 669/2020 before the Delhi High Court. In the said status report, the Delhi Police has stated that they have taken a conscious decision to declare the FIRs connected to riot as ‘sensitive’. They have also relied upon the judgment of the Supreme Court in Youth Bar Association vs. Union of India (dated 07.09.2016 in WPCR no. 68/2016) for not providing copies of FIRs. They have indicated that the number of the registered cases is 751. The police have also refused to disclose the list of detained persons to public at large.
- 3.7. On 26 June 2020 the Office of the U.N. High Commissioner for Human Rights (OHCHR) released a statement by United Nations experts on human rights calling on India to immediately release human rights defenders who have been arrested for protesting against changes to the nation’s citizenship laws.⁹⁵ The statement said that “These defenders, many of them students, appear to have been arrested simply because they exercised their right to denounce and protest against the CAA (Citizenship Amendment Act), and their arrest seems clearly designed to send a chilling message to India’s vibrant civil society that criticism of government policies will not be tolerated”.

⁹⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26002&LangID=E>

4. Compensation

4.1. The Government of Delhi declared an Assistance Scheme for Riot Victims,⁹⁶ as per the table below for the victims in the North East Delhi riots.

Category	Amount in Rs.	Comments
Death of Major	10 Lakh*	*1 lakh ex-gratia shall be given to the family immediately, and 9 lakh after documentation process is completed and approvals obtained.
Death of Minor	5 Lakh	
Permanent Incapacitation	5 Lakh	
Serious Injury	2 Lakh	
Minor Injury	20,000	
Orphan	3 Lakh	
Animal Loss	5,000	
For Residential Units		
Total Damage	5 Lakh*	*(1 lakh to be divided among tenant(s) and 4 lakh for house owner)
Substantial Damage	2.5 Lakh**	** Rs 50,000 to be divided among tenant(s) and 2 lakh for the house owner.
Minor Damage	15,000	
		An immediate relief Rs. 25,000 will be released per household in case of substantial or total damage of the house for loss of household items.
Uninsured Commercial Unit		

⁹⁶ <https://cdn.s3waas.gov.in/s3c06d06da9666a219db15cf575aff2824/uploads/2020/02/2020022983.pdf>

Uninsured Commercial Units,	A maximum limit was set to Rs 5 Lakh	
Normal Rikshaw	25,000	
e-Rikshaw	50,000	

- 4.2. The Chief Justice of the Delhi High Court, through an Order dated 18.03.2020, appointed Mr. Justice Sunil Gaur (Retd.) as the Claims Commissioner for providing relief to the victims subjected to mob violence in the North East Delhi. The Letter of Registrar General dated 18.03.2020 states that the Claims Commissioner shall look into the case as per the guidelines laid down in the *Destruction of Public & Private Properties vs. State of Andhra Pradesh and Ors.*⁹⁷
- 4.3. The Fact-finding Committee examined about 250 compensation applications taken from the documents available on the Delhi Government website.⁹⁸ In addition, 450 application

⁹⁷ See (2009) 5 SCC 212 (Para 15) for guidelines laid down: “(I) Wherever a mass destruction to property takes place due to protests or thereof, the High Court may issue *suo motu* action and set up a machinery to investigate the damage caused and to award compensation related thereto. (II) Where there is more than one State involved, such action may be taken by the Supreme Court. (III) In each case, the High Court or the Supreme Court, as the case may be, appoint a sitting or retired High Court Judge or a sitting or retired District Judge as a Claims Commissioner to estimate the damages and investigate liability. (IV) An assessor may be appointed to assist the Claims Commissioner. (V) The Claims Commissioner and the assessor may seek instructions from the High Court or the Supreme Court as the case may be, to summon the existing video or other recordings from private and public sources to pinpoint the damage and establish nexus with the perpetrators of the damage. (VI) *The principles of absolute liability shall apply once the nexus with the event that precipitated the damage is established.* (VII) *The liability will be borne by the actual perpetrators of the crime as well as the organisers of the event giving rise to the liability—to be shared, as finally determined by the High Court or the Supreme Court as the case may be.* (VIII) Exemplary damages may be awarded to an extent not greater than twice the amount of the damages liable to be paid. (IX) Damages shall be assessed for:(a) damages to public property; (b) damages to private property; (c) damages causing injury or death to a person or persons; and (d) cost of the actions by the authorities and police to take preventive and other actions.”

⁹⁸<http://dcnortheast.delhigovt.nic.in/wps/wcm/connect/e8b103004dceff6b8277f7982ee7a5c7>List+of+Payment+Relief+of+Commercial+Property+Seelampur-merged.pdf?MOD=AJPERES&lmod=-1164058688;>
<http://dcnortheast.delhigovt.nic.in/wps/wcm/connect/ad1d8f004dc84fddb8b3ff982ee7a5c7>List+of+Payment+of+Relief+Death+Person+of+Riots+%28SH%29-merged.pdf?MOD=AJPERES&lmod=-1164058688;>
<http://dcnortheast.delhigovt.nic.in/wps/wcm/connect/8ae799804dc8496bb89bff982ee7a5c7>List+of+Payment+Death+Cases+in+Riot+Karawal+Nagar-merged.pdf?MOD=AJPERES&lmod=-1164058688;>

forms given by the victims to the Fact-Finding Committee were also analyzed. From the said analysis of both the above stated sets of documents, the following pattern has emerged:

- 4.3.1. The victims have filed an application for compensation and the verification of the actual damaged site has taken place. However, only meagre amounts of interim payment were paid to the claimants.
- 4.3.2. The victims have filed applications for compensation, and the verification/enquiry of actual site damage has also taken place, but even the interim compensation has not been paid.
- 4.3.3. The victims have filed applications for compensation but the verification of the actual damaged site has not taken place, and therefore, no interim compensation has been paid.
- 4.4. While interacting with people in the affected area, we learnt that many victims had left Delhi immediately after the riots. Due to this, many applications for compensation were not filed contemporaneously and neither were the FIRs lodged.
- 4.5. Delayed or non-payment of compensation: The issue of non-payment of compensation was also addressed in a Writ Petition (WP[C] 3650/2020). The petition was filed by an aggrieved person relating to the non-acceptance of his application for compensation by the Delhi Government and the non-payment of compensation to him. The Delhi High Court passed an order dated 22 June 2020 directing the state to accept the said compensation form. The state government also assured the Court that the web portal, where such forms could be submitted, would be made functional immediately.
- 4.6. Disparity in Compensation: Public officers who died in the violence have been paid Rs. 1 crore each as compensation whereas the civilians/citizens who lost their lives in the same violence have been paid only Rs 10 lakh. The disparity in the sums disbursed is arbitrary and warrants urgent attention.
- 4.7. Despite the fact that law and order in Delhi comes within the authority and control of the Central Government, we did not find any scheme or assistance coming from the Central Government to help the victims either by one-time compensation or by extending any support in their rehabilitation process.

5. Findings of the Report

5.1. Initiation of the Violence

- 5.11. In multiple areas of North East Delhi violence occurred between 23 and 26 February 2020. Violence continued until 27 February in some pockets.
- 5.12. Violence started in different pockets almost immediately after the short speech of Shri Kapil Mishra on 23 February 2020 at Maujpur in which he openly called for forcefully removing the protestors at Jafrabad in North East Delhi.⁹⁹ He clearly said that he and his supporters will take matters into their own hands, alluding to extralegal vigilante tactics, in saying: “*But after that we will not listen to the Police if roads are not cleared after three days...*” The open admission of “not listening” to the police and extralegal tactics should have been seen by the authorities present as inciting violence.
- 5.1.3. Deputy Commissioner of Police North East district, Shri Ved Prakash Surya, was standing right next to Shri Kapil Mishra when he said “after that we will not listen to the police...”. At this point, the police failed to apprehend and arrest Kapil Mishra and all those gathered to hear and cheered his speech. This indicates that they failed to take the first and most immediate preventive step needed to avoid violence from arising and protect life and property.¹⁰⁰
- 5.1.4. Following the speech, different groups/mobs quickly fanned out to the local areas, openly carrying various weapons and arms like petrol bottles/bombs, iron rods, gas cylinders, stones and even firearms. Despite the open display of weapons and firearms, sufficient

⁹⁹ Media reports have also widely reported about the presence and incendiary speeches of other BJP leaders (incumbent and former) including, former BJP MLA Jagdish Pradhan, BJP Councillor, Kanhaiya Lal and Hindutva Leader, Ragini Tiwari, who has on multiple occasions campaigned for BJP leaders. See, <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragini-tiwari-hindutva-bjp-muslims>; <https://www.thequint.com/news/politics/delhi-riots-bjp-councillor-kanhaiya-lal-kapil-mishra-jagdish-pradhan-muslims>

¹⁰⁰ Principles of international law as contained in the UN Basic Principles on Use of Force that demand preventive action, including containment measures and police cordoning while the crowd is still at the nascent stage. See, COE Parliamentary Assembly, Urgent Need to Prevent Human Rights Violations During Peaceful Protests, Doc. 14060 (May 2016) at p. 16 referring to the case of *The United Macedonian Organisation Ilinden and Ivanov v. Bulgaria*, Application No. 44073/98, judgment of 20 October 2005, <https://www.refworld.org/pdfid/5836fbfe4.pdf> (discussing the failure on the part of the police to prevent physical assaults and damage to property even after forming a police cordon and hence not doing enough to allow a lawful demonstration to proceed). See also, *Austin and Others v. UK*, Judgement GC (Mar. 15, 2012) (discussing that the method of “kettling” or containment during protests for maintenance of public order and protecting public was not an arbitrary deprivation of liberty- although the time period of seven hours of such containment has been criticized).

actions were not taken by the district administration or police to protect life and property.¹⁰¹

5.2. Systematic Violence

5.2.1. The violence followed an organised and systematic pattern. Different mobs numbering anywhere between 100-1000 people, chanting common slogans like ‘*Jai Shri Ram*’, and even “*Har Har Modi*”, “*Modiji, kaat do in Mullon ko* [Modi, cut these Muslims into pieces]”, “*Aaj tumhe aAzadi denge* [Today, we will give you freedom]”, selectively attacked Muslim individuals, houses, shops, vehicles, mosques and other property.

5.2.2. The victims have repeatedly stated that though they could recognize some of the perpetrators as belonging to their residential locality, they also saw that outsiders were present.¹⁰² They recounted that some of these persons had made their way into their areas prior to the violence and even threatened them.

5.2.3. The perpetrators positioned themselves strategically in the residential areas. This points to no “spontaneity” as in the case of a riot. The testimonies reveal that the violence was planned and targeted. As stated above, the perpetrators were armed with *lathis*, iron rods, tear gas bombs, cylinders, and firearms.

5.2.4. The attacks were selectively targeted towards the Muslim population of the area. In some instances, victims were asked to show their ID cards and then targeted on the basis of their faith.¹⁰³

5.2.5. In response to the targeted attacks, Muslim youth pelted stones on the mobs in some places to defend community and family members. Barring one incident, there have not been reports of Muslims being armed with weapons other than stones.

5.2.6. Destruction of property: In many areas of North East Delhi, properties owned by Muslims were destroyed while those owned by Hindus, even though standing adjacent to the targeted properties, remained unscathed. In some instances, where the owners were Hindus but the property had been rented to Muslims, the building was not damaged but the moveable property was looted or burnt *outside* the premises. In some instances, shops belonging to Muslims were looted and burnt, while adjoining shops owned by Hindus, and even adjoining ATMs, were left untouched.¹⁰⁴

¹⁰¹ Osman v. United Kingdom, para. 116, [http://hudoc.echr.coe.int/eng?i=001-60707](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-58257%22; Mastromatteo v. Italy [GC] para. 68, <a href=); Paul & Audrey Edwards v. the United Kingdom, para. 55, <http://hudoc.echr.coe.int/eng?i=001-60323> (discussing the obligation of the State in protecting lives of individuals at risk from non-state actors).

¹⁰² 2.1.1. and 2.5.2. above

¹⁰³ 2.1.7. above

¹⁰⁴ 2.1.4. above

5.2.7. Religious symbols destroyed: Mobs specifically vandalised Muslim places of worship, namely mosques and madrasas as well as religious symbols like copies of the Holy Quran.¹⁰⁵ Police officials were either mute spectators or, in some cases, even alleged participants. In most of the cases, CCTV cameras on the premises, from which footage could have been gathered to aid identification of perpetrators, were destroyed. Religious places of worship of non-Muslims in Muslim-majority areas were largely left untouched, and in some cases were protected by the local Muslim residents.¹⁰⁶

5.2.8. Large number of Muslim residents hurriedly left the area where the attacks were perpetrated. Many residents moved out of their charred homes to pockets where Muslims are in large numbers. Those who have named the accused in their complaints are particularly scared to go back to rebuild their houses. Many Muslims who took shelter in relief camps were displaced twice when they were, hastily and without any plan, evacuated from the camps in the wake of the Covid-19 lockdown.

5.3. Role of the Police

5.3.1. Failure to protect life and property: Multiple testimonies collected by this Fact-Finding Committee recount reports of police inaction even as violence unfolded before them, or of police not arriving despite being called repeatedly.¹⁰⁷ Testimonies also recall how the police were patrolling the area, but when asked for help, they refused saying they had no orders to act.¹⁰⁸ This suggests that the failure to prevent violence was not due to individual or sporadic breaches, but was a pattern of deliberate inaction over several days. The Delhi Police failed to exercise its prohibitory powers, under the Delhi Police Act, 1978 which enable the Commissioner of Police to promulgate orders prohibiting the carrying of weapons and arms, and the assembly of persons as “necessary for the preservation of public order”.¹⁰⁹ Section 33 of the Delhi Police Act gives the Commissioner of Police specific powers to issue orders towards preventing a riot or “grave disturbance of peace”. Prohibitory orders were either not enforced, or were only in name with no public notification. Police also did not exercise powers to disperse unlawful assemblies¹¹⁰, or take measures to apprehend, arrest and detain those perpetrating violence.

5.3.2. Refusal/delay/obfuscation in registration of FIRs: In multiple testimonies, victims of violence have reported that FIRs have either been delayed or have not been acted upon.¹¹¹

¹⁰⁵ 2.1.8. above

¹⁰⁶ See section 2.2 above

¹⁰⁷ See 2.5.11., 2.5.12., 2.5.1., 2.5.4. and 2.5.5. above

¹⁰⁸ See 2.1.2. above

¹⁰⁹ Sections 30 and 31, Delhi Police Act, 1978

¹¹⁰ The powers provided in Section 129 CrPC enable the police to take measures to disperse an unlawful assembly.

¹¹¹ See 2.5.4., 2.1.5., 2.1.8., 2.5.10., 2.5.7. and 2.5.8. above

Further, in spite of the serious nature of complaints, the police did not act upon FIRs filed.¹¹² In some cases police refused to register an FIR unless the complainant omitted names of the accused.¹¹³ This is in clear violation of the mandate of Section 154 of the Code of Criminal Procedure as well as the conclusive judicial opinion and directives laid down by the Supreme Court of India in its judgement in *Lalita Kumari v. Government of Uttar Pradesh and Others*.¹¹⁴ The law is settled that every information of a cognizable offence, irrespective of the source of information or its credibility, is to be *mandatorily* registered by the officer in charge of the police station and entered into a designated register. The failure to register FIRs promptly and accurately will adversely affect the prosecution of these offences.

5.3.3. Delhi Police helpdesk (Eidgah camp, Mustafabad): Responding to complaints from persons that they were not able to reach police stations due to threats, Delhi Police set up a helpdesk with officers manning it, at the Eidgah camp, to facilitate access and receive complaints. The helpdesk began receiving complaints on 12 March 2020. The helpdesk registered complaints where accused were shown as “unknown” but it was difficult to get complaints registered where serious allegations were made out such as murder, loot and arson and the accused were specifically named. Where such complaints have been diarised or sent through post or other means, there is no confirmation of their being registered as FIRs.

5.3.4. Police complicity: Police were also complicit and abetted the attacks. Where police did act, victims state that police stopped their colleagues when they attempted to disperse the crowd (“do not stop them”).¹¹⁵ In some cases, they merely stood as onlookers while the mobs engaged in violence.¹¹⁶ In others, they explicitly gave a go-ahead to the perpetrators to continue with their rampage (“do what you want”).¹¹⁷ A few accounts state how the police and paramilitary officials even escorted the mobs safely out of the area once the attack was over.¹¹⁸ Similarly, a recent detailed report provides numerous complaints filed by residents of North East Delhi that name senior police officials as leading, participating and encouraging targeted violence against Muslims.¹¹⁹

5.3.5. In some testimonies, clear allegations of engaging in direct violence, including physical assault and abuse, have been made against police officers.¹²⁰ In one incident, five Muslim boys were surrounded by 6-7 police officers and brutally beaten up while being asked to chant “*Jana*

¹¹² See 2.1.2, 2.1.3., 2.5.2. above

¹¹³ See 2.1.8., 2.5.10. and 2.5.1. above

¹¹⁴ AIR 2014 SC 187

¹¹⁵ See 2.1.1. above

¹¹⁶ See 2.1.5., 2.1.8., 2.5.9., 2.5.5. and 2.5.7. above

¹¹⁷ See 2.1.2. above

¹¹⁸ See 2.5.2. and 2.5.1. above

¹¹⁹ Prabhjot Singh, “Dead and Buried”, *Caravan Magazine*, 24 June 2020: <https://caravanmagazine.in/politics/senior-police-officers-accused-in-delhi-violence-complainants-face-intimidation>

¹²⁰ See 2.1.2., 2.5.9. and 2.5.11. above

gana mana".¹²¹ One of them died some days later. The FIR registered does not name any accused.¹²²

5.3.6. Implicating victims: In some cases victims themselves have been arrested, especially where they filed complaints against named individuals.¹²³

5.3.7. In some instances victims have said that they are being asked to ‘compromise’ with the accused persons named by them in their complaints.¹²⁴ Police have been visiting them for inquiries without sporting name tags, which is not only a violation of criminal procedure but also adds to the general climate of fear and distrust prevalent after the violence.

5.3.8. Muslim complainants are reluctant to visit police stations to pursue their complaints due to fear of being falsely implicated in cases.¹²⁵ Victims who witnessed police involvement or inaction during the violence are especially averse to approach the police for any remedy.

5.3.9. There are many diarised complaints which have been tagged with registered FIRs relating to different complaints. In some instances, complaints naming the accused have been tagged with FIRs of general nature in which the accused are not named.

5.3.10. The police’s failure to register FIRs pertaining to complaints in which the accused are named raise serious doubts regarding the credibility of the entire investigation process. Submission of chargesheets without proper investigation into complaints with named accused further creates doubts about the impartiality and objectivity of the investigation as well as the overall narrative being put forward by Delhi Police.

5.3.11. Crucial aspects of the entire chain of events are missing from most of the chargesheets that have been filed till date and which could be accessed by the Fact-finding Committee. Almost all the North East Delhi violence-related cases that Police are investigating are based on the premise that riots were planned by anti-CAA protesters to coincide with the US President Donald Trump’s visit to India in the third week of February. The first reference to the forthcoming Trump visit was published in India on 13 January while the alleged meeting of the “conspirators” is claimed by police to have been held on 8 January 2020.¹²⁶ The speech of Kapil Mishra made on 23 February 2020 as well as other speeches and statements inciting violence against anti-CAA protesters have been ignored.

¹²¹ See 2.5.12. above

¹²² See 2.5.11. Also <https://indianexpress.com/article/cities/delhi/man-made-to-sing-anthem-northeast-delhi-riots-fir-names-no-accused-6467268/>

¹²³ See 2.5.10. and 2.5.11. above

¹²⁴ See 2.1.8.

¹²⁵ See 2.1.3 above

¹²⁶ Aishwarya S Iyer, “Delhi Riots: Is Trump Visit a Hole in Police’s Conspiracy Theory?” *The Quint*, 12 June 2020 — <https://www.thequint.com/news/india/delhi-riots-trump-visit-police-conspiracy-theory-tahir-Husain-umar-khalid>

5.3.12. The Delhi Police's refusal to disclose the names of the persons arrested/detained as stated in its status report submitted to the High Court of Delhi in the matter of Brinda Karat vs. Government of NCT of Delhi and Others (dated 17 June 2020) contravenes and violates Section 41C CrPC which mandates that the names and addresses of all arrested persons, along with the names and designations of arresting officers, are to be displayed on the notice board of every district Police Control Room. The Control Room at Police headquarters is to maintain a public database of arrested persons and the offences charged.

5.4. Compensation

5.4.1. Except for the death and injury cases, the government's disbursal of compensation appears delayed and disproportionate to the claims.

5.4.2. In several instances, the verification process of damage/loot/arson has not been completed even after a period of four months after the violence. Where verification has been done, either no interim compensation has been paid or only meagre amounts have been paid as "interim compensation".

5.4.3. There is a serious disparity in the determination of compensation amounts in cases of deaths of public servants and ordinary citizens who lost their lives in the violence due to failure of law and order authorities. Deaths of public servants are being compensated with significantly larger amounts, for which there is no legal basis.

5.5. Impact on Women

5.5.1. The testimonies suggest that Muslim women were attacked on the basis of their religious identity; their *hijabs* and *burqas* were pulled off. Through the protests in Delhi, Muslim women had taken a lead role in organizing and occupying public space. Several narratives of women suggest that the police forces and violent mobs attacked the Chand Bagh protest site; women were beaten up by male police officers and attacked by mobs. Women have also recounted instances of acid attack by the mobs.¹²⁷

5.5.2. While the slogans of 'Azadi' (a cry for freedom from the discriminatory laws and practices) were used by the protesters, the police used the same chants of 'Azadi' to sexually harass women and attack them, including at least one incident of a police officer flashing his genitals in front of women protestors.¹²⁸ The nature of verbal abuses was also sexual and communal in nature. Women have spoken about the emotional trauma that their children and their families go through because of the violence they witnessed and

¹²⁷ See 2.4.5 and 2.4.6 above

¹²⁸ See 2.4.5. above

experienced. From the testimonies, it is clear that the police did not come forward to help, and in fact, in several instances resorted to violence towards women.

5.5.3. Women have also lost their social and financial security, as their houses were looted and their jewelry was specifically robbed; they had to spend hours hiding, without access to food and water, with their children on terraces but no one came to their help. Several women also reported being threatened with sexual assault.¹²⁹ For those women who locked themselves inside their homes to protect their children, tear gas shells were thrown inside, causing severe suffocation, eye burning and nausea.

¹²⁹ See 2.4.5. above

6. Recommendations

The following recommendations are directed to the Delhi Minorities Commission and the Delhi government/or appropriate Government as the Commission feels, to address and go towards correcting the State's failure to anticipate the violence, act effectively to prevent it, or take the needed measures to protect persons and properties. Remedying this severe abdication of duty and violation of the constitutional mandate requires resolute steps towards the assurance of non-discrimination and accountability.

For the Delhi Minorities Commission

I. Appropriate steps be taken by approaching the governments (Central as well as NCT of Delhi), including filing of appropriate petition in appropriate court(s), seeking the constitution of a five-member independent Committee with the following composition and mandate:

A. Composition: The Committee to be chaired by a serving or retired High Court Judge, and made up of the following members: (1) a District and Sessions Court judge, (2) a Senior Advocate, (3) a retired police official not less than the rank of Deputy Inspector General of Police and not being a person who served in Delhi Police, and (4) a civil society member of repute, particularly of legal or human rights background.

In selecting the Chair and members, the suitability of candidates should be assessed in accordance with the following suggested criteria: (i) proven record of personal integrity, (ii) proven commitment towards upholding human rights, and (iii) knowledge of law and due process.

There must be an adequate gender balance in the Committee's make up. The Committee should be accorded suitable time and necessary powers to effectively fulfill its mandate.

B. Mandate: The mandate of the committee will be multi-fold and should include:

- (i) Ensure the proper and prompt action for non-registration of FIRs in all cases where complaints were not converted into FIRs;
- (ii) Ensure the recording of victims' statements under Section 164 of CrPC;
- (iii) Ensure witness and victim protection in accordance with the Delhi Witness Protection Scheme;
- (iv) Review chargesheets filed by the police in light of left-out facts, to be submitted to the relevant court;
- (v) Establish the full extent of the complicity and abdication of duty by the Delhi Police in allowing the violence to take place, including command responsibility,

- as well as culpability for engaging in direct acts of violence - including sexual violence - through a written report supported by photographs, videos and other evidences as possible, to be submitted to the court;
- (vi) Ensure that compensation is paid to all victims as per their actual loss in a fair and time-bound manner. The Fact-Finding Committee is of the view that it is necessary to reduce huge disparity in quantum of compensation between public officials and civilian death cases;
 - (vii) Review the Delhi government's Assistance Scheme for victims to assess whether the compensation amounts under each category are proportionate to the quantum of harm, injury, and loss suffered, and provide new formulations, if any, in a written report.
- II In view of the instances cited in this report and other reported cases, the Delhi Minorities Commission should take appropriate action against Delhi Police personnel involved in violence on victims, acts of omission etc. in terms of power vested in it as per the Delhi Minorities Commission Act, 1999.
- III The Delhi Minorities Commission should take appropriate action for registration of FIRs on the complaints of offences with respect to violence.
- IV Appoint a team of 2-3 experts to assist the Claims Commissioner, on behalf of the aggrieved persons who may need assistance.
- V Establish a team of 5-10 experienced trial court advocates, competent in the practice of the criminal law, in collaboration with the Delhi State Legal Services Authority, to render legal services to the victims; ensure a gender balance in the team, and make sure special measures are taken to assist women and child victims, including for filing complaints of sexual violence against private persons and/or public officials. Assure women victims of effective legal representation to pursue cases of sexual violence in accordance with their right to engage an advocate of their choice to assist the prosecution.¹³⁰
- VI Seek legal opinion from a retired Supreme Court or High Court judge to assist the High Court in its determination on the direct and proximate nexus of the speeches and slogans raised by senior political leaders which led to the break out of violence.

For the Government of Delhi and Central Government

- VII Recommendations for the Government of Delhi and Central Government:

¹³⁰ As in the proviso in Section 24(8), CrPC

- i. Take special measures to ensure that no person who has exhibited a bias against any group is appointed as the Public Prosecutor in these cases.
- ii. Take all measures to ensure that Public Prosecutors act in a fair and impartial manner and in the interest of justice.
- iii. Use this report's findings as the basis to determine and bear the cost of damages caused to religious places of worship.
- iv. The Delhi Minorities Commission should recommend to the Central and Delhi Government passing of appropriate legislation relating to communal violence to ensure prevention and protection of minorities from communal violence and by fixing accountability of Police force.

M R Shamshad
Chairman

Shri Gurminder Singh
Matharu
Member

Tanvir Kazi
Member

Professor Haseena Hashia
Member

Saleem Baig
Member

Abu Bakr Sabbaq
Member

Ms Tehmina Arora
Member

Aditi Dutta
Member

Devika Prasad
Member

New Delhi, 27 June 2020

Annexure-I: List of Dead Persons

Shiv Vihar

1. Ayub, 50

Ayub, a rag picker, was attacked by a mob in Shiv Vihar that forced him to chant Jai Shree Ram. Ayub died before making it to the GTB hospital.¹³¹

2. Mohammad Anwar Qassar, 58

Qassar was shot and later burnt to death. His house was looted and set on fire. The family buried just one of his legs since the rest of his body wasn't found.¹³²

3. Jamaluddin, 33

Attacked by a mob of 30-40 people and was beaten to death for his religious identity. His brother, Nizamuddin was severely injured. According to Nizamuddin, their pants were taken off to ascertain their religious identity.¹³³

4. Vir Bhan, 45

Vir, a factory worker, died after he was hit by a bullet while returning home on his motorbike.¹³⁴

5. Aas Mohammad, 30

Aas, a daily wage worker left his home for work never to return. His body was later found in a drain near Shiv Vihar.¹³⁵

6. Salman, 24

Salman, a tailor by profession, was caught by a mob and was shot in the head. Later died in the GTB hospital.¹³⁶

¹³¹ Bilal Kuchey, "Killed by hate," Aljazeera.com, n.d., — <https://interactive.aljazeera.com/aje/2020/delhi-riots-portraits/index.html> (accessed on 19 June, 2020).

¹³² *ibid.*

¹³³ *ibid.*

¹³⁴ *ibid.*

¹³⁵ *ibid.*

¹³⁶ *ibid.*

7. Dalbir Singh Negi, 20

On February 25, he was taking a nap in a godown when rioters attacked and murdered him brutally.¹³⁷

8. Rahul Solanki, 27

Solanki, a law student, went out to buy milk where he was shot. He had a gunshot wound to his throat.¹³⁸

Khajuri Khas

9. Ankit Sharma, 26

Ankit, an IB official, was killed and his body was found in a nearby drain a day later. His postmortem report said he was stabbed 12 times and received 51 injuries in all.¹³⁹

10. Akbari, 85

A resident of Gamri Village in Khajuri Khas is the oldest victim of the riots.¹⁴⁰ On February 25, an armed mob of around 100 people entered setting shops and houses on fire. While most of his family survived the arson, 85-year-old Akbari, died in the fire on the third floor of the house.¹⁴¹

11. Mohsin Ali, 24

Mohsin, a newly wed, was killed in the riots. His charred car was found the next day.¹⁴²

12. Sanjit Thakur, 33

Sanjit got seriously injured while guarding the gates of his locality as the violence reached the nearby lane. Later, he died by suicide. His wife suspects he feared for his life as violence started.¹⁴³

Chand Bagh

¹³⁷ *ibid.*

¹³⁸ *ibid.*

¹³⁹ *supra*

¹⁴⁰ “Delhi Riots Death Toll at 53, Here Are the Names of 51 of the Victims”, *The Wire*, March 06, 2020 — <https://thewire.in/communalism/delhi-riots-identities-deceased-confirmed> (accessed on 19 June, 2020).

¹⁴¹ Aarefa Johari, “An 85-year-old woman was burnt to death in her home in Delhi’s Gamri extension”, *Scroll.in*, February 26, 2020 — <https://scroll.in/article/954422/an-85-year-old-woman-was-burnt-to-death-in-her-home-in-delhis-gamri-extension> (accessed on 19 June, 2020).

¹⁴² *Supra* 7

¹⁴³ *Supra*

13. Shaban, 22

Shaban left home for work but never returned. His body was found in the GTB Hospital mortuary.¹⁴⁴

Gokulpuri

14. Ratan Lal, 42

Ratan Lal, a Delhi police head constable was fatally shot in Gokulpuri.¹⁴⁵

Maujpur

15. Mubarak Husain, 31

Mubarak, a labourer, was hit by a bullet in his chest and died on spot.

Karawal Nagar

16. Mohammad Sulaiman, 27

On February 25, he left for work but never came back. His body was identified days later in the mortuary of a hospital.¹⁴⁶

Jafrabad

17. Amaan Iqbal, 17

Amaan went to market to get milk and was shot in the head outside an alley.¹⁴⁷

Brijpuri

18. Rahul Thakur, 23

Rahul stepped out of his home to see what was going on wherein he was shot in the chest.¹⁴⁸

19. Bhure Ali, 27

¹⁴⁴ Supra 7

¹⁴⁵ “Delhi riots: Seven arrested in connection with head constable Ratan Lal’s death”, *The Times of India*, March 12, 2020 — <https://timesofindia.indiatimes.com/city/delhi/head-constables-death-in-delhi-riots-police-says-seven-people-arrested/articleshow/74591336.cms> (accessed on 19 June, 2020).

¹⁴⁶ *ibid.*

¹⁴⁷ *ibid.*

¹⁴⁸ *ibid.*

Ali left home for work. After days, his body was found in the Ram Manohar Lohia Hospital.¹⁴⁹

20. Prem Singh, 27

Prem, a rickshaw puller, left his home for work but never returned. His body was later identified in the mortuary of the GTB Hospital.¹⁵⁰

22. Mehtab, 22

Mehtab had gone out to buy his grocery wherein he was attacked by rioters and later succumbed to his injuries.¹⁵¹

23. Ashfaq Husain, 22

Ashfaq was shot dead and had five bullet injuries on his body. He got married only 10 days earlier.¹⁵²

24. Zakir Saifi, 28

Zakir was offering prayers at the Farooqia Masjid when a mob chanting *Jai Shree Ram* attacked and entered the mosque. In the absence of any ambulance or vehicle, Zakir was taken to the Al Hind Hospital on a cot after being referred to a bigger hospital by a local nursing home. He was declared brought dead..¹⁵³

Mustafabad

25-26. Aamir, 30, and Hashim, 19

The two brothers were killed when they were returning home after Ajit Doval's assurance that the situation was under control. Their bodies and burnt motorcycle were found in a canal the next day.¹⁵⁴

27. Mursaleen Malik, 28

He went missing and later his body was found at the GTB Hospital Mortuary.¹⁵⁵

28. Jamil Kureshi, 24

¹⁴⁹ *ibid.*

¹⁵⁰ *ibid.*

¹⁵¹ *ibid.*

¹⁵² *ibid.*

¹⁵³ Testimony, Exhibit C, p. 23.

¹⁵⁴ *ibid.*

¹⁵⁵ *ibid.*

Jamil left home to get provisions but never returned. His body was found in the GTB Mortuary. “His throat was cut and he had a hole in his nose,” his brother said in a media report.¹⁵⁶

29. Mohammad Hamza, 25

Hamza went missing on February 26. His family alleged that police filed a missing report only after local court’s intervention. His body was found in a canal in the area with several injuries in the head.¹⁵⁷

30. Mohammad Yusuf, 53

Stopped by a mob while on his way home. Yusuf and his son, Sulaiman were badly beaten. Yusuf later died at the GTB Hospital.¹⁵⁸

31. Monis, 22

Monis, a daily wage labourer, went missing. Days later, his body was found in a mortuary.¹⁵⁹

32. Musharraf, 35

Musharraf was at home with his wife and children when a mob of around 30 men with iron rods, knives and chains broke down the locked door shouting *Jai Shree Ram*. They dragged Musharraf out into the street and was beaten to death.¹⁶⁰

Bhajanpura

33. Arshad Alam, 22

Alam, a house painter and the sole breadwinner of his family, left home for work but didn’t return. His body was found after a missing report was filed. According to his father he had bullet injuries in his right leg and hand, but accused the police of not including them in the post-mortem report.¹⁶¹

34. Aqib, 19

Aquib, a ragpicker, was attacked by the rioters. He succumbed to the injuries in the GTB Hospital.¹⁶²

¹⁵⁶ *ibid.*

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*

¹⁶⁰ *ibid.*

¹⁶¹ *ibid.*

¹⁶² *ibid.*

35. Sonu, 32

Sonu died of a heart attack hours after he saw a mob in his neighbourhood killing a Muslim man.¹⁶³

Kardampuri

36. Faizan, 23

Faizan, a tailor, was among a few men lying wounded on the road as police officers forced them to chant the national anthem. A video of this incident went viral. His family alleged that despite injuries, police kept him in custody and didn't allow his family to meet him. By the time police let his family take him, he was crying in pain and couldn't walk. Later, he died in the hospital. Another injured person seen in the video was identified as 25-year-old Rafiq.¹⁶⁴

37. Mudasir Khan, 36

Mudasir, a scrap dealer, was shot in the head on his way to home.¹⁶⁵

38. Mohammad Furqan, 32

Furqan was hit by a bullet. By the time he reached the hospital, he had already died.¹⁶⁶

Other Areas

39. Nitin Kumar, 15

Nitin, the youngest victim of the violence was an eighth grade student. Nitin went out on February 26 to buy chowmein. Nitin succumbed to injuries in the GTB hospital.¹⁶⁷

40. Shahid Khan, 20

Shahid, an auto rickshaw driver and resident of Yamuna Vihar, was shot dead.¹⁶⁸

41. Aqil Ahmad, 40

After searching for three days, Aqil's dead body was found in the GTB Hospital mortuary.¹⁶⁹

¹⁶³ *ibid.*

¹⁶⁴ "Delhi Riots: One Of Five Injured Men, Made To Sing National Anthem In Video, Dies", *Outlook*, February 29, 2020 — <https://www.outlookindia.com/website/story/india-news-delhi-riots-one-of-five-injured-men-made-to-sing-anthem-in-video-dies/348035> (accessed on 19 June, 2020).

¹⁶⁵ *supra* note 69 at 10.

¹⁶⁶ *ibid.*

¹⁶⁷ *ibid.*

¹⁶⁸ *ibid.*

¹⁶⁹ *ibid.*

42. Parvez, 52

Parvez, a social worker, was shot in the back right outside his house. According to his family, Parvez was trying to persuade the Hindus and Muslims in the neighbourhood to not participate in the violence. Parvez was taken to the GTB Hospital on a scooter.¹⁷⁰

43. Altaf, 21

Altaf was allegedly taken out from a godown by a Hindu mob and brutally injured. The godown was also set on fire. Altaf's body was found in a drain. He had come to Delhi only five days before he was killed.¹⁷¹

44. Dinesh Kumar, 28

Dinesh, a salesman at an electric shop, left home for the market and was shot in the head.¹⁷²

45. Deepak Kumar, 32

Deepak, a factory worker, went out to buy clothes when he was attacked and got badly wounded. Later, Deepak succumbed to his injuries.¹⁷³

46. Naresh Kumar Saini, 33

Naresh, a vegetable vendor, was shot in the abdomen and succumbed to the injuries a day later.¹⁷⁴

47. Irfan, 28

Irfan went to buy groceries where he was beaten to death by a mob carrying rods, sticks and swords. His mother who was walking behind him witnessed the whole incident.¹⁷⁵

48. Vinod Kumar, 51

Vinod, a professional DJ, left home to buy medicines wherein he was beaten to death by a mob carrying sticks and stones, his motorcycle set on fire. His son, Nitin, who was accompanying him was given 42 stitches in his head.¹⁷⁶

49. Ishtiyaq Khan, 27

Ishtiyaq, who went out to buy groceries from a nearby store, was shot in his abdomen. Later, he died in the GTB Hospital.¹⁷⁷

¹⁷⁰ *ibid*

¹⁷¹ *ibid.*

¹⁷² *ibid.*

¹⁷³ *ibid.*

¹⁷⁴ *ibid.*

¹⁷⁵ *ibid.*

¹⁷⁶ *ibid.*

50. Maroof, 34

Maroof, who ran an electrical appliances shop, was guarding his area when a mob chanting communal slogans fired on him. The bullet hit Maroof in his right eye and later he succumbed to injuries at the LNJP Hospital.¹⁷⁸

51. Babbu, 30

Babbu, an auto-rickshaw driver, was returning home to have lunch when he was attacked by a mob. He breathed his last in the GTB Hospital.¹⁷⁹

52. Nazeem Khan, 35

Nazeem, a scrap dealer, was killed.¹⁸⁰

53. Shan Mohd, 35

Shan, a resident of Loni, was killed.¹⁸¹

54. Alok Tiwari, 24

Alok, a worker in a cardboard factory, was killed.¹⁸²

55. Dilbar, 20

Dilbar died of burn injuries.¹⁸³

¹⁷⁷ *ibid.*

¹⁷⁸ *ibid.*

¹⁷⁹ “Delhi Riots Death Toll at 53, Here Are the Names of 51 of the Victims”, *The Wire*, March 06, 2020

¹⁸⁰ <https://thewire.in/communalism/delhi-riots-identities-deceased-confirmed> (last visited on June 17, 2020).

¹⁸¹ *supra* note 69 at 11.

¹⁸² *ibid.*

¹⁸³ *ibid.* In addition to these, people in the affected area say that there are a number of persons “missing” since the riots but their identities could not be ascertained by the fact-finding committee.

Annexure-II: List of Gender Violence

Shiv Vihar

1. Razia

Razia recalls the sexual violence that she had witnessed. She saw the mob tearing clothes of a girl and then throwing her into fire. Her husband has been mentally unstable since they have been rescued.¹⁸⁴

2. Rukhsar, 26

Rukhsar is one among the uncountable women who were sexually assaulted by the communal mobs. She identifies the culprits who orchestrated the violence in her locality.¹⁸⁵

3. Fatima, 45

Fatima went back to her home in Shiv Vihar to look for her goats whom she worried would die. “They pulled my *dupatta* and tore my *shalwar*’s sleeve. I was saved by a family that was still living in the area,” Fatima said. “The family said I was with them, the men abused them but left me alone,” Fatima said, adding that the family hid her for some time till everything was clear. “If it weren’t for them, I don’t know if I would be here”.¹⁸⁶

Chand Bagh

4. Rubina Bano, 37

Rubina, then three months pregnant, was brutally beaten up by not only the communal mob but also by the police. She recalls the communal slurs and slogans of *Jai Shree Ram* and *Ye Le Azadi* when a man in police uniform tried to kill her with a stone rendering her unconscious. She was taken to Al-Hind Hospital and later to the AIIMS Trauma Centre.¹⁸⁷

Karawal Nagar

5. Shabana, 26

“The mob beat me with *lathis*... Some kicked me in the stomach. They stopped after a while, destroyed the house, and left,” said a pregnant Shabana when a mob attacked after barging in

¹⁸⁴ *supra*

¹⁸⁵ Testimony, Exhibit C, p. 19.

¹⁸⁶ Rakhi Bose, “Beaten, Molested and Homeless: How Women Became Worst Victims of Delhi Riots”, *News18*, March 01, 2020 — <https://www.news18.com/news/india/beaten-molested-and-homeless-hindu-or-muslim-women-became-the-undocumented-victims-of-delhi-riots-2520457.html> (accessed on 19 June, 2020).

¹⁸⁷ Testimony, Exhibit C, p. 37.

her house. The next day, Shabana delivered a boy in a complicated delivery. She couldn't produce her medical history as all the papers got burnt in their house. "If we had access to her ultrasound, we may have recommended a C-section. She is doing better now, but she is depressed, tense and her BP has been fluctuating," said the doctor.¹⁸⁸

Bhagirath Vihar

6. Shabnam, 30

Shabnam, while fleeing from her home, was caught by six to seven men who started beating and molesting her. "They did whatever they could, hit me with what they had, and touched me in my private parts. They did everything...the only thing they didn't do was rape me."¹⁸⁹

Speaking to BBC, women at the Indira Vihar shelter recalled how attackers pulled their scarves and tore their clothes. A mother of a one-year-old wept as she narrated how her clothes were torn to shreds by several men who entered her house.¹⁹⁰ Muskan, a 20-year-old Muslim girl who was eight months pregnant, was set upon by a Hindu mob. "They threw me to the ground, kicked my stomach and my whole body..I pleaded with them not to harm my baby, I said 'please, please' over and over, but they kept kicking", recalls Muskan in a frail voice.¹⁹¹ In Shiv Vihar, a few women reported that the Hindu nationalist mob was chanting "*Shiv Vihar jayengen, burqe wali layengen.*"¹⁹² At the Chand Bagh protest site, men from the communal mobs exposed their genitals to the women protestors and shouted "*Ye Lo Aazadi*" (Take this: freedom!).¹⁹³

"We jumped from the first floor with dupattas wrapped around our bodies to save ourselves," said a 45-year-old woman at Al-Hind Hospital, recalling how she and her two daughters were forced to flee their home after a mob allegedly barged in and molested them. "I was at home

¹⁸⁸ Somya Lakhani, "Pregnant woman assaulted at home delivers baby, with help from neighbours", *The Indian Express*, February 28, 2020 — https://indianexpress.com/article/cities/delhi/northeast-delhi-violence-pregnant-woman-assault-6290330/lite/?__ (accessed on 19 June, 2020).

¹⁸⁹ Sashikala VP and Proma Chakraborty, "Molested, beaten, and in shock: Women and children recount surviving the Delhi carnage", *Newslaundry*, March 07, 2020 — <https://www.newslaundry.com/2020/03/07/molested-beaten-and-in-shock-women-and-children-recount-surviving-the-delhi-carnage> (accessed on 19 June, 2020).

¹⁹⁰ "Delhi riots: Muslim women recall horror of Molotov cocktails and arson", BBC, February 29, 2020 — <https://www.bbc.com/news/amp/world-asia-india-51670096> (accessed on 19 June, 2020).

¹⁹¹ *supra* note 3 at p.1.

¹⁹² Testimony of Tarannum, An Account of Fear and Impunity, Preliminary Fact Finding Report on Communitally-Targeted Violence in Delhi, YHRD, p. 18. The slogan means "We shall go to Shiv Vihar and bring back *burqa*-clad women."

¹⁹³ Naomi Barton and Srishti Srivastava, "'They Took Down Their Pants, Pointed Their Genitals at Us, and Said, 'Yeh Lo Azadi'", *The Wire*, March 03, 2020 — <https://thewire.in/women/delhi-riots-women-sexual-harassment> (last visited on June 17, 2020).

when a mob barged in. I and my two daughters were molested and our clothes torn by the mob,” she continues.¹⁹⁴

The Al Hind hospital in Mustafabad reportedly received about 54 women patients with various injuries in the three days of riots. Several women came in with assault injuries, pregnant women came in with complaints from smoke and tear gas, one riot-stricken pregnant woman even delivered a baby.¹⁹⁵

¹⁹⁴ “‘My Daughters & I Were Molested, Mob Tore Our Clothes’: Al-Hind Hospital Victims Recall Delhi Riots”, *News18*, February 28, 2020 — <https://www.news18.com/news/india/my-daughters-i-were-molested-mob-tore-our-clothes-victims-at-al-hind-hospital-recall-delhis-communal-violence-2518409.html> (accessed on 19 June, 2020).

¹⁹⁵ *ibid.*

Annexure-III: Some Instances of Other targeted violence

Shiv Vihar

1. Fatima, 28

Fatima's husband was identified as a Muslim and was beaten up by a mob chanting *Jai Shree Ram* and later thrown in drain as the mob thought he is dead.¹⁹⁶

Khajuri Khas

2. Mohammad Anees

Among the 35 houses set on fire by rioters on two lanes, even the house that belonged to a soldier serving in the Border Security Force (BSF), wasn't spared. Mohammad Anees, the BSF jawan, had also put up a nameplate in front of his house announcing that he serves the paramilitary force.¹⁹⁷ The rioters threw a gas cylinder into the house to burn it. He was due to be married in two months.¹⁹⁸

3. Dawud

Dawud had to flee with his paralyzed son and family as a mob chanting *Jai Shree Ram* attacked his lane. He recognises local perpetrators who looted, committed arson along with the rioters.¹⁹⁹

4. Mohammad Munzair

Munazir, who used to sell biryani for a living, had his house looted and torched by a mob of masked men, who swept into the mixed neighbourhood. They were armed with staves, hockey sticks, stones and bottles filled with petrol, and were chanting "Jai Shree Ram".²⁰⁰

Chand Bagh

5. Mohd. Babar

¹⁹⁶ *ibid*, p. 113

¹⁹⁷ “‘BSF’ on Jawan Mohammad Anees’s Nameplate Could Not Save His House From Being Burnt”, *The Wire*, March 01, 2020 — <https://thewire.in/communalism/delhi-riots-bsf-jawan-khajuri> (accessed on June 17, 2020).

¹⁹⁸ Ritu Sarin, “In charred Delhi locality, mangled clocks tell a tale, BSF DIG visits a constable’s home”, *The Indian Express*, March 01, 2020 — <https://indianexpress.com/article/cities/delhi/delhi-violence-bsf-constable-khajuri-khas-6293349/> (accessed on 19 June, 2020).

¹⁹⁹ Testimony, Exhibit C, p. 4.

²⁰⁰ Soutik Biswas, “Delhi riots: How Muslims’ homes were targeted and burnt”, *BBC*, March 04, 2020 — <https://www.bbc.com/news/world-asia-india-51719204> (accessed on 19 June, 2020).

“On 24.02.2020, police did lathi-charge to remove the Chand Bagh protest site and the protestors were brutally beaten up. A mob started chanting Jai Shree Ram and pelted stones and petrol bombs on the protestors. Later firing and stone pelting started from Mohan Nursing Home rendering severe injuries and deaths of many people. For 72 hours there was no police force employed in the area,” says Mohd. Babar.²⁰¹

6. Rizwan, 20

Shot in the stomach. “Police told the mob ‘beat and kill the protestors,’ alleges Rizwan.²⁰²

7. Sageer, 20

Sageer was shot on his abdomen, twice.²⁰³

Gokulpuri

8. Mahmood Khan, 69

A retired Sub Inspector of Bhajanpura Police Station in 2014 and having 39 years of dedicated service with Delhi Police,²⁰⁴ Mahmood Khan’s house was ransacked twice. He lived in the house with his wife and three sons, three daughter-in-laws and 10 grandchildren. Theirs is the only Muslim family in the lane. According to Khan, he left the Gokulpuri Mosque at 6:30 PM, there were at least 1000 people with wielding sticks at the main road. “I put my skullcap in my pocket, gathered my family, locked the front door and we fled on our motorcycles to our relatives home in Kabir Nagar”, recollects Khan. Khan claimed that he made many PCR calls the next day when he was informed that a mob of around 50 rioters had entered his house and his home was being ransacked, but received no help or assistance. “In my years of service I have never seen this behaviour by Police”, says Khan. According to Khan, Police were nowhere to be seen, Gokulpuri burned for two days.

9. Noor Muhammad

Noor’s sole source of livelihood, his e-rickshaw, was completely destroyed by the mob chanting Jai Shree Ram. He didn’t call the police as according to him the police were beating innocents and enabling the violence.²⁰⁵

²⁰¹ Testimony of Babar, Exhibit C, p. 27.

²⁰² Testimony, Exhibit D, p. 137.

²⁰³ *ibid.*

²⁰⁴ Sukrita Baruah, “Delhi: In Ganga Vihar lane, retired sub-inspector’s home is mob’s lone target”, *The Indian Express*, March 01, 2020 — <https://indianexpress.com/article/cities/delhi/in-ganga-vihar-lane-retired-sub-inspectors-home-is-mobs-lone-target-6293309/> (accessed on 19 June, 2020).

²⁰⁵ Testimony, Exhibit D, p. 44.

10. Bittu

Bittu, the only breadwinner of his family, was hit by a bullet rendering him bedridden.²⁰⁶

Karawal Nagar

11. Riyazuddin

After hearing about the attack on Medina Masjid, Riyazuddin along with his family fled to a relative's residence at Babu Nagar. When he came back his bakery was ransacked.²⁰⁷

12. Rehana, 26

Rehana's husband had to trim his beard, change his outlook, had to look like a "Hindu" and chant slogans of "*Jai Shree Ram*" in order to save his life.²⁰⁸

Jafrabad

13. Mohammad Shahid

Mohammad Shahid was shot on shoulder and was admitted to the GTB Hospital.²⁰⁹

14. Junaid, 13

On his way back from his relatives place, Junaid was shot on his back. The bullet was removed two days after the attack.

Mustafabad

15. Mehvar, 38

Mehvar was asked his religious identity and was brutally beaten up thereafter.

16. Yoonus, 25

Yoonus was shot while standing near a temple.

17. Ansar Ali, 42 and Abrar Ali, 22

²⁰⁶ Testimony, Exhibit D, p. 13.

²⁰⁷ Testimony, Exhibit C, p. 65.

²⁰⁸ Testimony, Exhibit D, p. 123.

²⁰⁹ Testimony, Exhibit D, p. 133.

A mob stopped them and inquired about their religious identity. Both father and son were almost beaten to death hence sustained grievous injuries.

18. Zaheer, 60

Zaheer was praying inside Ayesha Masjid when it was attacked. He alleges that he was beaten up by men in blue uniforms.

19. Mohd. Shakil, 48

Assaulted by Delhi Police who allegedly broke his phone, beat him up, made derogatory remarks and warned him of killing him. He was saved by the intervention of some RAF officers who according to him witnessed the whole incident.

Bhagirath Vihar

20. Aas Mohammad, 37

Armed mobs chanting “*Jai Shree Ram*”, “*Hum Denge Azadi*” gathered near Meena Masjid and later started heavy stone pelting. Soon thereafter, Meena Masjid was set alight. Aas, recognizes and names his neighbours who according to him vandalised his home.²¹⁰

Bhajanpura

21. Shahid Khan Alvi, 22 years

An autorickshaw driver, he was shot in the stomach near Bhajanpura dargah.²¹¹

Kardampuri

22. Faizan, 14

Faizan had not been a part of protests or clashes but had been in the area to drop off some items to a friend wherein he was shot and suffered bullet injuries near his spine.²¹²

²¹⁰ Testimony, Exhibit D, p. 1.

²¹¹ “Delhi Riots Death Toll at 53, Here Are the Names of 51 of the Victims”, *The Wire*, March 06, 2020 — <https://thewire.in/communalism/delhi-riots-identities-deceased-confirmed> (accessed on 19 June, 2020).

²¹² Naomi Barton and Avichal Dubey, “Delhi Riots: 14-Year-Old Boy Shot at in Kardam Puri in Stable Condition”, *The Wire*, February 28, 2020 — <https://thewire.in/communalism/north-east-delhi-violence-boy-shot> (accessed on 19 June, 2020).

Annexure-IV: List of Some Mosques, Dargahs, Madrasas & Qabristans attacked during the riots

Sr. No.	Name of Mosque/dargah	Address
1	Farooqia Masjid	Brijpuri Pulia, Mustafabad, Delhi 110094
2	Mina Masjid	Bhagirathi Vihar, near Mustafabad, Delhi 110094
3	Madina Masjid	Gali No. 12-13, Shiv Vihar, Phase 7, Delhi 110093
4	Tayyeba Masjid	Shiv Vihar, Gaddha Colony, Delhi 110094
5	Umar Masjid	Lal Bagh Mandi, Shiv Vihar, Delhi 110093
6	Masjid Maula Bakhsh	D-540, Gali 5, Ashok Nagar, Delhi 110093
7	Jannati Masjid	Behind Gokulpuri post office, Delhi 110094
8	Mubarak Masjid	Garhi Mendu near Khajuri, Delhi 110053
9	Chand Masjid	E-164, Gali 7, Ashok Nagar, Delhi 110093
10	Fatima Masjid	Gali 3, Khajuri Khas, Delhi 110093
11	Milan Garden Masjid	Karawal Nagar, near Mustafabad, , Delhi 110093
12	Abdullah Bukhari Masjid/Madrassa	Tyre Market, Gokulpuri, Delhi 110094
13	Azizia Masjid	Gaonri village, Ghonda, Delhi 110053
14	Masjid Umar Farooq	Ghonda Chowk, Delhi 110053
15	Auliya Masjid	Shiv Vihar, Delhi 110094
16	Allah-wali Masjid	Shaheed Bhagat Singh Colony, Karawal Nagar, Delhi 110094
17	Dargah Baba Shaikh [Sayyed Chand Baba Mazar]	Bhajanpura Chowk, Delhi 110053
18	Jamiatul Huda Madarsa, Brijpuri	Brijpuri, Delhi 110094
19	Madarsatul Uloom Madarsa	Gokulpuri, Delhi 110094
20	Madarsa Mahmoodia	Khajuri Khas, Delhi 110093
21	Madrasa Tayyibul Uloom	Ashok Nagar (Shahdara), Delhi 110093
22	Qabristan (Graveyard)	Jyoti Colony, Delhi 110094

Annexure-V: Survey Form



Delhi Minorities Commission

(Statutory Body of Govt. of NCT of Delhi, Set up by DMC Act 1999)

C-Block, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002

Tel : 011-23370823 • Email : dmc_nct@rediffmail.com, chair.dmc@gmail.com



उत्तर पूर्वी दिल्ली दंगा प्रभावित व्यक्तियों का सर्वेक्षण 2020

(सभी दंगा पीड़ितों के लिये)

(दिल्ली अल्पसंख्यक आयोग 1999 की धारा 10 (1) (g) के अन्तर्गत)

Passport
Size
Photo

Ref. No.

Date:

1.	नाम	2. आयु
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3.	लिंग <input type="checkbox"/> स्त्री <input type="checkbox"/> पुरुष <input type="checkbox"/> अन्य	4. ई-मेल:
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5.	पिता/माता का नाम
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6.	फोन नं.	मोबाइल नं.
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7.	पता (फ्लोर सहित)
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8. मकान का साईज़:

9. a) इस पते पर आप कब से रह रहे हैं?

b) घर में सदस्यों की संख्या

c) रोजगार का साधन

10. a) आपका अपना मकान है या आप किरायेदार हैं?

b) यदि किराये पर हैं तो क्या आपके पास रेट एग्रीमेंट है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं
--

11. a) आधार/वोटर पहचान पत्र नं.

b) आपके पास पहचान के कागज हैं? हाँ नहीं

c) यदि नहीं तो कारण बताइये?

12. दंगों में मारे गये व्यक्ति का विवरण:
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Passport
Size
Photo

a) मृतक का नाम

b) मृतक के पिता/माता का नाम

c) मृतक के पत्नी/पति/आक्षित का नाम

d) मृतक की आयु

e) मृतक का पता

f) मृत्यु की तारीख

g) मृत्यु का कारण

h) आपको मृत्यु की सूचना कब मिली

i) लाश कब मिली

	j) क्या आपको मुआवजे के लिये आवेदन दाखिल करवाने के लिए किसी प्रकार की मदद चाहिए?				
13.	दंगे में लापता व्यक्ति का विवरण:				
	a) नाम				
	b) पिता/माता का नाम				
	c) आयु				
	d) पता				
	e) लापता व्यक्ति की मानसिक स्थिति				
	f) लापता व्यक्ति के पहचान के चिन्ह				
	g) कब से लापता हैं?				
	h) क्या आपने पुलिस को सूचना दी? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं				
	i) पुलिस द्वारा की गई कार्रवाई का विवरण				
14.	परिवार में दंगों से घायल व्यक्तियों का विवरण:				
क्र.सं.	नाम	परिवार के मुखिया/दावेदार से सम्बन्ध	आधार कार्ड/वोटर कार्ड संख्या	घायल की स्थिति	
1.					.
2.					.
3.					.
4					.
5.					.
15.	आवासीय सम्पत्ति के नुकसान का विवरण:				
कमरा	ढांचा/निर्माण	चल सम्पत्ति			
शयन कक्ष					
बैठक कक्ष					
अन्य					
16.	व्यवसायिक सम्पत्ति के नुकसान का विवरण: प्रकार (दुकान/रेहड़ी आदि)				
सम्पत्ति का विवरण (प्लोर सहित)	ढांचा/निर्माण	अन्य			
17.	a) वाहन (कार/ट्रक/टू ल्हीलर/ई-रिक्शा/साईकिल आदि) के नुकसान का विवरण				
क्र.सं.	वाहन का प्रकार	मॉडल	वर्ष	अनुमानित क्षति	
1.					.
2.					.
	b) क्या वाहन का बीमा करा रखा था? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं				
	यदि हाँ तो पॉलिसी नम्बर और बीमा कंपनी का नाम बतायें?				
दिल्ली अल्पसंख्यक आयोग (राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार)					
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18.	<p>आपके साथ/परिवार के साथ घटित दुर्घटना का विवरण:</p> <p>a) घटना का समय व दिनांक</p> <p>b) घटना का विवरण</p> <p>c) घटना के समय आप कहाँ थे?</p> <p>d) क्या आपने पुलिस को मूचना दी थी? हाँ नहीं</p> <p>e) यदि हाँ तो किस नम्बर से आपने फोन किया</p> <p>f) फोन करने का समय व दिनांक</p> <p>g) क्या पुलिस से सहायता मिली? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं</p> <p>h) क्या आपकी शिकायत पुलिस थाने में दर्ज हो गई है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं</p> <p>i) क्या आपकी एफ.आई.आर. दर्ज हो गई है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं</p> <p>j) यदि हाँ तो एफ.आई.आर. नं. और थाने का नाम लिखें?</p> <p>k) क्या आपको F.I.R. दर्ज कराने में कोई परेशानी आई? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं यदि हाँ तो विवरण दें</p> <p>l) क्या आपको कानूनी सहायता मिली है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं</p> <p>m) क्या आपको कानूनी सहायता की आवश्यकता है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं</p> <p>n) आपको अस्पताल/चिकित्सा सहायता मिली? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं यदि नहीं तो करण बताइये?</p> <p>o) आप किस अस्पताल से इलाज ले रहे हैं/थे?</p> <p>p) अस्पताल में कितने दिन रहे?</p> <p>q) अस्पताल में हुए खर्च का विवरण</p> <p>r) अस्पताल में इलाज करने वाले डॉक्टर का नाम</p> <p>s) अस्पताल में डॉक्टर व स्टाफ का व्यवहार कैसा था?</p>
17.	हमला कहाँ से/कैसे हुआ?
17.	क्या आपके घर के पास सीसीटीवी कैमरा लगा है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं
23.	क्या आप दंगाइयों को पहचानते हैं? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं यदि हाँ को उनकी पहचान लिखें?
24.	आपकी नजर में दंगे स्वतः स्पूर्त हुए या योजनाबद्ध थे?
25.	दंगों के बारे में अन्य कोई विवरण, जो आप जानते हैं तथा देना चाहते हैं?
17.	क्या आपने राहत/मुआवजे के लिये आवेदन किया है? हाँ नहीं a) यदि हाँ तो विवरण दें व आवेदन फॉर्म की प्रतिलिपि संलग्न करें। b) यदि नहीं तो आवेदन ना करने का कारण बतायें?
22.	a) अभी आप कहाँ रहे हैं? <input type="checkbox"/> रिलीफ कैम्प <input type="checkbox"/> रिश्तेदार के पास <input type="checkbox"/> पड़ोसी के पास <input type="checkbox"/> मित्र के पास <input type="checkbox"/> अपने किसी अन्य निवास में <input type="checkbox"/> अपने दंगा प्रभावित निवास में
दिल्ली अल्पसंख्यक आयोग (राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार)	
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	b) रोजगार की स्थिति
	c) कारण
28.	क्या आपको दंगा प्रभावित क्षेत्र में स्थित अपने निवास या दुकान पर जाने से कोई रोक रहा है? <input type="checkbox"/> हाँ <input type="checkbox"/> नहीं यदि हाँ तो कौन?
29.	दंगा प्रभावित क्षेत्रों में शांति व सौहार्द स्थापित करने हेतु आपके सुझाव

- नोट: 1. अनाथ/गुमशुदा/पलायन कर चुके व्यक्ति का सर्वे फॉर्म कोई भी अन्य व्यक्ति भर सकता है।
 2. इस फॉर्म को भरकर दिल्ली अल्पसंख्यक आयोग के कैम्प ऑफिस या मुख्य कार्यालय में जमा करायें।
 3. किसी भी प्रकार के विवरण देने में स्थान छोटा पड़ने पर अतिरिक्त पेपर का प्रयोग करें।

किसी भी प्रकार की असुविधा होने पर दिल्ली अल्पसंख्यक आयोग से सहायता प्राप्त की जा सकती है:-

दिल्ली अल्पसंख्यक आयोग



राष्ट्रीय राजधानी क्षेत्र विल्ली सरकार

सी-ब्लॉक, प्रथम तल, विकास भवन,

आई.पी. स्टेट, नई दिल्ली-110002

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सिस्टर अनसतासिया गिल
(बकील) सदस्य
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Delhi Minorities Commission

(Statutory Body of Govt. of NCT of Delhi, Set up by DMC Act 1999)

C-Block, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002

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उत्तर पूर्वी दिल्ली दंगा प्रभावित व्यक्तियों का सर्वेक्षण 2020

(सभी दंगा पीड़ितों के लिये)

(दिल्ली अल्पसंख्यक आयोग 1999 की धारा 10 (1) (g) के अन्तर्गत)

पावती (Acknowledgement)

नाम

पता

से उत्तर-पूर्वी दिल्ली दंगा प्रभावित व्यक्तियों का सर्वेक्षण फॉर्म प्राप्त किया।

डायरी नं.

दिनांक

(नाम व हस्ताक्षर)

मोहर सहित

Cover photo: Tyre Market in Gokal Puri, 8 March 2020 (Hemant Banswali)



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(A Statutory Body)
Government of NCT of Delhi
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