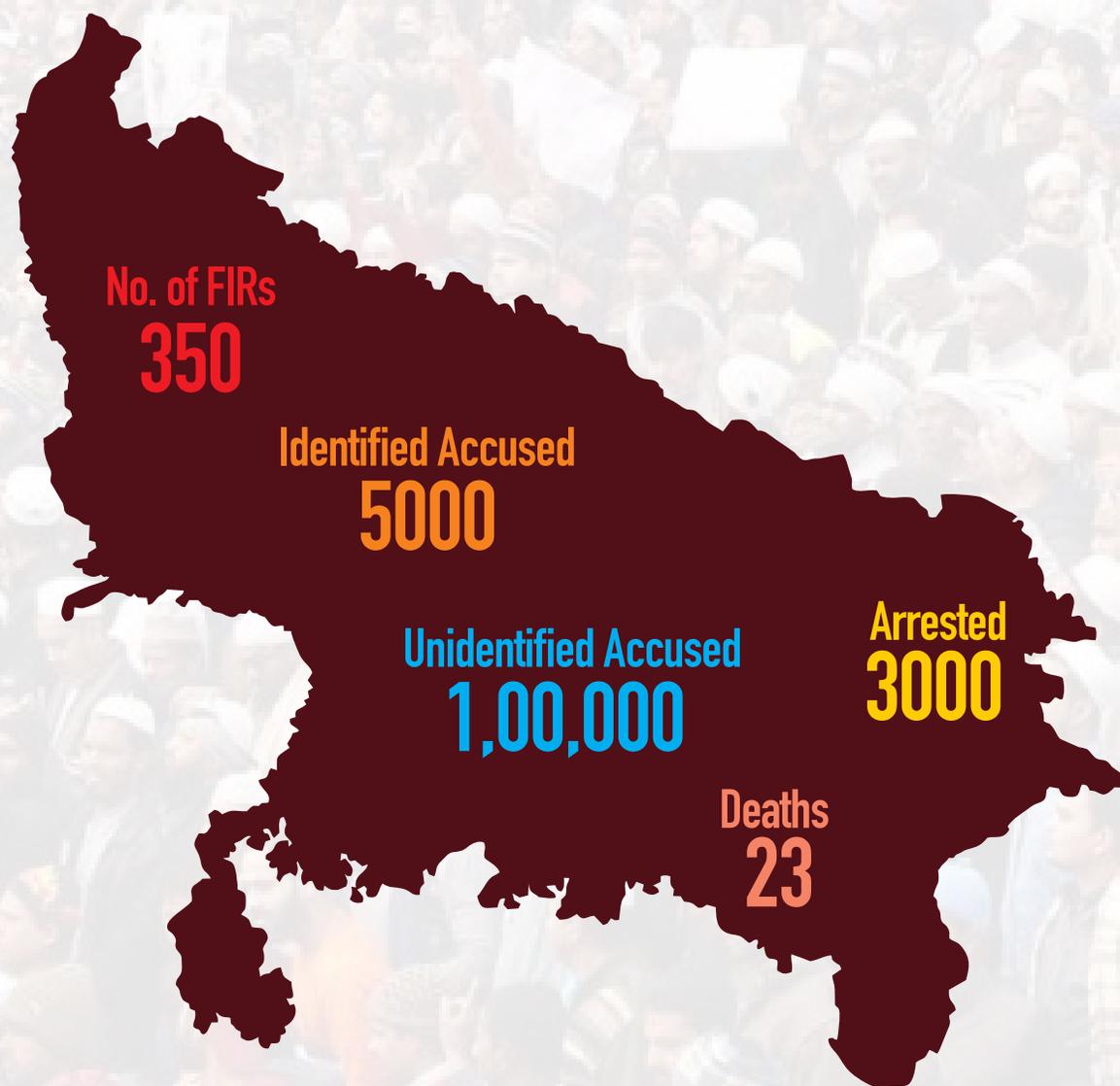


# Report



## THE STRUGGLE FOR EQUAL CITIZENSHIP IN UTTAR PRADESH AND ITS COSTS: A SAGA OF OMNIBUS FIRS, LOOT, ARRESTS AND HARRASSMENT OF MUSLIM MINORITY



Association for Protection  
of Civil Rights

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## Foreword

The nation today is in the middle of the most serious crisis when all of its democratic institutions are under attack since the last eight years Modi's authoritarian rule. Judiciary, media, election commission, parliamentary democracy all are being pushed to the wall. Fundamental rights of the people are being undermined by unforeseen might of the state apparatus.

The **Citizenship (Amendment) Act, 2019** passed by the Parliament of India on 11th December 2019 was the most lethal blow on the secular spirit of the constitution and insult to the values of freedom struggle in which numerous sacrifices were made by our forefathers and mothers. The discriminatory nature of the amendment, which excludes Muslims while granting Indian citizenship to 'persecuted religious minorities' from Afghanistan, Bangladesh and Pakistan who are Hindus, Sikhs, Buddhists, Jains, Parsis or Christians, and who arrived in India before the end of December 2014, is a shameless attempt to undo the great work of Constituent Assembly of India which gave most of us one of the most progressive Constitution of the world. The amendment, if remains in statutes will have far reaching implications for preserving the plural society of India on the principle of equality and justice to all.

CAA has been vehemently opposed by the people India and all sections of society came together to launch a pan Indian democratic and non-violent movement against it. Anti CAA movement is the first people's movement in free India which had footprints in all regions of the nation and has been participated by a diverse society with women playing a lead role through Shaheen Bagh dharna. It is undoubtedly historic. Sadly, instead of engaging with people through a dialogue, the governments and BJP-ruled states chose to crush the movement with brutal force. What India has seen is the ugliest face of state violence in which innocent citizens lost their lives, thousands were injured in police violence, many hundreds of FIRs and arrests were made.

Cardinal principle of 'bail is rule and jail is exception' has been tossed in the air. Many activists, students and ordinary citizens are still languishing in jail while investigation in police atrocities has reached nowhere. Not even a single arrest has been made. This document is pressing reminder of police atrocities during anti-CAA movement. I congratulate the team of APCR to have done this important task in the hope this document will strengthen the struggle for justice.

Best Regards,

S.R. Darapuri – IPS (Retd.)

Former IG, U.P. Police

## Executive Summary

The **Citizenship (Amendment) Act, 2019** was passed by the Parliament of India on 11 December 2019. It amended the Citizenship Act, 1955 by providing a pathway to Indian citizenship for persecuted religious minorities from Afghanistan, Bangladesh and Pakistan who are Hindus, Sikhs, Buddhists, Jains, Parsis or Christians, and who arrived in India before December 2014. The law, however, does not grant such eligibility to Muslims from these Muslim-majority countries nor does it provide similar rights to persecuted minorities from Sri Lanka and Myanmar. This exclusion, together with the Home Minister Amit Shah's announcement in the Parliament that a National Register of Citizens (NRC) will be rolled out to determine the 'legal' citizens of India, predictably led to an outpouring of national and global criticism of the act. It is clearly discriminatory as an act but when read with the looming National Register of Citizens (NRC) and National Population Register (NPR), it threatens the citizenship rights of millions of Muslims across India who are also the largest religious minority in India, facing the threat of being rendered stateless. The process has already been carried out in the North Eastern state of Assam, where this exercise was sanctioned judicially, and led to the exclusion of 1.9 million people out of a population of 32 million in the state. Media reports have suggested that there was pressure on the judges of Foreigners Tribunals to declare more Muslims 'illegal.'<sup>1</sup> The passing of this legislation led to large-scale protests across the country, led by ordinary Muslims, especially Muslim women, along with people from all faiths and backgrounds, especially young students and civil society at large. The protests were met by a massive and violent crackdown by the Indian state across the country, especially in the BJP-ruled states. However, police action carried out in the state of Uttar Pradesh was unprecedented. Lives were lost. Properties were destroyed. Protestors and bystanders were tortured, arrested. Many are still incarcerated even after two years. Huge arbitrary fines were imposed and extracted by the police without following proper legal procedure (for which it has now been reprimanded by the Supreme Court of India which ordered the state administration on 11 February, 2022 to 'withdraw recovery notices or we will quash it').

This report focuses on the democratic and peaceful protests against the CAA in India's most populous state of Uttar Pradesh (UP), where initial sporadic protests against the CAA gradually transformed into a widespread resistance for equal citizenship with dignity. The report **highlights the state government's attempts to crush dissent from the very beginning, the subsequent intensification of the protests across the state, and the violent suppression by the administration leading to the loss of at least 23 lives, and several others who were tortured, detained, and harassed for one thing: being Muslims in the state.**

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<https://caravanmagazine.in/law/assam-foreigners-tribunals-function-like-kangaroo-courts-persecute-minorities>

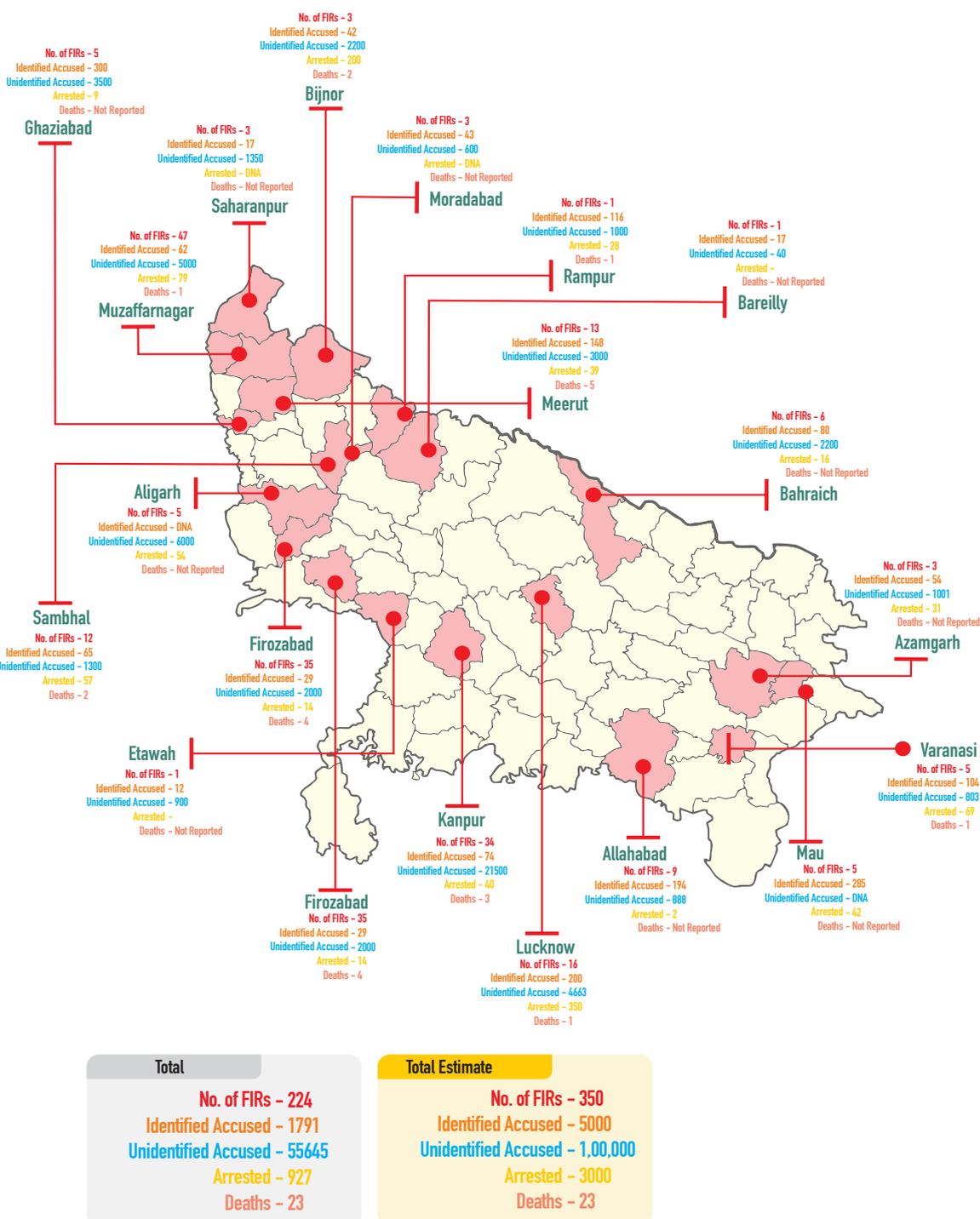
**The report also brings out the sheer brazenness of the state machinery in its violation of almost all the Constitutional laws when crushing peaceful dissent. Till date there has been no accountability fixed for the same.**

This report, using several methods including testimonies by victims and survivors, legal documents and news reports has attempted to calculate the scale of state repression in terms of estimated number of cases against the protesters, people incarcerated and arrested. In this sense, the report **documents the human cost of the anti-CAA protests, not just in terms of lives lost but also the extent to which the Muslim community was singled out, targeted leading to far-reaching implications of this for the entire country.** It highlights the enormity of the state project of exclusion of Muslims from the Republic by branding them as “infiltrators” and by denying them fundamental rights to peaceful protest and assembly. Furthermore, **there is an ongoing concerted effort by all the state bodies to not just deny justice to the survivors and victims but continue to extract ‘revenge’ and completely erase the battles of survival of Muslims and of civil society at large, from public memory.** This concerted abuse of power has been carried out in a predetermined and systematic way since Yogi Adityanath took power as the Chief Minister of the State in 2017. **This report brings to the forefront not just the ‘breakdown’ but the ‘weaponisation’ of state machinery against its own citizens. This has been done selectively in a planned and strategic declaration of war against its own citizens.**

**What the report also brings out crucially is the extent and form of repression faced by Muslims of Uttar Pradesh. After two years of this ghastly repression of the civil protest, there has been no attempt to either compensate the families of the dead, or to the survivors who suffered loss of limbs and property. There has not been any significant attempt to initiate impartial investigations into police atrocities against the protesters nor the ongoing cases dropped against the latter.**

## Key Findings

- As per verified information available in the public domain, this report estimates that approximately 350 First Information Reports (FIRs) were filed against around 5000 named individuals and over 100,000 unknown persons, which gives a license to the state police to implicate any person in these cases. Besides, the report also estimates that about 3,000 people were illegally arrested. Many of those individuals (dominantly Muslim) remain in jail under fabricated charges, even after more than two years since the anti-CAA protests began.



- The state administration and all its bodies indulged in intimidation tactics by serving ‘caution’ notices to over 3000 people, warning them to abstain from protesting on the eve of the first all India protest across the state scheduled on 19.12.2019. Later, they were also formally arraigned in various FIR’s. Approximately 3305 people were detained from the protests that day. Two days later, this number rose to 5400.
- At the end of two years, the report notes that those who were illegally arrested, and tortured in prison also received the damages notice. Their families made payments of those receipts in the police station while they were incarcerated. The state police have disagreed to return the amount after their bail.
- The report highlights testimonies of individuals who were detained, arrested and given notices of ‘recovery’ against damages in the backdrop of fabricated charges of violence and destruction of public property and of the families of those people who were killed. The report further lays bare (through specific instances) how people were denied their fundamental rights to peaceful protest and assembly, further penalised by being branded as ‘rioters’; their houses and property was vandalised in a systematic manner, how the family members of those who died by gunshot wounds were harassed and intimidated, forged post-mortem reports were conducted and the state police denied burials.
- The report highlights that after the repression, there has been no formal investigation into police excesses and a wholesale denial of adequate and fair compensation process to the survivors. This further brings into question the rapidly regressing nature of the state, where the state of Uttar Pradesh, in particular, seems to be degenerating into a police state. All the mandated institutions, including the judiciary and the media, seem complicit in injustice.
- The report reiterates that at least 23 Muslims were killed in police action across Uttar Pradesh. The State has completely shirked away responsibility for these deaths. All these deaths were caused by bullet injuries. Post mortems were carried out under questionable circumstances. FIR’s were not registered. Proper burials were not allowed. 8 Special Investigation Teams (SIT’s) were set up; however no arrests have been made till now.
- Over 500 recovery notices have been arbitrarily issued, without due legal process, across ten districts for damages worth an estimate of Rs.3.55 crores. This has caused protracted harassment and trauma to those who have been targeted.

## **Recommendations**

1. The state government must immediately release a comprehensive statement on the number of FIR's registered, people arrested, detained, accused, bailed, booked under stringent anti-terror legislation and other draconian laws. The statement should include the details of those sent recovery notices, properties attached and auctioned if any. This data must be made public along with a detailed report on the status of all of these cases.
2. All the fabricated cases which have been filed against more than one lakh unknown peaceful anti-CAA protesters should be immediately and unconditionally withdrawn.
3. A comprehensive compensation package for the kith and kin of those who were killed in police action. The compensation should also include those who have suffered temporary or permanent disabilities due to police action.
4. An expedited, fair and transparent court monitored inquiry into the state repression that has resulted in extra judicial killings, torture, and , and other forms of state violence. Police officials and other individuals found guilty of indulging in excesses must be held accountable for their actions.
5. There must be an urgent dialogue at the national level, with citizens, parliamentarians, legal experts and activists towards repeal of draconian, unconstitutional, and undemocratic legislations such as Unlawful Activities Prevention Act, (UAPA), APA, National Security Act (NSA), Sedition that are being grossly (mis)used to quell democracy in the country. This is also to demand that laws passed by the Uttar Pradesh Assembly such as the The Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020 which has been further used to incarcerate youths from marginalised castes and minority communities must also be repealed.
6. Any enquiry into the violence that took place during the anti-CAA protests must include in its purview allegations of involvement by members of the ruling party in fomenting violence. The role of rioters, who entered rallies and protest sites, and then indulged in violence, stone pelting, used country made firearms, gutted shops of Muslim anti-CAA protestors, ransacked and vandalised homes in Muslim areas must be part of the independent enquiry.
7. The Citizenship Amendment Act (CAA), 2019 which violates Articles 14 and 21 of the Constitution of India, should be repealed.

## **Acknowledgements**

We are indebted to our respondents especially the survivor families in Uttar Pradesh. It is traumatic for them to narrate their stories again and again, and we feel pain for making them relive the horrors and injustice they have undergone. We value their time, emotions and their commitment towards justice. We hope that we can assist in some ways in their struggle for justice and keep this memory alive in public consciousness. We are extremely grateful to the lawyers and activists who took the time and made a concerted effort to bring us up to date with the cases they are fighting, in court and otherwise. We feel indebted to the journalists who went out of their way to entertain our requests and provide us with relevant information.

We hope that this documentation will make a difference and centre the narratives of those who have suffered unimaginable loss.

We sincerely thank all the individuals who contributed to this report and gave their valuable inputs and feedback.

## **Association for Protection of Civil Rights**

Association for Protection of Civil Rights (APCR) is a civil rights advocacy group composed of advocates, judges, social activists, journalists, researchers, students, and paralegal volunteers who tirelessly work in harmony with a common aim to advance civil and human rights in India. APCR is a registered society which was set up in 2006 to promote and protect the rights of the underprivileged and marginalised sections in India. APCR is a non-profit organisation independent of any political ideology and economic interests. As of today, APCR actively works across seventeen states in India. APCR focuses on providing legal aid to the needy and conducts legal awareness activities on various socio-legal issues. There is a focus on capacity building, fact-finding and documentation, legal intervention, publication of legal resources and pushing for legal research and reforms.

# List of 23 people killed in Uttar Pradesh

(Between 19th-21st December 2019)

City	Name	Age	Occupation	Cause of Death
Bijnor	Mohammad Anas	22	Daily Wage Labourer	Shot in the eye
	Mohd Suleman	20	Student	Shot in the chest
Firozabad	Arman Alias Kallu	24	Labourer at a Factory	Shot in the chest
	Mohammad Shafeeq	40	Scrap Dealer	Shot in the head
	Mohammad Haroon	36	Cattle Trader	Shot in the neck
	Mohammad Abrar	26	Daily Wage Labourer	Shot in the spine
	Muqem	20	Labourer at a Bangle Manufacturing Unit	Hit at the back by a bullet near his shoulder
	Nabi Jaan	22	Labourer as a finisher at a Bangle Making Unit	Shot in the Chest
	Rashid	27	Labourer at Glass Bangle Factory	Head injury due to stone
	Kanpur	Aftab Alam	23	Mason
Mohammad Saif		25	Labourer in a Tannery	Bullet hit in the stomach & hand
Raees Khan		30	Papad Seller	Bullet hit in the throat
Lucknow	Mohammed Wakeel	25	Auto-Rickshaw Driver	Shot in the abdomen
Meerut	Aleem Ansari	24	Roti Baker	Shot in the head
	Asif	33	Street Vendor	Shot in the back
	Mohammad Aasif	20	E-Rickshaw Driver	Shot in the chest
	Mohsin	28	Cattle Fodder Labourer	Shot in the head
	Zaheer Ahmed	45	Cattle Fodder Labourer	Shot in the head
Muzaffarnagar	Mohammad Noor Alias Noora	30	Daily Wage Labourer	Shot in the head
Rampur	Faiz Khan	25	Private Employee	Bullet hit in the throat
Sambhal	Bilal Pasha	31	Daily Wage Labourer	Shot in the face
	Mohammad Shahroz	22	Truck Driver	Shot in the Stomach
Varanasi	Mohammed Sageer	8	Student	Crushed in the Stampede

## **Remembering Those Killed in Police Action**

This report is dedicated to the 23 people who lost their lives during the police crackdown on anti-CAA protests across the State of Uttar Pradesh between 19th-21st December 2019. Most of these were innocent bystanders or those who were travelling to and fro for work. They were largely daily wage labourers and many of them were the sole breadwinners of their families. We remember them and demand that those who killed them must be brought to book.

### **1. MOHD ASIF (Meerut)**

Asif, a 20 years old boy, was an e-rickshaw driver. He was shot on his shoulder by the police while he was on his way to his home on 20.12.2019. His father Eid ul Hasan came to know from his neighbours that his son had been killed. Asif left behind him a father, mother and two younger siblings. He was the sole earning member of his family. In the complaint before the magistrate, his father said that his son died because of a bullet fired by the police near City Hospital, Hapur Road in Meerut.. He also stated that some people went with Asif to the hospital but the staff refused to admit him in the hospital so he died while he was being taken to another hospital.

### **2. ALEEM ANSARI (Meerut)**

Aleem Ansari, a 25-years-old, belonged to Ahmad Nagar, Meerut, used to work in a hotel. The owner of the hotel had shut the hotel on 20.12.2019 due to the demonstration. Aalim's brother Mohammad Salahuddin told that He was shot directly on the head when he was returning to his home from work, and his skull got torn apart. In the meantime, the police car stopped near Aalim's body and the policemen picked it up in random ways by the leg and filled it in the car. Salahuddin told he got a call at 4.30 that his brother was shot. He went with his family to the city hospital to find his body where a lot of policemen were already standing and they did not let them go inside the hospital. The next day they reached the hospital and had to struggle for hours to retrieve Aalim's body. Finally it was handed over to them on the evening of 21.12.2019.

### **3. ZAHEER AHMAD (Meerut)**

40 years old Zaheer used to live in the area of Lisadi Gate, Meerut, and used to work as an animal feeder. His neighbours told that he had come out from his house for smoking on the day of his killing.

He brought beedi and started smoking while sitting in a small shop. Suddenly he was shot in the head by the police and died on spot because his family and neighbours could not take him to the hospital as the police had blocked the street from all sides.

#### **4. MOHSIN (Meerut)**

26-year-old Mohsin was living in the Gulzar Ibrahim area of Meerut and working as a scrap dealer. He was the youngest among his six siblings and was living with his ailing mother, wife and two children. When Mohsin died, his youngest child was only a few months old. On the day of his murder he had gone to bring fodder for his two buffalos. When he was returning with the fodder, he got shot by a bullet fired by police in the chest at tubewell chauraha and died due to severe injuries.

#### **5. ASIF (Meerut)**

ASIF, a daily wage labourer, is one among the six who were shot dead during the violence that ensued during a silent protest organised after Friday prayer at Jama Masjid, Meerut, on December 20th 2019. He was a resident of Lisari, Meerut (Uttar Pradesh). When he was taken for treatment, two hospitals including the City Hospital refused to admit him as the hospitals were directed to not take up cases in which people were injured due to the violence erupting in protests. He was declared dead at a government hospital because of major blood loss. Later, his post-mortem was done but his family did not receive its report. Asif is survived by a six-month pregnant wife with three kids, two girls and a boy. He was the only breadwinner of his family. With his death, his family is left unattended without a source of income and social security.

#### **6. AFTAB ALAM (Kanpur)**

He was a 24 years old Plasterer as well as a final year student of B.A. He had 6 siblings and was taking care of the entire household including expenses. On Friday he had gone to read fatiha on his father's grave. When he came out of the graveyard he was chased by the police so he hid somewhere. He was taken out of hiding by the policemen and was shot on his chest. He spoke whole incident himself to his mother when he was alive and was taking his last breaths in the hospital.

The administration refused to give his dead body saying that he is alive but when the local people reached the hospital and knew that he had died at 2:30 am in the night, they demanded to release the dead body immediately and refused to disperse. Finally police agreed to handover the body but

insisted that he would be buried somewhere nearby. But people refused to accept that and declared that the janaza will be taken out from home. Finally after much argumentation, the police accompanied them to their home and made them give a hurried bath and burial to Aftab's dead body to the family.

### **7. MOHAMMAD SAIF (Kanpur)**

25-year-old Mohammad Saif was resident of Munshipurwa, District Kanpur. He was returning from the Idgah grounds of Babupurwa after delivering food to his elder brother Mohammad Zaki. At the same time, after the Friday prayer, people started protesting, against the CAA, NRC. Police tried to stop the peaceful procession. When the procession did not stop, the police brutally lathi-charged and without any warning, the police started firing bullets targeting people. The police started firing at the protestors in which a bullet hit Mohammed Saif's lower abdomen. He was taken to the local hospital who referred his case to the district hospital where he was declared dead. Post-mortem was conducted on Saif's body but its report was not given to anyone. He had died on December 21st at 8 am but his body was found at 5 pm and buried at Idgah cemetery under pressure from police at 9:30 pm.

### **8. MOHAMMAD RAIS (Kanpur)**

30-years-old Mohammed Rais a resident of Begumpurwa, District Kanpur. He used to sell papad and wash dishes at wedding functions. Rais was the medium of livelihood of his family. On December 20th 2019, right after the Friday prayers took place in the grounds of Idgah, people started demonstrations, slogans and agitations against the CAA, NRC. Police tried to stop the peaceful procession and protest. When the procession did not stop, the police brutally lathi-charged and without any warning, the police started firing bullets targeting people. According to Rais's father Mohammad Sharif, on December 20th 2019, at around 3:00 pm, a bullet hit him in the stomach. Rais was picked up and taken to a private (Sajjan Hospital). When Rais' condition became critical, he was referred to the District Hospital, Halat. On December 21st and he was declared dead on December 22 at 5:00 pm. The police administration kept pressurizing the family members to bury the dead body within one hour at night. The deceased were buried in the cemetery between 11:00 to 12:00 on December 23rd by his family and local people.

### **9. HARUN MOHAMMAD (Firozabad)**

28-year-old Harun is a resident of Nagana Mullah village. On his way back home from work, he called his parents to inform that there is a chaos unfolding in Naini Glass Chowraha and asked them to come and take him home. While his parents were half way through, he called them to tell not to come there as the situation has worsened. Around 4.30pm, some other person called from Haroon's phone and informed his family that their son has been shot. Harun was taken to S.N. Hospital, Firozabad and the hospital refused to admit him. He was then taken to G.G Hospital where he received first aid. His situation turned critical and was referred to AIIMS for further treatment. While at AIIMS, on December 26th 2019, he died. The family has not yet received the post-mortem report and the police pressurized his family to cremate him at night without informing anybody.

#### **10. RASHID (Firozabad)**

28-year-old Rashid was a resident of Kashmiri Gate, Firozabad. He was a differently abled person working in a bangle factory where he served tea and water. Being involved in his work, he had no idea about the protests. While returning from work in the evening on December 20th and was hit by a bullet in the head and lost breath immediately. Rashid's family was shocked to receive information about his death around 7:30pm. The Firozabad police forced his family to bury his body by midnight without letting anyone know about it. Rashid's family had no information if the post-mortem was conducted, or not. Rashid is survived by a 4-years-old daughter.

#### **11. MOHAMMAD SHAFEEQ (Firozabad)**

Mohammed Shafeeq, aged about 40, was a scrap dealer. On 20th January, he got shot in his head during a stampede, which happened after the CAA protest. As per his family's claim, Police shot him in the head. Shafeeq's brother Nissar said, "He was shot by policemen right outside our scrap shop in Mohalla Masrurganj of Rasoolpur police jurisdiction. After the incident, Shafeeq was shifted to Delhi's Safdarjung Hospital. Later, on 27 Dec 2019, Shafeeq died due the bullet injuries."<sup>2</sup>

#### **12. ARMAN KALLU (Firozabad)**

Arman Kallu, 24, a resident of Firozabad was a laborer at a factory. HE was returning from his factory when his brother Farman met him and told him to quickly go home because the situation was

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[http://timesofindia.indiatimes.com/articleshow/72987348.cms?utm\\_source=amp\\_slider&utm\\_medium=referral&utm\\_campaign=TOI&from=mdr&utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/72987348.cms?utm_source=amp_slider&utm_medium=referral&utm_campaign=TOI&from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

becoming tense. But as he was crossing the bypass, a bullet hit him on his chest and he died instantly. Locals nearby informed his paternal uncle Mohammed Taufeeq that Arman was lying dead by the road. Mr. Taufeeq and others then brought the body home and informed his father Yameen who was at their residence in Azadnagar a few metres away.<sup>3</sup>

### **13. MUQEEM (Firozabad)**

Muqem, 20, was a labourer at a bangle manufacturing unit. Muqem was shot at in front of his uncle Kallu. The two were returning from work at a bangle-making factory. Seeing the crowds, they started running back when Mukeem was hit at the back by a bullet near his shoulder. "I found a wooden cart, put him on it and pushed about 3 km to the government hospital. He was referred to Agra. He wasn't treated well there; wasn't even cleaned," Mr Kallu said adding that he was taken to Delhi where he breathed his last on December 23. However, his body was only handed over on December 25 because Mukeem didn't have Aadhaar card. Mukeem's family was also forced to conduct his last rites and burial before dawn.

### **14. NABI JAAN (Firozabad)**

Navi Jaan of Mohammedganj had gone to the factory in the morning after helping his mother Hakeela Begum to the washroom as she has a knee injury and has difficulty walking. After Friday prayers which Navi Jaan and his father Mohammed Ayyub had attended together, the father returned and Navi went back to work. Mr Ayyub hadn't even reached home when the situation worsened. He called Navi and asked him to come home immediately; the son said he was coming. But he didn't reach home. He was shot dead.

### **15. MOHAMMAD ABRAR (Firozabad)**

Abrar was a resident of Masrurganj locality under Rasoolpur police station area. He was daily wage labourer in Firozabad. While he was returning from his work and passing the Naini Chauraha he got shot. There after his family took him to the govt. district hospital where the official denied him treatment. Further, He was shifted to a Delhi hospital where he received treatment till 10 January,

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<https://www.thehindu.com/news/national/other-states/kin-of-dead-wait-for-justice-in-firozabad/article30427440.ece>

subsequently discharged. Unfortunately, Abrar died on January 14. As per his family's claim he didn't get proper treatment in the hospitals which caused him to death.<sup>4</sup>

#### **16. MOHAMMAD SAGEER (Benaras)**

8-year-old Mohammad Sageer is the youngest victim to have died in the stampede that followed lathi-charged by police at a peaceful protest against CAA-NRC in Varanasi on 20th December 2019. Sageer was gleefully playing with his friends on the narrow bylanes of Dharara locality of Varanasi when "a group of protesters came running to protect themselves from the lathi-charge set off by Uttar Pradesh police. Sageer was left choking and unconscious after getting trampled by the crowd. He was very critical by the time he was picked up and rushed to the hospital. The child, the youngest of four brothers succumbed to injuries in a hospital on same day.

#### **17. FAIZ KHAN (Rampur)**

On the night of Friday, December 20, 2019, Faiz Khan took his 14-year-old niece Samia to the hospital for the doctor to look at her, as she had fallen ill. He was with his sister-in-law, and had driven them there since he was the best driver in the family. On that morning, a large protest against the Citizenship (Amendment) Act was being held on the streets of Rampur. He had not gone for the protest itself, his twin brother Faraz said, adding, "If he was going to the protest, I would have been with him. I was at home at the time." There were thousands of people on the streets across Rampur – at the Hathi Khanna crossing itself, there were at least two thousand. Faiz was in the crowd, watching while this was happening. When the tear gas started to choke the crowd, he saw an old man fall to his knees, and collapse onto the street. He darted out, and grabbed him, trying to pull him away from the stampede that was gathering, to take him to safety. That was when a bullet hit him bang in the middle of his throat – right between his clavicle – breaking through his oesophagus, and lodging into his neck. Faiz fell to the ground.<sup>5</sup>

#### **18. MOHD. ANAS (Bijnor)**

22-year-old Mohammed Anas, lost his life in police firing that ensued after the protest held on December 20th 2019 in Nehtaur, Bijnor. The family members of the deceased were not allowed to

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<https://www.deccanherald.com/national/north-and-central/up-man-injured-in-anti-kaa-protests-dies-firozabad-death-toll-reaches-7-794469.html>

<sup>5</sup> <https://thewire.in/rights/rampur-up-police-firing-kaa-protests>

bury his as per their wish nor were his body allowed to come out of the house. Anas's family was pressured to bury the dead body of their son soon after the post-mortem was done without any Islamic rituals.

#### **19. MOHD. SULEMAN (Bijnor)**

20-years-old Mohammed Suleman lost his life in police firing that ensued after the protest held on December 20th 2019 in Nehtaur, Bijnor. During the investigation, it came out that the dead and bullet-injured people were not involved in the violence. The family members of Suleman, were not allowed to bury his body as per their wish.

#### **20. MOHAMMAD VAKIL (Lucknow)**

28-year-old Mohammed Vakil is a resident of Daulatganj, Lucknow. On 19.12. 2019, he left his house to take medicine for his ailing wife but he could not come back home. Anticipating that the ration shop may be closed for the next few days due to the demonstration, they went to the ration shop at the local market in Hussainabad, during which the protests were going on. As lathicharge was taking place on the main road, leading to a stampede in the street Mohammed Vakil opted to take the main road to avoid the mob where the police shot him. On December 19, at around 3:10 pm, Mohammad Saifuddin, the father of Mohammed's lawyer, was informed by the people of the house that his son had been shot by the police. After which his father reached the Medical College Trauma Centre at around 3:45 am upon reaching, it was found that his son had died. His dead body was handed over after the post-mortem on December 20 at 4 pm. According to a report The father said that his son was hit by two bullets, but only one is shown in the Post Mortem report. He was buried in the Missir Bagia cemetery near his locality.

#### **21. MOHAMMAD NOOR (Muzaffarnagar)**

26-year-old Noor Mohammed died due to a bullet injury caused due to police action. He was admitted at a hospital in Muzaffarnagar soon after he was injured, where he was referred to a hospital in Meerut, and declared dead on his arrival. Survived by his children and a pregnant wife, Mohammed's family wanted to bring his mortal remains back to Muzaffarnagar, but were allegedly disallowed by

the authorities to do so. The family alleged that they haven't received the post-mortem report till date. He was buried in a qabristan near Meerut.<sup>6</sup>

## **22. BILAL PASHA (Sambhal)**

Bilal, 31, was a daily wage labourer. It was Friday and Bilal had stepped out to get medicines for his daughter. It was crowded when he reached near roadways and shots were fired. Bullet hit his chin and he died on the spot. People who were present there say that the police had fired bullets. Bilal leaves behind three young daughters.<sup>7</sup>

## **23. MOHAMMAD SHAHROZ (Sambhal)**

Mohammad Shahroz, 22, was a truck driver. He was shot in the stomach and died later. "It was 20 December 2019, and there were protests going on at Shankar Chouraha. Protests turned into clashes and in the ensuing firing, my son was hit by a bullet," said Yameen, father of 22-year-old deceased Shahroz. "People took him to hospital but none of them are ready to turn witness."<sup>8</sup>

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<https://www.thequint.com/videos/news-videos/citizenship-amendment-act-caa-protests-muzaffarnagar-noor-mohammad-death-victim-ground-report#read-more#read-more#read-more>

7

<https://www.thequint.com/videos/news-videos/families-of-those-killed-in-2019-cao-protest-await-justice-in-sambhal-uttar-pradesh#read-more>

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<https://www.thequint.com/videos/news-videos/families-of-those-killed-in-2019-cao-protest-await-justice-in-sambhal-uttar-pradesh#read-more>

## **Introduction**

This report seeks to document the scale of the anti-CAA and NRC protests in the Indian state of Uttar Pradesh and their brutal repression by the state. It also seeks to bring into current political debate the communal witchhunt of the anti-CAA & NRC protestors, the State's Islamophobic propaganda to discredit them and their continuing struggle against an oppressive regime that is not just resorting to extra-judicial methods to suppress peaceful dissent but continues to erase their struggles, sacrifices and loss; committing grave human rights violations.

Testimonies of survivors, eyewitness accounts, official documents, and media and civil society reports have been used to show the devastating range of human rights violations underway in Uttar Pradesh under the patronage of the ruling government. This report points out the systematic abuse and subversion of democratic institutions to scuttle accountability and the consequent denial of justice to the survivors and the victims' families.

In 2019-20 alone, there were 105 cases of complaints of alleged harassment of human rights defenders, and in 2020-21 (39). The phase was marked by the protests and agitations against the discriminatory Citizenship Amendment Act 2019. As per data, complaints in 2017-18 are (73) and 2018-19 (89). The highest number of 'harassment' cases of human rights defenders have been recorded during the time of anti-CAA-NRC-NPR (2019-20) protests, with Uttar Pradesh topping the list of complaints. Examining government data, it was found that human rights defenders were subjected to alleged harassment during the period of stir. For the year 2019-20, Uttar Pradesh has 26 complaints and eight in 2020-21 on the alleged harassment of human rights defenders.<sup>9</sup>

As per Article-14's sedition database, over a thousand people have been charged with sedition since Yogi Adityanath became CM. Sedition is a draconian colonial-era law that is arbitrarily enforced by the government to silence, intimidate and harass dissenting critics. In UP, 77% of the 115 sedition cases filed since 2010 were registered over the past three years, after Yogi Adityanath took over as chief minister. The Article 14 database mines multiple media, legal and police sources to record all sedition cases filed between January 2010 and February 2021.<sup>10</sup> It also highlights the excessive use of sedition law against anti-CAA protestors.

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<sup>9</sup>

<https://www.news18.com/news/india/maximum-number-of-people-harassed-during-peak-anti-caa-protests-up-to-ps-list-2895735.html>

<sup>10</sup>

<https://article-14.com/post/the-law-as-a-communal-weapon-of-the-state-why-up-s-muslim-caa-protestors-face-sedition-cases--62008af59e173>

The excruciatingly slow pace and the laborious process of ‘getting justice’ from the State is starkly visible in the time taken to get bail for those arrested on flimsy FIR’s against them. While FIR’s against protestors were registered swiftly and in bulk, protestors are going through a hard time even registering FIR’s against the erring police officials. The investigation against allegations of ‘rioters’ who posed as protestors to incite violence during peaceful anti-CAA protests has reached nowhere even after 2 years. It is important to note here that Section 154 of the CrPC makes it mandatory for the police to file an FIR on receiving information about a cognizable offence. The failure of the police to file the FIRs of victims and protestors against erring police officials does not only reek of bias but also violates the victims' right to remedy as guaranteed by the Constitution of India. In this scenario of total failure of state mechanisms and falling apart of democratic institutions, where do citizens repose their faith?

If corrective measures are not taken at the earliest it is natural for citizens to lose faith in the democratic institutions of the country. Indian Muslims are a minority in India. They constitute less than 20% of the total population of the country. Judiciary is looked upon as the last hope for the minorities of the country. It is the judiciary’s responsibility to safeguard the interests of the minorities and ensure their protection against majoritarianism. However, the petitions filed against the Citizenship Amendment Act are hanging indefinitely with the country’s highest court for the past two years.

There are no clear guidelines or laws to prevent hate crimes and hate speeches against Muslims in India. Lynchings of Muslims under the pretext of love jihad or cow-slaughter have become everyday occurrences in the country. Attack on the livelihood of Muslims, propaganda to dehumanise Muslims, spreading disinformation through a systematic ecosystem to incite hatred against the Muslim community is intensifying. Calls of genocide against Muslims in UP through the notorious Dharam Sansads have met with no resistance from the ruling dispensation and are brushed aside as ‘fringe’. All the while, these become common and everyday occurrences. Hate speech against Muslim women is increasing. There has not been a word of condemnation from any officeholder in the government, thus increasing impunity.

On 19th January 2022, Genocide Watch president Gregory Stanton, who had warned of the Rwandan genocide five years before it happened, said the early warning signs of Genocide were visible in India and that genocide could well happen here. Stanton said Genocide Watch had a model called the “10 Stages of Genocide”, and India was already well down the road towards a genocide according to its

parameters.<sup>11</sup> He warned that the last stage of ‘extermination’ had not yet begun, but is a possibility. India is already at the 8th and 9th stages of a Genocide. If there is one state closer to unleashing a genocide of Muslims in India, it is Uttar Pradesh. And this report substantiates that.

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11

<https://www.genocidewatch.com/single-post/india-at-risk-rwanda-killings-predictor-sounds-genocide-warning>

## Methodology

This report is based on the field research and interviews conducted by the research team in Uttar Pradesh during January and February 2022. The team spoke with victims of abuses and their families, witnesses, legal experts, academics, activists, and the local community.

The report also draws upon secondary literature, including research conducted by other civil rights groups, media reports, government statistics, Parliamentary proceedings, and rulings by the Supreme Court and the High Court(s). We recorded testimonies of about 20 people with their consent. In addition, we spoke with lawyers and activists representing families of victims, experts, and journalists who have reported on these issues. Interviews were conducted in Meerut, Mau, Azamgarh, Kanpur and Lucknow districts of Uttar Pradesh. With the informed consent of the victims or their families, we received and have retained copies of First Information Reports (FIRs), court documents, and other relevant documents. Interviews were conducted in Hindi and transcribed meticulously into English. Several people have used pseudonyms, and, on their request, identifying information has been withheld to protect their privacy and safety. We provided no remuneration or other inducement to the interviewees. We also conducted several prolonged discussions with local people- protestors & those who did not participate in the protests but were witnesses to the same to corroborate testimonies.

We have maintained the confidentiality of the identities of the victims of state violence, wherever necessary.

### Number of FIRs

A tweet from the official Twitter handle of ANI quotes UP police on 26th of December 2019: “In connection with violence during anti #CitizenshipAmendmentAct protests, 327 FIRs registered across the state. 1113 arrested, and preventive action was taken against 5558 people. 19 people died. 288 police personnel were injured of which 61 received bullet injuries.”

As per the police’s own admission there were 327 FIRs as of 26th December 2019. Subsequently, more FIRs were filed after December as per news reports because the anti CAA protests were called off only in March with the imposition of ‘Janta Curfew’ to contain Covid-19 spread in India.

For example, as per news reports, 22 FIRs were filed against anti-CAA protestors in February 2020.<sup>12</sup> At least 5 FIRs were filed in relation to sit-in protests in UP against more than 135 women

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<sup>12</sup> <https://indianexpress.com/article/cities/lucknow/in-aligarh-22-firs-filed-against-anti-caa-protesters-6293397/>

protestors.<sup>13</sup> Similarly, several FIRs were filed in all areas where anti-CAA protests were underway. But there is no comprehensive data on how many people were arrested, accused or detained in these FIRs or the actual number of FIRs filed. We could access some of these FIRs, and that data has been added to the table. These figures are based on only the data that was accessed by us and the rest of the data is still not available in the public domain. The government's silence on this speaks volumes. However, in March 2020, media reported that the UP police was set to complete the investigation into 343 cases pertaining to the violence in UP between 19th-21st December 2019.<sup>14</sup> As per police reports, "After the violence, as many as 343 FIRs were filed in several districts of the state. In these cases, police arrested over 840 persons, and among them nearly 560 persons obtained bail and got released from jail." However this contradicts the police's own report of 26th December 2019, which put the number of arrests at 1113. It is also reported that 8 Special Investigation Teams were set up to probe allegations of violence and use of disproportionate force by the police. However, no reported arrests have been made against erring police officials.

Based on the information available, we arrived at an estimated 350 FIRs registered during the course of anti-CAA protests in Uttar Pradesh. And almost all of these were filed between 19th-20th December 2019.

### **Number of people accused and arrested**

There is not a single report or statement of UP Police disclosing the total number of people accused in an estimated 350 FIRs. Out of these, we were able to corroborate the existence of at least 204 FIRs by either accessing copies of the FIRs or news reports detailing where and against whom these FIRs were filed. For example in Aligarh, news reports detail where and when FIRs in Aligarh were specifically filed and how many people were accused. As per multiple news reports, almost 4000 people were accused in Aligarh in various FIRs. We were able to access only 5 of these. There is no other way to find the exact number of FIRs filed in Aligarh unless the government discloses all this data district-wise. Concerning Kanpur, as per news reports, Senior Superintendent of Police (SSP), Kanpur Anant Deo said: "*At least 15 FIRs have been lodged against 21,500 people in various city areas and 13 have been arrested so far. Twelve persons have been arrested by the Beconganj police while one man was held in Bilhaur.*"<sup>15</sup>

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<sup>13</sup>

<https://www.thehindu.com/news/national/other-states/fir-filed-against-130-women-for-anti-kaa-protest-in-lucknow/article30642769.ece>

<sup>14</sup>

<https://indianexpress.com/article/cities/lucknow/up-anti-kaa-protests-probe-into-343-cases-set-to-be-in-final-stage-6296449/>

<sup>15</sup> <https://www.indiatoday.in/india/story/21-500-booked-for-violence-in-kanpur-1631048-2019-12-24>

Therefore, data has been collected from the only two reliable sources, i.e. News reports and by accessing various other legal documents such as the FIR copies and notices issued to people. Therefore, by putting together such news reports pertaining to different districts and by accessing copies of FIR's we have put an estimated number of arrests at 1500 and total no. of accused at atleast 1,00,000. The actual number will be much more than that. The FIR's against 'unidentified persons' are even more repressive and revengeful because anybody can be picked up in these FIR's at any time in future. It will not be wrong to say that more than 1,00,000 Muslims are at risk of being arrested even today. In contrast, not even a single FIR has been filed against the erring police officials.

## Repression & Islamophobic Witchhunt

The police repression in Uttar Pradesh began with imposing lockdowns, suspension of internet services, imposition of section 144 of the CrPC which restricts assembly and movement of people, arbitrary preventive detentions of rights activists and human rights defenders and went on to the extent of indiscriminate lathicharge and firing on protestors and innocent bystanders, **killing at least 23 people**. But it did not end there. To cover up police excesses and extrajudicial killings and systematic suppression of protests, the state launched an all-out witch hunt against all those protesting against the CAA-NRC-NPR, largely Muslims. It should also be noted that the state administration also carried out illegal detention and torture of Muslim minors to quell anti-CAA protests.

A people's tribunal organised at the Indian society of International Law in New Delhi on 16.01.2020 noted, "It is convinced that the entire state machinery, led from the top, acted with grave prejudice and perpetrated violence targeting one particular community, the state's Muslim population, and the social activists leading the movement,". The members of the tribunal further stated, "The complaints of the victims about police brutality, violence and destruction of property were either not filed or filed incorrectly. On the other hand, thousands of FIRS were filed against unnamed persons on the accusation that protestors had become violent with the intention of continued harassment and intimidation,".<sup>16</sup> The people's tribunal comprised of Justice A.P. Shah, Justice Sudarshan Reddy, Justice V. Gopala Gowda, Shanta Sinha, Irfan Habib, Deb Mukherji, Chaman Lal, N.C. Saxena and Anirudh Kala.

On 6.12.2019, students of AMU assembled after Friday prayers inside the campus to mark the day as Remembrance Day in lieu of the destruction of the Babri Masjid in Ayodhya by Hindutva terrorists 27 years ago. During the program, students raised the issue of CAA & NRC and decided to call an indefinite sit-in protest against the same inside the campus. On 10th of December 2019, students called a mass hunger strike in protest. Dining halls of hostels and university canteens were abandoned. These protestors were mainly bachelors, masters and research students. However, school students also joined them. More than 25,000 students went on hunger strike against the CAA and the NRC that day and also took out a mashal juloos in the campus. The administration and police alleged that students had violated prohibitory orders, and **FIRs were filed against at least 21 named and 500 unnamed students** to curb the protests, the very next day. On 11th December, prominent student activists addressed the protesting students and registered their dissent against the discriminatory bills passed hurriedly and without any debate in the parliament.

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<sup>16</sup> <https://thewire.in/rights/uttar-pradesh-police-violence-protests>

On 12.12.2019, rights activists Dr Kafeel Khan and Yogendra Yadav came to address the gathering. But the police stopped them on the way. The students declared that if they were not allowed inside, students would move outside the campus in large numbers. Fearing further intensification of protests, the police allowed them to address the students. The next day an **FIR was filed against Dr Kafeel Khan** related to this incident. He was charged under section 153-A (Promoting enmity between different groups on ground of religion) of IPC at the civil lines police station. He was arrested under this FIR on 29th January 2020 by the UP Special Task Force (STF) from Mumbai.<sup>17</sup> He was granted bail by an Aligarh court on 10th Feb 2020 but was rearrested before his release from jail under the draconian National Security Act (NSA)<sup>18</sup>. On 1st September 2020, the Allahabad High Court set aside his detention under the NSA and ordered his immediate release. The court declared the extension of the period of his detention under NSA as ‘illegal’.<sup>19</sup> He spent more than 8 months in jail. Interestingly no FIR was filed against Yogendra Yadav. This is part of the larger nefarious agenda of the state to isolate and attack the Muslim community by claiming that only the ‘Muslim’ community was dissenting against the CAA & NRC.

The day the Citizenship Amendment Act (CAA) was passed in the Parliament, i.e. 13th December 2019, students of Aligarh Muslim University organised a march from the university to submit a memorandum against the CAA to the local administration. The police intercepted them at the main gate of the university. Prohibitory orders and section 144 were imposed. The Internet was curbed. As per news reports **around 700 students were booked for violating prohibitory orders**.<sup>20</sup> This was part of a series of attempts by AMU students to register their dissent against the Citizenship Amendment Bill.

Unlike the mainstream narrative that protests suddenly erupted in Uttar Pradesh out of nowhere on 19th December 2019, sporadic protests were already happening in parts of Uttar Pradesh since the bill had been introduced in the parliament. The state attempts to curb these protests only led to their intensification. In retaliation to the demonstration held on the Saharanpur-Muzaffarnagar highway by the students of various madrasas of Deoband in Saharanpur on 11th December 2019, internet services across Saharanpur district were shut down till further notice and heavy contingents of police forces

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<sup>17</sup>

<https://www.thehindu.com/news/national/other-states/uttar-pradesh-police-arrest-gorakhpur-doctor-kafeel-khan-in-mumbai/article30687232.ece>

<sup>18</sup>

<https://timesofindia.indiatimes.com/city/agra/paediatrician-kafeel-khan-describes-hellish-condition-of-barrack-in-a-letter-jail-admin-says-it-is-fake/articleshow/76802990.cms>

<sup>19</sup>

<https://www.thehindu.com/news/national/other-states/allahabad-hc-sets-aside-nsa-against-kafeel-khan-asks-up-to-release-him-forthwith/article32493509.ece>

<sup>20</sup>

were deployed in every nook and corner.<sup>21</sup> On the 12th of December 2019, protests against the CAA were held in Rampur as well.

On the 15th of December 2019, after news of brutal police violence against peacefully protesting students at Jamia Millia Islamia in the national capital reached AMU, students intensified the resistance against the CAA. Fresh protests were called in solidarity with the students of Jamia Millia Islamia and against the CAA. The administration retaliated by sending in the Rapid Action Force (RAF) to quell the protests. Students were brutally lathicharged and bombarded with lethal weapons such as tear gas and stun grenades inside the campus, inflicting severe injuries. The RAF barged inside the campus attacking all students in sight indiscriminately. Hostels were teargassed. Even those students who were not protesting were beaten. The police reportedly hurled rabidly communal abuses at students. A fact-finding report titled 'The Siege of Aligarh Muslim University' condemned the police action on AMU students and concluded that "students were treated as "terrorists" and the methods used by the police and RAF were uncalled for." The fact-finding team led by Human Rights Activist Harsh Mander said that the survivors had told them that the police and RAF were using Islamophobic slurs and chanting 'Jai Shree Ram' while chasing and beating up students profusely. The report also says that "Doctors have confirmed that the blunt force trauma and resultant brain haemorrhage of a student indicate the use of rubber bullets. The hand of a PhD student had to be amputated from below the wrist due to the injuries sustained from a stun grenade that exploded in his hand."<sup>22</sup> All of this points to extreme heavy-handedness of UP Police and other forces. Citizens have the right to peacefully assemble under Article 19(1)(b) of the Constitution of India subject to reasonable restrictions in the interest of maintaining public order. Often, a public rally may become unruly and be termed as 'unlawful' by the police as defined under Section 141 of the CrPC. Under these circumstances, the police has the power to disperse the crowd to prevent injuries which may be done only with controlled use of force. However, it has to be progressive which means that force may be used only after methods of persuasion and explicit warnings have been given but the crowd has not dispersed. Even then the use of force must be absolutely necessary. Secondly, it must be minimum and proportional to the situation. Lastly, it must be stopped as soon as there is no danger to life. Even then the Code of Conduct for Police in India allows only "irreducible minimum force" as also underlined in the the UN Basic Principles on the Use of Force and Firearms. The nature of grievous injuries sustained by the students as documented in the report clearly indicates not just excessive but also punitive and repressive use of force. It is evident that the aim was not to protect but punish the students for their dissent.

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<sup>21</sup>

<https://www.newindianexpress.com/nation/2019/dec/13/amu-protest-march-against-cab-stopped-midway-interne-t-services-curbed-in-aligarh-saharanpur-2075664.html>

<sup>22</sup> <http://karwanemohabbat.in/wp-content/uploads/2020/06/The-Siege-of-AMU-KeM-Jan2020.pdf>

On 7th January 2020, the Allahabad High Court issued directions to the National Human Rights Council (NHRC) to submit a report on the alleged police excesses in AMU within one month.<sup>23</sup> However the NHRC report merely parroted the police narrative, discounted student testimonies, eye witness accounts, deliberately ignored all circumstantial evidence such as the fire in the hostel rooms, videos shot by students of the violence and refused to flag the ‘unavailability’ of CCTV footage. But it was forced to concede that excessive force was used against students and that at least a few officers had gone beyond their remit. It concluded that the allegations against the police were neither ‘proved nor disproved’ and even went on to blame the students for protesting when they did not have ‘permission’. It absurdly concluded that the police had to apply force against the AMU students to ‘save the city from communal violence’. It merely critiqued the police for ‘unprofessional’ behaviour such as ‘caning’ students who were not protesting and causing damage to university property. The report further stated that these actions had no bearing on the task of controlling law and order.<sup>24</sup> Based on the NHRC report the Allahabad High Court on 24th February 2020 ordered that ‘suitable action’ be taken against delinquent police officers found to have indulged in ‘unnecessary caning’ students of AMU. The court had also set up a Special Investigating Team (SIT) on January 6 2020 to probe all the related cases.<sup>25</sup>

While no FIRs have been filed against any police official in the matter even till date, students have been criminalised to no extent. On 23rd December 2019, an RAF commandant filed an **FIR against 1,000 unnamed AMU students** in connection with the 15 December incident.<sup>26</sup> On 24th December 2019, an FIR was filed against **1,200 unidentified students, teachers and non-teaching staff of AMU** for alleged violation of prohibitory orders under section 144, CrPC as they took out a candlelight march in the university. Subsequently more FIRs were filed against students pertaining to specific incidents of 15th December and many student activists were named and arrested in these FIRs especially during the first lockdown because of the pandemic in India in the months of March-July 2020. The nature of the attack of students of AMU highlights two important aspects. The first one is to scuttle accountability of well thought out police excesses and the second one is to keep the students

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<sup>23</sup>

<https://www.livelaw.in/top-stories/allahabad-hc-directs-nhrc-to-probe-police-action-at-amu-during-anti-caa-protests-151356>

<sup>24</sup> <https://thewire.in/rights/nhrc-investigation-police-violence-jamia-milia-islamia-aligarh-muslim-university>

<sup>25</sup>

<https://www.indiatoday.in/india/story/amu-violence-hc-asks-up-chief-secy-dgp-adhere-nhrc-recommendations-1649647-2020-02-25>

<sup>26</sup>

<https://www.indiatoday.in/india/story/complaint-against-1-000-amu-students-for-violence-damaging-public-property-1632257-2019-12-29>

in a constant state of fear in order to silence student resistance against the CAA & NRC at the same time. It also aimed at exacting revenge from students for protesting by entangling them in years long legal battles in multiple cases.

On 16th December 2019, students with civil society organisations across the state held peaceful demonstrations in solidarity with the students of AMU and JMI. No incidents of stone throwing or damaging public property were reported.

On 17th December 2019, protest meetings were planned all across Lucknow to resist the CAA and the brutal attack on two of the country's premier publicly funded Muslim minority institutions, Jamia Millia Islamia and the Aligarh Muslim University. The movement had got renewed impetus. As per news reports, **notices were sent to about 3,000 people** across the state cautioning them to not participate in any protests and to execute a bond for keeping peace and good behaviour.<sup>27</sup> These people included local leaders and activists, human rights defenders, civil rights activists and other protestors. Well known and influential **activists such as Sandeep Pandey, Advocate Shoaib, SR Darapuri were kept under house arrest** on the intervening night of 18th to 19th December 2019.<sup>28</sup> This implies that activists were arbitrarily deprived of their liberty in reprisal for their peaceful protests against the CAA that too without a court order and bereft of any possibility to challenge the lawfulness of their detention.

On 19th December 2019, nationwide protests against the CAA were called. Protests were held at 102 places across Uttar Pradesh.<sup>29</sup> As per police reports on that day, **3,305 persons were detained across the state. 112 persons were detained in Lucknow on charges of arson and vandalism.** The police claimed that the protestors pelted stones and damaged public property. There have been numerous reports on the violence in UP but no report has been able to establish how violence took place in peaceful protests. While police alleged that protestors resorted to stone pelting and arson, eyewitness accounts and the description in the filed FIRs do not corroborate the police version at all. In fact, multiple testimonies collected first hand by our fact-finding team across Uttar Pradesh establish a completely opposed story of the brutal force used against the protestors to not just disperse the protest but to exact 'revenge'. The police resorted to extra judicial methods and indiscriminately opened fire on peaceful protestors and innocent bystanders and travellers. Further, to cover up excesses they accused the protestors of violence and arrested people from Muslim dominated pockets arbitrarily.

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<sup>27</sup> <https://twitter.com/adgzonelucknow/status/1207372401782083584?s=20>

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<https://scroll.in/latest/947399/caa-protests-lucknow-advocate-mohammad-shoaib-detained-whereabouts-unknown-say-colleagues>

<sup>29</sup> <https://www.thehindu.com/news/national/anti-caa-protests-live-updates-december-19/article30345949.ece>

Locals in Muzaffarnagar district of Uttar Pradesh narrate that on 20th December 2019 protesters attempted to march from Meenakshi Chowk to Mahavir Chowk to present a memorandum to the District Magistrate against the Citizenship Amendment Act. As per eye witness accounts, as the crowd was moving forward a convoy of Union Minister and Member of Parliament (Muzaffarnagar) Mr Sanjeev Balyan moved towards the crowd from Mahavir Chowk area. Eye witnesses present at the location allege that on the order of Mr Baliyan, **the police lathi charged the protesters**. This resulted in chaos and fear. To save themselves from the police the protestors ran towards Sa'adat Hostel (a compound of a building which houses a local Urdu school and a hostel for underprivileged children). The police chased the protestors into the hostel compound and started beating up the protestors indiscriminately. This is contrary to the police claim of 'maintaining law and order'. Even if we rely on the police statement that they only resorted to lathi charge to disperse protestors, how does it explain chasing the protestors into a hostel compound and beating them up profusely, causing severe injuries. The police statements neither corroborates the police 'action' nor the eyewitness accounts of the incidents nor news reports.<sup>30</sup>

At around 4 pm the same day, a crowd allegedly comprising supporters of Sanjeev Balyan started targetted vandalising and looting shops of Muslim shopkeepers. One such shop 'Sameer Mobiles' located on Meerut Road was vandalised by these goons. The mobile shop owner Mr. Asif Khan alleged that on the afternoon of 20th December 2019, goons broke the shutter of his shop and broke into it. They smashed glasses and looted mobile phones and cash worth approximately Rs 1 Lakh. A shop belonging to a Muslim flower seller adjacent to the this one was also burnt down. The photos shown to the fact finding team corroborate these allegations. As per estimates made by locals at least 60 shops owned by Muslims were vandalised.

A shocking revelation made by locals is of the **complicity of police** in these targeted attacks. Locals and eyewitnesses claim that police were hand-in glove with the rioters and accompanied them in vandalising houses in Muslim neighbourhoods in the Khalapar region of Muzaffarnagar in the intervening night of 20th and 21st December 2019. The fact-finding team recorded testimonies of the survivors.

The first case is of Mr Haji Ali Anwar's house, 'Ilahi building', in Khalapar, Near Meenakshi Chowk, Kanji House Wali Gali. Mr. Haji Ali Anwar is 74 years old and he narrated that on the intervening night of 20th- 21st December 2019, at about 12.30 AM about 100-80 rioters broke into his house.

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<https://www.thehindu.com/news/national/anti-citizenship-amendment-act-protests-living-in-fear-of-the-law-and-the-law-enforcers/article30472753.ece>

These were mainly locals and were accompanied by police. The rioters forcefully entered the house and vandalised every piece of furniture and appliances that they could find. His car lying in the garage was smashed. Even the bathrooms were not spared. The Holy Qur'an and other religious books were desecrated by throwing them on the floor repeatedly and stamping on them. Mr Ali alleged that the mob looted the jewellery which he had collected over the years for his daughter's wedding which was to be held in March and also stole Rs 3 Lakh in cash. Apart from Mr. Anwar no other males were present in the house. Two of them were out of town for business purposes and the other two were spending the night at their relative's place in Muzaffarnagar itself. Mr Anwar did not report any manhandling of the women of the house by the police or by the rioters. It was difficult to verify whether it didn't happen or they did not want to report it. Further, Mr Anwar was detained by the police from his home and brought to civil lines police station where he was kept in a big hall along with the other detainees. The next night he was shifted to Kotwali police station. Mr Anwar any custodial torture during detention. Some of the police officers enquired, "*Tu bhaiyya ka baap hai kya?*" (Are you bhaiyya's father? Bhaiyya is how one of his sons is known in his locality). After which he was released from the Kotwali police station on 22nd December 2019 morning. Mr Anwar wondered why their house was attacked since none of his sons had any prior criminal record. He deliberated that since his house is located at the beginning of the street, hence, it was convenient for the rioters to barge into the house. He did not file any police complaint because he feared retaliation.

Mr Anwar's wife Hajjan Fakhra and daughter, Humaira also shared their ordeal. Mrs Fakhra stated that she was sitting with her daughter on the first floor of her house when she saw a beam of light and rioters banging on the door of their house. She says that the rioters then broke into the house through one of the windows. They flashed lights on their faces and began asking about the whereabouts of the male members of the house. The two women reported that they tried pacifying the mob and speaking to them but they were repeatedly asked to shut up as they continued to vandalise their house around them. They stated that they heard some rioters asking others not to break the tiles so that they could steal them and use them later. They went on to narrate the whole ordeal. Their testimonies corroborated those of Mr. Anwar. Local Congress leader Mr. Salman Sayyed alleged that Muslim dominated areas were specifically targeted. This was a ploy by the Government to give a communal colour to the anti-CAA protests. He narrated that on the afternoon of Friday, 20th December 2019, a mob broke into his garage located at Meenakshi Chowk and burnt down two of his cars and two other cars of some other people who had parked them in his garage. Apart from this, the crowd also broke into the stable and vandalised it, also injuring two of his horses. The testimonies demonstrate that the police either did not intervene or intervened only to arrest or attack members of the Muslim community and anti-CAA protesters. This selective policing of assemblies by the police in violation of Article 14 of the Constitution of India shows that the law enforcement agencies in Uttar Pradesh openly practice discrimination.

### Protests in Shibli College, Azamgarh

The protest in Shibli College started before the Citizenship Bill was passed in the parliament. When Asaduddin Owaisi tore a copy of the Citizenship Bill in the Parliament on 9 December 2019, sporadic mass protests happened (where). When the CAA was assented by the President on 12 December 2019, a massive rally was organised at Awaas Vikas Chauraha in the city and a march was taken out against the contentious CAA by locals, students, politicians and activists of the area. As per locals residing in the area, nearly 15000 people took part in the protest. The protesting column marched from the Chauraha towards Shibli College and then entered the main city - Takiya. The police had set up barricades to prevent the protestors from marching forward. After a long stand-off between protesters and the police, the protestors railed against the police and jumped barricades. However they were met with stiff resistance from the police. Eventually, the protesting mass breached the thick police barricading and marched on. The Superintendent of Police (SP) of the area asked the organisers to bring a delegation with their demands.<sup>31</sup>

### Niswa Inter College

Subsequently, at Niswa Inter College female students held a Sarwadili Baithak (General Meeting). A committee was then formed which included representatives of various political parties. The committee members approached the District Magistrate (DM) for permission to protest. The District Magistrate (DM) gave permission to the committee members to stage demonstrations on 21 December 2019 against the CAA. However, Before the protest on 21 December, a First Information Report (FIR) had already been registered against protestors who took out a march in Takiya on 12th December 2019. The FIR was filed on the complaint of the Station House Officer (SHO) of the area. At Sheher Kotwal Chowki Police Station in Paharpur, two people were arrested in connection with the anti-CAA protests. Internet services were also suspended in Azamgarh district on 18 December 2019.

“When protests started in Bilariyaganj area of Azamgarh on 4 February 2020, I was not in town. The Superintendent of Police and District Magistrate had called me to the protest site to get the protest called off. I went to the protest site before Maghrib prayers. The women protesting there said they were protesting non-violently and were not blocking any roads. I conveyed this to the District Magistrate. He told me to try again to pursue the protestors to call off the protest,” said Maulana Tahir Madni who is an Islamic scholar and the Director of Jamia-tul-falah. He is a well respected and known figure in Azamgarh. Further, Maulana Tahir Madni narrated that by then, Nafees Ahmad who is the Member of Legislative Assembly of Uttar Pradesh from Gopalpur constituency of UP, had also

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[https://www.google.com/amp/s/m.timesofindia.com/city/varanasi/students-protest-outside-shibli-college/amp\\_articleshow/72778388.cms](https://www.google.com/amp/s/m.timesofindia.com/city/varanasi/students-protest-outside-shibli-college/amp_articleshow/72778388.cms) add something about the protest at Shibli College

come to the protest site. Maulana Tahir Madni and Nafees Ahmed, both were pressured to get the women to end the protest. But the women were adamant and refused to get up and reiterated that they were exercising their right to protest which the constitution of India had granted them. After Isha prayers, Madni was again pressured to get the women to end the protest. This attempt to get the protest called off was also not successful. At around 1 AM in the night, Madni was informed that he was under detention. Two others, Shamim Ahmed Shamim (aged 50 years) and Tabrez were also taken along with him.

“At about 2:30 AM in the night, the police cordoned off the protest site and laathi-charged the peacefully protesting women protestors and also used tear gas and water cannons to disperse the crowd. The protest site was vandalised and about 16-17 people were picked up arbitrarily from the nearby areas and arrested.” Madni recollected. Till Fajr azan they were detained in the block chowki and then taken to the Azamgarh Thana where they were kept in a room. The police did not give them anything to eat the whole day and in the evening took them to the district hospital for a medical checkup. They were produced in front of the magistrate after maghrib prayers and finally were sent to Judicial Custody, he added. Maulana Tahir Madni said that he continued to do his Dawah work in jail too. He led Friday prayers in the jail and Taraweeh too. “Police ka rawaiyya toh Sarkar ke rawaiyye pe munassir hota hai. Jaisi Sarkar hoti hai police ussi tarah ka kaam karti hai. Na jaane kitne begunah hai unhe jhoothhe cases me fasana wagera. Police ka rawaiyya bahut kharab hai,” said Madni. “Jisko jaan aur dil Azeez, uski gali me jayen kiun. Ek baar jail jaane se ye hota hai ki jail ka khauf khatam hojata hai,” added Madni. To him, going to jail was not shocking. Maulana Tahir Madni was supposed to get a bypass surgery and was offered to be kept in the jail hospital but he refused and chose to stay with other prisoners. He is a well known face and his arrest drew the attention of media and citizenry towards the arbitrary and unlawful arrests made in Azamgarh. He spent 4 months in jail and continues to fight a protracted legal battle. It is notable that after brutally dispersing the women protestors and vandalising the protest site the administration pumped water in the park that turned it slushy and muddy, to make sure that protestors do not gather there again.

Shamim Ahmed Shamim (aged 50 years) is a poet and runs a restaurant. He was at the protest site in the Jauhar park in Bilariyaganj on 4th February 2020. At midnight he noticed that some policemen were following him. He was arrested along with Maulana Tahir Madni on the intervening night of 4th and 5th February 2020. “In the presence of the District Magistrate and Superintendent of Police, our mobile phones were snatched. The SP said that we would be charged with such stringent charges that it will spoil our lives. But this did not dampen my spirits and I will not be silenced,” said Shamim. He also said that he has no political backing, no organisational support system that is why he was isolated, scapegoated and targeted. He is of the opinion that political parties have only used Muslims

for their own gain and never did anything to uplift the community. Shamim spent more than 5 months in jail before being bailed out.

Shamim said that in the jail he met others who were also arrested in connection to the protests. Arkam (23), Yusuf Ahmed (21), Ziya Ur Rehman (24), Ajmaeen (20), Arif Bakht (34) and 12 others spent time in prison together- an average of 4 months. One of them is a teacher and the rest are all students from various colleges. He said that almost 20 people were arrested from Azamgarh and all of them were Muslims. Two years on, one of the arrested, still languishes in jail. His bail has been rejected by the Allahabad High Court. Non-bailable warrants (NBWs) have been issued against one more accused who was arraigned in the case at a later stage. He claims that he was in Dubai at the time of the protest. One of them, Mirza Shah Alam has not been arrested. He got anticipatory bail from the Allahabad High Court. Shamim further said that the families of the arrested people were harassed by the police. Houses were raided time and again even though the matters were sub judice. Furthermore, a reward of twenty five thousand rupees was announced for information on each of the accused/arrested.

Faizan Ali (24) from Mau is a law student who also runs his family clothing business. On 16 December 2019, Faizan along with others was protesting against the brutal state repression of students of Jamia Millia Islamia and Aligarh Muslim University on the night of 15 December 2019. He narrated that after the protesters called off the protest and while protesters were about to disperse, the police attacked the protesters and violence erupted. That day itself an FIR was registered against him and others. Subsequently 4 more FIR's were registered against them. In February 2020, he got anticipatory bail from Mau district court itself in all 5 cases. However, the police then booked him under the UP Gangsters and Anti-Social Activities (Prevention) Act, 1986 on 20 June, 2020. Soon after this, the police started intimidating Faizan. They barged into his home several times and threatened him with arrest. Finally, he surrendered in the local thana on 23 June 2020. He said a total of 20 people had been booked under the Act. 3 of them did not surrender and decided to challenge the order in the Allahabad High Court and successfully got a stay order. 2 months later, on 3rd September 2020, six people including him were booked under National Security Act (NSA). He claimed that one person out of them, Wahab, had become mentally unstable and was admitted in the azamgarh mental asylum at the time he was booked under the draconian and unlawful NSA.<sup>32</sup> Faizan pointed out the disregard of the 'due procedure of law' in the handling of their case. He said that the police

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<sup>32</sup> "Wahab Ghani was in jail and not getting bail at all. However the stress of the arrest and everything has made him mentally disturbed inside. He began to say random things and lose his mind. The jailer recommended to the district magistrate that he be moved to a mental health facility in Varanasi. Ten days into being moved he was booked under the NSA,"

<https://www.thequint.com/news/india/uttar-pradesh-mau-caa-protest-december-2019-violence-nsa#read-more>

misbehaved with them and manhandled them when they went to the police station to surrender. The arrest memo they were made to sign did not mention that they had surrendered, it falsely mentions that they were caught and arrested by the police. In all, Faizan Ali and others spent 14 months in jail before they got bail. They stare at a long legal battle. Faizan however feels that local people have supported them in this struggle in whichever way they could. They are hailed as ‘heroes’ in the town and respected. When asked where he got the courage to continue to struggle, he said- “Hume himmat Mau sheher ke naujawaanon ne di,”.

Mohammad Anas (aged 25 years) runs his family’s sari shop in Mau. He was part of the protest till 4 PM on 16th December 2019. The next day at around noon, he went to the masjid to pray. “I saw the police doing flag march in the area. They told me to go inside - in the gali (lane) as section 144 has been imposed. I told them that it meant that imposition of section 144 meant that 4 or more people could not congregate and I am alone. Listening to this the policemen got aggressive and started abusing me. They said to me ‘ab tu hume kanoon sikhayega’. I was shoved in the jeep and taken to the police station Dakshintola police station. Three police officers who were in the jeep started beating me profusely,” told Anas. He was then arrested. “When I was produced before the magistrate, he asked me if I was involved in the protest. I said that I was there at the protest but was not involved in any violence. The magistrate then asked me if I was against CAA & NRC. I told him honestly- ‘dharm ke naam pe nagrikta de rahe ho. Ye galat hai,’” Anas added. Anas narrated that 21-22 people were sent to judicial custody along with Mohammad Anas in the case. They were further arraigned in 3-4 more cases. Almost 50 days later, he got bail in all the cases. The day he was supposed to be released, he was booked under 2 more cases and spent an additional 3 months in jail while all others were released. When he was released, Covid lockdown was in place. A few days later, the police came calling again and demanded Anas to accompany them to the local police station to sign some documents. They asked him to sit on a motorbike on which 2 policemen were already seated. He declined to ride with them on the bike as it was a violation of traffic rules. After continued pressure, he succumbed. They took him to the police station and shoved him inside the lockup and arrested him again. When Anas was in jail, his elder brother passed away due to Covid-19. He was denied interim bail for his brother’s funeral. He is now the sole breadwinner of his family. “Kuch bolta nahi hun, kuch likhta nahi hun. Himmat toh bohot hai, but apne parivaar ko dekh ke toot jata hun. Jail mein bas samay kaatna tha. Kaat liya,” said Anas. He lamented that no organisation or civil society came up in support with Mohammad Anas. His family fought the cases alone. Another accused, Aamir Huda was also in jail with Anas. He too was denied interim bail to attend his father’s funeral. Another co-accused, Shehriyar lost his father while he was in jail. He also could not secure interim bail for his funeral.

Obaida Harris (aged 27 years) is a management graduate working for a courier service in Lucknow. Obaida had come home to Mau to visit his mother who had been unwell. Soon, news of violence at Jamia Millia Islamia and Aligarh Muslim University reached Mau and people held protest in solidarity with the students of Jamia Millia Islamia and Aligarh Muslim University. He also participated in the protest on 16th December 2019. After the protest, he went to offer prayers in the Masjid and when he returned home, he was informed by friends and family that violence had occurred in Mirzadipura area of Mau.

During the protest on the 16 December 2019 in Mau, on police's insistence he had called off the protest and protesters started dispersing. However, some protestors remained behind. He was called again by the police to disperse the remaining protestors. He demanded that some senior police official should come to the protest site as the protestors wanted to present a memorandum of demands to the police and only then people would disperse. The police refused to accept the memorandum and the protest ended. 2-3 days later, he was arraigned in 5 FIRs but was able to get anticipatory bail in all of them. At the time of his arraignment in an FIR registered under Gangster Act, he was in Allahabad and challenged the order in the Allahabad high court. The court stayed the order and gave him interim protection from arrest.

Mohammad Shoaib, aged 74 years, is an advocate in Lucknow. He is a well known Human Rights Defender. On the evening of 18 December 2019, the police came to his house and put him under house arrest. They left his house finally at midnight warning him to not leave his house. They locked the house from the outside. But after a while, the police personnel returned and asked him to accompany him to the police station. "Inside the police station, the Circle Officer (CO) verbally abused me and started praising the ruling regime and their decision to implement CAA and NRC. I told him that I have the right to protest. After this, I was asked to sit in a corner. I was ill and it was cold. I kept sitting there the whole night." said Mohammad Shoaib. In the morning, he was produced before the Magistrate and was sent to Judicial custody. Advocate Mohammad Shoaib shared that he has been to jail many times before in his life but this time it was different. Previously they were kept separately from other accused. He was treated like a political prisoner but this time he was mistreated inside jail. He was treated like a criminal. The other prisoners were kind to him and offered their belongings to him.

The above testimonies highlight how peacefully protesting people were illegally detained and arrested in various FIR's to suppress anti-CAA protests across the State. The right to protest is enshrined in the constitution of India. The Police's actions clearly violated the rights of the citizens. The manner of arrests shows that all due procedure of law was disregarded. On top of that, Draconian acts like NSA and the Uttar Pradesh Gangsters Act were weaponised to keep anti-CAA protesters in prison for a

more extended period of time. Rather than just 'maintaining law and order', the police initiated revengeful actions like arraigning individuals in multiple FIR's to make bail difficult for them and entangle them in protracted legal battles.

<b>Districts</b>	<b>No. of FIRs</b>	<b>Identified Accused</b>	<b>Unidentified Accused</b>	<b>Arrested</b>	<b>Deaths</b>
Allahabad	9	194	888	2	None Reported
Aligarh	22	DNA	6000	54	None Reported
Azamgarh	3	54	1,001	31	None Reported
Bahraich	6	80	2,200	16	None Reported
Bareilly	1	17	40		None Reported
Bijnor	3	42	2,200	200	2
Etawah	1	12	900		None Reported
Firozabad	35	29	2,000	14	4
Ghaziabad	5	259	1,200	9	None Reported
Kanpur	34	74	21,500	40	3
Lucknow	16	200	4663	350	1
Mau	5	285	DNA	42	None Reported
Meerut	13	148	3,000	39	5
Moradabad	3	43	600	DNA	None Reported
Muzaffarnagar	47	62	5,000	79	1
Rampur	1	116	1,000	28	1
Saharanpur	3	17	1,350	DNA	None Reported
Sambhal	12	55	1,300	57	2
Varanasi	5	104	803	69	1
<b>total</b>	<b>224</b>	<b>1791</b>	<b>55645</b>	<b>927</b>	<b>23</b>
<b>Total Estimate</b>	<b>350</b>	<b>5000</b>	<b>1,00,000</b>	<b>3000</b>	<b>23</b>

\*DNA- Data not available

\*\*This table includes only that data which is available to us. It is in no way exhaustive. In fact, it highlights large gaps of unavailable and partially unavailable data.

## Seeking Revenge from Protestors

A simple glance at the psychology behind revenge tells us that it is a reaction to humiliation. There are 2 vital questions this raises, the first being why does the State feel humiliated and the second on the functioning of the State on the basis of emotions. Dissent in a democracy is an indication of a healthy democracy. It initiates dialogue between the citizens and the legislators. When that State starts looking at protest as treason or defamation, it points towards the erosion of democracy. However that is exactly what the state of Uttar Pradesh felt. Instead of engaging in a dialogue and involving the citizens in the legislative process, the State felt humiliated that common people challenged state power. It is the citizens who vest powers with the State. Chief Minister Yogi Adityanath, declared on the floor of the parliament that anti-CAA protests sullied India's image abroad<sup>33</sup>. In effect, the state proclaimed all dissent as humiliation. Secondly, the State is the guardian of the people, the upholder of the rights of its citizens and the enforcer of rule of law. India adopted a criminal justice system based on restorative justice. There is no specific policy of the State with respect to sentencing. That means that the punishment of a crime is focussed towards restoration of law and order and rehabilitation of offenders. The methods that the State of Uttar Pradesh adopted a contrarian approach to this. As per news reports, the Chief Minister of Uttar Pradesh Yogi Adityanath stated that he will take 'badla' (revenge) from those who caused violence.<sup>34</sup> Further, he also spelled out the manner in which this revenge will be carried out; *"There was violence in Lucknow and Sambhal and we will deal with it strictly. All properties of those involved in damaging public assets will be seized and auctioned to compensate for the losses. They have been captured in video and CCTV footage. We will take 'badla' (revenge) on them."* On multiple occasions, he falsely accused the protestors of indulging in violence and carrying out destruction of public property. It is the duty of the State to restore rule of law and bring the offenders to justice, by procedure established by law. But the police and the State meted out instant revenge.

Just 2 days after the crushing of anti-CAA protests, in Gorakhpur photographs of about 50 'rioters' were pasted at various intersections with a 'wanted' message.<sup>35</sup> On 3rd March 2020, the district

<sup>33</sup>

[https://www.business-standard.com/article/politics/adityanath-slams-anti-cao-protests-for-sullyng-india-s-image-abroad-120022600888\\_1.html](https://www.business-standard.com/article/politics/adityanath-slams-anti-cao-protests-for-sullyng-india-s-image-abroad-120022600888_1.html)

<sup>34</sup>

<https://indianexpress.com/article/india/will-seize-sell-property-of-protesters-to-compensate-damage-yogi-aditya-nath-on-cao-protests-6175004/>

<sup>35</sup>

<https://www.indiatoday.in/india/story/cao-protests-up-government-starts-process-seize-property-protesters-involved-violence-1630471-2019-12-22>

administration in Lucknow issued its first notice of recovery to 16 people fixing the collective responsibility of damages worth Rs 69,48,900. The damages caused to public properties was up to Rs. 47,10,900 and to private properties was Rs. 22,38,000. The last date for submitting the recovery amount was 8th April 2020, failing which their properties would be attached along with imprisonment.<sup>36</sup>

Shavez Ahmed, a 19 years old LLB student from Lucknow narrated his ordeal of detention, arrest and subsequently of getting recovery notice in jail. On the day of the clampdown by police on protesters, his brother in law went missing. He and his cousin brother searched frantically for him. In the end they went to Hazratganj thana. A constable standing outside the thana warned us against entering the police station as circumstances were not right. He asked them to come at 11 am the next day. The next day he went to the thana along with two of his cousin brothers. All three of them were immediately detained. The policemen made them sit in a corner for ours but they believe that they will be let off soon. They had not even explored the possibility of being arrested. After a while activist Robin Verma was brought to the police station and beaten profusely. This also corroborates Robin Verma's allegations of custodial torture made after his release from jail.<sup>37</sup> Then Shavez further narrates that it was Robin Verma who told them that "we will all be arrested" and that is the time fear sank over him. He was just 17 years old at that time. The next morning after medical tests they were presented before the duty magistrate inside the jail premises and were remanded to Judicial Custody. Shavez alleged that when his mother and her sister came looking for them, they were abused and sent away. They were misinformed that we were not even there. On January 15 2020, Shavez and his other two cousins got bail from the sessions court however the verification process kept getting indefinitely delayed. He alleged that police caused deliberate delays and impediments in bond verification to elongate their time in jail as much as possible. He claims that they had to bribe at each and every step to initiate the process. 2 years on, trial in their case has not even begun. He says that while some people have been summoned to court he has not received any summons from the court as yet. He strongly believes that the police allegations will not stand in the court of law because the case against him is very flimsy. There is no evidence with the police to back up the allegations against him. His arrest is illegal as he was a juvenile at the time of his arrest but instead of the juvenile centre he was sent to the jail. When he was in jail he also received a recovery notice worth Rs. 4.55 crore. He says almost 50 people received the notices for collective responsibility worth Rs. 4.55 crore. All of them were arrested from Hazratganj thana. This broke him and made him very tense in jail. All those who were arrested also

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<sup>36</sup>

<https://www.lokmatimes.com/national/lucknow-administration-sends-recovery-notice-to-16-anti-caa-protesters/>

<sup>37</sup>

<https://scroll.in/latest/949850/why-do-you-have-muslim-friends-up-police-allegedly-asked-activist-arrested-during-caa-protests>

deliberated among themselves on how they would divide the amount and pay but he says that even if the court orders, they cannot pay. Ironically, Shavez does not even own a house that the police can attach. The matter is pending in courts. He believes that the court will see through police biases and the case will be quashed. We wish we could share his optimism.

On 5th March 2020, authorities in Lucknow put up roadside banners across Lucknow at prominent road crossings with photographs, names and addresses of people asked to pay compensation for damage to public property during anti-CAA protests. It led to large scale panic and outrage among those being named and shamed.<sup>38</sup> This act of revenge was clearly an attempt to publicly humiliate and create fear among anti-CAA protestors and also to make an example out of them, even though no charges were proved against them. It also endangered their lives.<sup>39</sup> The statement of the Lucknow DM while addressing the media was telling. He had said: “The hoardings of people who have been identified by the district administration for indulging in violent activities during the protest have been put up across the city. Around 100 such hoardings will be put up at several places and these will feature the pictures, names and addresses of people. Also, people indulging in violence have been served recovery notices and if they don’t pay for the damages, then their properties will be confiscated.”

On 8th March 2020, Chief Justice of the Allahabad High Court took suo motu cognisance of the matter and observed that the decision of the Lucknow district administration to put up hoardings with names, photos and addresses of 53 anti-CAA protestors was “absolute encroachment on personal liberty” and hoped that good sense will prevail on the State to remove the banners.<sup>40</sup> On 9th of March Allahabad High Court directed the Lucknow administration to remove posters of those accused of vandalism. The bench also directed the District Magistrate and the Lucknow Police commissioner to submit a report in this regard by 16th March 2020.<sup>41</sup> On 20th March 2020, the Lucknow bench of Allahabad High Court had asked the Lucknow administration to stop all coercive actions such as attachment of properties and arresting protestors to recover the damages.

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<sup>38</sup> <https://www.siasat.com/57-anti-cao-protestors-find-their-details-100-hoardings-1849001/>

<sup>39</sup>

<https://theprint.in/india/lucknow-names-shames-anti-cao-protesters-on-hoardings-for-damaging-public-property/377088/>

<sup>40</sup>

<https://www.news18.com/news/india/encroachment-on-personal-liberty-allahabad-hc-to-hear-issue-of-anti-cao-protesters-on-banners-to-3pm-2530067.html>

<sup>41</sup>

[https://www.business-standard.com/article/current-affairs/highly-unjust-allahabad-hc-orders-removing-anti-cao-protesters-posters-120030900750\\_1.html](https://www.business-standard.com/article/current-affairs/highly-unjust-allahabad-hc-orders-removing-anti-cao-protesters-posters-120030900750_1.html)

The recovery notices were arbitrarily and revengefully. This can be best gauged from the fact that Activist Rajiv Yadav from the Rihai Manch said that retired IPS officer S R Darapuri and human rights activist Shoaib Khan were under house arrest on December 19 and 20 and yet, the police have issued them notices for recovery of damages to public property.<sup>42</sup>

The government was so inflamed by revenge that after the Citizenship Amendment Act protests it promulgated and notified the 'Uttar Pradesh Recovery of Damage to Public and Private Property Ordinance 2020' on 15th March 2020.<sup>43</sup> This Ordinance mandates that a person participating in a protest, political rally, strike, or shutdown has to give compensation in case of damage to public or private property caused by him or her. It also covers the incidents of riots. It further provided for the setting up of a claim tribunal which shall have rights to attach the property of the accused. The two tribunals covered the entire state. The Lucknow tribunal covers the eastern region while the one in Meerut covers the western region. The tribunal is headed by a retired district-level judge and a search committee headed by the chief secretary was set to identify people who will be part of the tribunals, The Lucknow tribunal handles the cases from Jhansi, Kanpur, Chitrakoot, Lucknow, Ayodhya, Devi Patan, Prayagraj, Azamgarh, Varanasi, Gorakhpur, Basti and Vindhyanchal divisions. Claims from Saharanpur, Meerut, Aligarh, Moradabad, Bareilly and Agra divisions are taken up by the Meerut tribunal.<sup>44</sup>

The Lucknow administration decided to put moveable properties of three accused in the anti-CAA protests up for auction. The properties were sealed. The auction was set to take place on 16th July 2020. On 8th November 2021 the Supreme Court said earlier notices sent to the alleged protestors by district administrations of Uttar Pradesh for recovery of losses caused due to damage to public properties during the anti-CAA agitations in the state have been virtually revoked as the government has enacted a new law on 15th March 2020.<sup>45</sup> The fate of the investigation conducted by the 2 tribunals set up by the State.

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<sup>42</sup>

<https://old.indiatomorrow.net/eng/lucknow-seizure-of-properties-of-anti-caa-activists-violates-supreme-courts-guidelines-on-damages-to-public-property>

<sup>43</sup> It was subsequently passed by the UP Legislative Assembly on 22 August 2020 as the 'Uttar Pradesh Recovery of Damage to Public and Private Property Act, 2020'. See <http://businessworld.in/article/UP-Assembly-passes-Recovery-of-Damages-to-Public-Private-Properties-Bill-2020-among-others/22-08-2020-311771>

<sup>44</sup>

[https://www.business-standard.com/article/news-ani/up-guv-promulgates-ordinance-to-recover-damage-to-public-pvt-property-during-riots-120031600362\\_1.html](https://www.business-standard.com/article/news-ani/up-guv-promulgates-ordinance-to-recover-damage-to-public-pvt-property-during-riots-120031600362_1.html)

<sup>45</sup>

<https://www.ndtv.com/india-news/notices-to-anti-caa-protesters-on-damage-recovery-virtually-revoked-supreme-court-2603589>

The Ordinance (now Act) has been challenged in the Allahabad High Court on the grounds that it violates several principles of natural justice and violates guidelines passed by the Supreme Court on the functioning of tribunals. For instance, Section 7 specifies that while it will be headed by a retired District Judge, its members will be officers of the rank of Additional Commissioner. This violates the principle laid down by the Supreme Court that where tribunals are given jurisdiction over judicial matters, its members must only be from the judiciary.<sup>46</sup> It also violates the principle of separation of powers, since the State will be a litigating party before a tribunal where adjudication will also be carried out by members of the executive. The Act empowers the tribunal to proceed *ex parte* against an accused who fails to appear before them, without having to verify whether the notice was actually served to them. Most disturbingly, Section 19(2) requires the State to publish the name, address and photograph of every person against whom the tribunal passes an order, which is not only a clear violation of their Right to Privacy, marking them out for humiliation and social boycott, but also puts their lives in danger by setting them up as targets for hate groups and other anti-social elements. The basic premise of this law, which assumes that those who called for the protest must be responsible for any and all damages, is itself in violation of the principles of natural justice. The entire law seems designed to single out and target anti-CAA protesters for the very act of protesting, and not for committing any actual crime.

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<sup>46</sup> See *R Gandhi vs Union of India* (2010) 11 SCC 1.

## Denial and Erasure

The tactics of denial and erasure were used by the state administration to dehumanize, and criminalise its Muslim citizens which led to delegitimization of anti-CAA movement in the state. Furthermore, the state was determined to legitimise excessive force used by the police. It enacted a systematic strategy to escape accountability by the State. The Fact finding team of Karwaan-e-Mohabbat had visited the Aligarh Muslim University campus in Aligarh on 17th december 2019 just 2 days after the incident, the team claimed that all evidence of damage to property of students by the police had been removed by the time they visited the campus. The team has also confirmed the use of tear gas shells, sound bombs, rubber bullets, stun grenades and lathis on students.<sup>47</sup>

On 16th February 2020, while addressing the State assembly the Chief Minister of the State of Uttar Pradesh said: *“Upadravi, upadravi ki goli se marey hain (the trouble-makers died from bullet of another trouble-maker),”* He further went on to not just deny police but appreciated it: *“Police should be appreciated. If someone is coming to die, how can he be alive. If someone comes out to kill an innocent person and he is challenged by police, then either he or the policemen has to die. No one died of police bullet. A big conspiracy was revealed behind anti-CAA protests,”*<sup>48</sup> This contradicted the statement of Bijnor Superintendent of Police Sanjeev Tyagi that protester—Mohammad Suleiman—had died after he was shot by constable Mohit Kumar in “self-defence”.<sup>49</sup>

Denial and erasure is most starkly visible in the State’s treatment of and response meted out in the case of extra-judicial killings. One death was reported by the media and subsequently by the police in Muzaffarnagar. We were able to record the testimony of Mr Umar Daraz who is the elder brother of Martyr Nur Mohammad who died by bullet injury. Mr Nur Mohammad worked as a manual labourer and he was 26 years old. He was survived by his wife and his one and a half-year-old daughter. At the time of his death his wife was 6 months pregnant with their second child. Mr. Umar Daraz narrated that on the day of the protest, both Mr Noor Mohammad and Mr Umar Daraz had participated in the peaceful protests against the CAA. As per the testimony of Mr Daraz, it was around this time that Noor got shot in his head.

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<sup>47</sup> <https://thewire.in/government/amu-cao-protests-up-police>

<sup>48</sup> <https://indianexpress.com/article/india/yogi-adityanath-anti-cao-protest-deaths-up-police-6276134/>

<sup>49</sup> <https://indianexpress.com/article/india/cao-protests-up-bijnor-protester-killed-police-firing-6181930/>

Following this incident, the Kotwali Police Station took responsibility and sent Noor to Meerut along with Umar Daraz in a government vehicle. However, Noor died on the way near the toll tax booth. Following his death the Muzaffarnagar administration pressured the family to not bury him at Muzaffarnagar as they feared that it would escalate 'tensions' in the city. Initially, Umar was asked to bury him at Sardana, but the local administration in Sardana refused to give permission for the same. He was eventually buried at Dorala. Umar says that this spot was strategically chosen since it had a negligible Muslim population and the chances of the people congregating over there were less. Noor Mohammad is not just a martyr, he is a martyr who was not even given a proper burial lest his lifeless body bear witness to the cruelty and excesses of the police to crush the anti-CAA protests and evoke passionate intensification of the protests. Shutting down the internet is also a part of this nefarious plot. His family was denied a dignified farewell. These were attempts to not just deny his martyrdom but also hide it from the public eye and eventually erase it from public memory. These state attempts of denial and erasure, of criminalising those who lost their lives is seen all across Uttar Pradesh. All 23 martyrs were buried hastily. They were denied dignity even in death. This is a glaring incrimination of the cover ups that UP police attempted.

The dead body of Noor was released to his family members after taking the thumb impression of Umar. They have not been provided with a copy of the postmortem report. The family of Noor have not filed a police complaint yet since they are too scared and have nobody to support them. They allege that Noor was killed by the supporters of Sanjeev Baliyan. The plot of this story seems very similar to the one constructed by the State in the Delhi pogrom of February 2020.

## **Coping with loss & erasure**

“Erasure” refers to the practice of collective indifference that renders certain sections of people and groups invisible. The word migrated out of academia, where it alluded to the tendency of ideologies to dismiss inconvenient facts, and is increasingly used to describe how ‘inconvenient’ people are dismissed, their histories, pain and achievements are invisibilized in the society. The term Erasure goes beyond simplistic discussions and pushes us to ask: Whose stories are taught and told? Whose suffering is given recognition? Whose dead are allowed to be mourned?

In India, the casualties of “erasure” constitute familiar castes: women, minorities- especially Muslims, Dalits, Adivasis and other vulnerable sections. Not many individuals understand the insult of being looked at and dismissed—erased on account of their colour, gender, orientation, age, ethnicity, caste, class, religion, profession, or disability. They wouldn't know what it means to be continuously feared or derided and then avoided. These denials do damage, excluding people from the everyday courtesies of being recognized and affirmed. The attempt to not ‘recognise’ or not ‘acknowledge’ the loss of life, livelihood, dignity and legal burden of the Muslims of Uttar Pradesh is an attempt to invisibilize their struggles- to erase their very being. Erasure in itself is a form of violence. It is symbolic of the fact that not only will we kill you, we will also deny killing you and we will also erase your death. It is a denial of ‘remembrance’. Memory Keeping is the only struggle against oppression. It is the fight between ‘remembering’ and ‘forgetting’ that is central to any resistance.

The Muslims of Uttar Pradesh continue their resistance against ‘forgetting’. They alone have been burdened with this task. The state has attempted to create hallucinations in their mind, by changing the narrative of what actually happened, several times. They are completely alienated and isolated. The process of coping with this loss is multi-layered. However, it begins with an ‘acknowledgement’ of injustice accorded to those who are aggrieved. For the families of the martyrs, there has been an absolute denial of the injustices meted out to them. In fact, there has been a concerted effort to shift the blame on the Muslims and to criminalise and dehumanise them which further intensifies their trauma. The process of coping with loss never begins. They continue to lose. Is it even possible to cope with erasure?

We spoke to the family of Martyr Mohsin who was aged 28 years at the time of his death. He hails from Meerut district of Uttar Pradesh. His younger brother Waseem described to us the circumstances of his death and the subsequent trauma that the family underwent. They continue to struggle. They

somehow make ends meet. However it is impossible to get closure for them. There can be no closure without justice. Mohsin was a scrap dealer. He also helped his mother take care of 2 buffalos. He earned approximately 6-7k per month. Mohsin was survived by his wife and two children. A 4 year old & a 6 months old at the time of his death. After his death his wife went back to her maternal home, along with one of her sons. The other son stay with his grandmother now. Mohsin's family said that it is difficult for them to educate the children now because they can barely make ends meet. Waseem works and looks after his own and his brother's family as well. Waseem says that Mohsin was shot in the chest. The family tried to register FIR in Brahmipuri thana but the police refused to act on their complaint. The family alleged that their application was torn in front of them. Waseem lamented that no investigation has taken place into his brother's death till date. Although Mohsin's death has received media coverage but justice eludes them. On the fateful day of his death Mohsin had gone to get extra fodder for the buffaloes just in case the markets shut down. *"Wapis aate hue tubewell chowrahe pe seene me goli lagi."*, says Waseem. Mohsin's mother remains sad and usually remains ill. 2 years have passed but they have got no justice. Even after bearing so much pain the family has been making all possible efforts to bring those responsible for his death to book. They strongly feel that the impunity with which the police killed him must be challenged. Waseem's family alleges that he was shot by the police. At the time of his death people around him had made a video of his lifeless body. In the video, it can be clearly seen that there is no exit wound on his back. The bullet was stuck in the body but the post mortem report says that it passed through the body and came out from the other side and that is why the report remains inconclusive about whether he was shot by police bullet or by 'rioters' as claimed by the police. Mohsin's family alleged that the police clearly told them that- "We know he was killed by a police bullet but we won't file your FIR. Do what you want to do."

Martyr Zaheer was aged 45 years at the time of his death. We spoke to his brother Shahid. He that Zaheer used to work as a daily wage labourer. He used to mostly feed cows and buffaloes and used to earn about Rs. 300 for a day's work. He was the sole breadwinner of the family. The family said that they have faced hardships throughout their life- "Committee daal ke ghar banaya hai". He died just before his daughter's wedding. He was shot on the head. That day he was preparing to attend his brother in law's daughter's wedding. He got a good haircut and colored his hair as well. He was right outside his house when the police officials shot him. The family claims that he was shot deliberately. "Andar ghuske, nishaana lga ke goli maari", they say. Shahid was in Delhi when Zaheer was shot. When they went to file the FIR with the dead body of his brother the police refused to file the FIR and accused them of killing their brother themselves and bringing the dead body to file false complaints. The family themselves took the body for post mortem. The police claimed that rioters shot each other but the family claims that these were one sided killings. He questions- "kya sab ne apne aadmoyon ko khud hi maar diya? Hame Insaaf chahiye. Aur kya chahiye hame. Na koi hamdardi, na koi sahara

hai.” Shahid and his wife shahjahan also claimed that media reported only 5 deaths from Meerut however there was a 6th person who was also shot. He was shot on the neck and was taken to delhi. They claim that he died and the family never came back. “Pta nahi kitne aaye kitne chale gaye tumhare jaise. Hamne kisi tarah kar di beti shadi. Bade log hain apne ghar ke liye hain. Koi ni aata. Koi ni puchta.”, lamented Shahjahan.

Martyr Aleem Ansari was 24 years old at the time of his death in Kanpur. We spoke to his brother, Mubarak. Aleem was a cook. He made rotis in Tehsil. While returning from work, from Hapur road, he was buying things for the household. It is at that time that Policemen fired at him, claim his family. The bullet his his head. After his death, his wife went back to her parents' house. They did not have any children. The family said, “Poora Hindustan bol rha hai, Poora desh bol rha hai ki police ne maara hai. Hum case lad rahe hain.” However, the FIR has still not been registered. They feel, ‘jab Sarkar badlegi tab Insaaf milega’ in the hope that future governments will be kinder to Muslims. Mubarak says that Aleem’s father was in trauma since his son’s death. He was treated for a while but eventually passed away lamenting the death of his son. Aleem is survived by his wife, mother and 3 brothers. The youngest brother now goes to work at the same place where Aleem used to work. Mubarak says that he was the breadwinner of the family. He was a good soul and everybody praised him. He was full of love and they miss him dearly. Aleem’s family feels that they have been treated very unjustly by the government. When his brother was shot they went to the police station asking for his body. But policemen pushed them away, lathis in hand. “Hospital gaye, bola police station jao, police se bi bhaga diya.”, says Mubarak. He said that Aleem was shot on Friday evening (19th December 2019) however the body was handed over to them on Saturday evening after a lot of trouble. The police did not allow them to bring the body to their home and were made to bury Aleem hurriedly. The family laments that their troubles don’t end. Aleem’s monthly income was 12k and he took care of all the household expenses mostly. Things have gone downhill for them ever since his brother passed away.

Martyr Asif was aged 20 years at the time of his death in Kanpur. This account is narrated by his paternal uncle, Furkan. He was an e-rickshaw driver and wasn’t educated. He had two brothers and two sisters. He used to run the house through his income. As of now the younger brother has left studies and is riding the rickshaw to meet the needs of the family. One of his sisters is married now and the other one is unmarried. 200-300 rickshaw se kma leta hai. He was shot on Hapur road near city hospital ke paas. “Saamne se seedhi police ki goli lagi. Chest pe.”, claims his family. Asif was driving his rickshaw as usual that day. His father kept looking for him that day till late but cudn’t find him. Fathers’ friend got photos of those who were shot that day on social media. He had recognized Asif from the photos. He came at 9:30 and they also recognized him. They went to the hospital but the dead body wasn’t shown to them. The authorities said they are not here. Next day in the morning the Local politician went to the hospital and fought to get the body. After several arguments the officers

showed them the body. But didn't give them the body, even them. "Hame toh bas ye pta hai ki hamara bacha rickshaw chalaane gaya tha aur wapis nahi aaye.", says the family. They also describe the atmosphere of terror and fear that the police had created in their area- "10-12 din tak galiyon me pehra lagaya. Poora ilaaka raat bhar jaaga rehta hai." The administration didn't let them bring the body to their house. Nobody saw him. Sister lives in another colony and he is buried there. Didn't let him bring them to their kabristan in Ahmednagar. Following up the case in court. Don't seem to be following the case or what is happening.

Martyr Aftab Alam was aged 24 years at the time of his death. This account is narrated by his family. He was a plasterer and he was in his final year of B.A. He had gone to read fatiha on his father's grave, as it was a Friday. When he came out of the graveyard he was chased by the police, so he hid somewhere. He was taken out of hiding by the policemen and shot on the chest. He was alive when he was brought to the hospital. His mother spoke to him in the hospital before he breathed his last right in front of her, while she kept shouting for medical attention and was thrown out of the hospital. He has three brothers and three sisters. He was taking care of the entire household. The administration refused to give his dead body to the family and insisted that they bury him somewhere nearby. Initially they said that he hasn't died and is alive but she knew that he had died at 2:30 am in the night. Local people reached the hospital and demanded that the body be released immediately and refused to disperse. Police agreed to handover the body but again insisted that he be buried somewhere nearby. But people refused to accept that and declared that the janaza will be taken out from home. Finally after much argumentation, the police accompanied them to their home and made them give a hurried bath and burial to Aftab's dead body. The mother broke while narrating. The police have not registered any case. We kept running around but to no avail. Being aged, she doesn't keep well and it is difficult to run around now. She worries about running the household. No local politician ever came to visit them. As per an eyewitness account when news of injured protestors being taken to the hospital spread, they had also reached the hospital. They saw that the patients had not even been touched. Although they were brought in with severe injuries and were very serious, the treatment had not even begun. It was only when locals pressurised the hospital staff that treatment started. The house is currently running through donations. They cannot afford to send their kids to private school now. They do not see how the situation will improve.

Martyr Md Saif was aged 26 years at the time of his death. He was a daily wage labourer and mostly worked at a leather Belt factory. He earned about Rs 170 per day. He was returning back after giving his elder brother lunch at his workplace and was shot by the police. His family believes that he was shot because the police mistook him for a 'rioter'. At the hospital when he was brought in wounded he clearly stated to the family that he was shot by the police. He told the doctors as well. His family believes that if the doctors had attempted to save him, he could be alive today. He says that there were

3 wounded lying in the hospital, unattended- without treatment and if they had got medical attention their lives could have been saved. His story corroborates the stories of families of others martyred. It was only when the locals reached the hospital and pressured the administration that they were given information of their death. At each step, they faced hurdles and had to fight the system. Getting the dead home, burying him was all an ordeal. They got the news of the death in the morning and by evening they had buried Saif after the post mortem. Saif's father is a painter who works on daily wages and his other son now runs the house. He had two sons and one daughter. His wife remains unwell most of the time. He had gone to the local police station to file an FIR but was sent away rudely. The second attempt also did not bear fruit. Initially many people came to talk to us and offered help but after a while nobody visited them. During Covid-19 lockdown, their problems magnified. He could not find work. Now they are just able to feed themselves and run the household. They don't save anything. He is worried about the future of his daughter who is yet to be married. They feel that the first step towards justice will be filing of an FIR and bringing the perpetrators to the book.

Martyr Raaes was 30 years old at the time of his death. We spoke to his father, Md Shareef. Raaes used to sell papad locally. On the day of the incident he was at home as it was a Friday and he wanted to go for Friday prayers. While returning back, he met an acquaintance who offered him a day's labour at a wedding for Rs. 350 for the day. When he returned home from the prayer, he informed his father that he is going to work at the wedding. His father asked him that he had planned to take leave today so why did he decide to change his mind. To this, Raaes replied that it was good money- "Ghar ka kharcha ho jayega". The house in which the wedding was taking place was near the Eidgah. He reached the house and started working there. While he was washing utensils, a stampede happened. And he also started running away but was shot in the chest. The family claims that he was shot by a police official named Tomar. Their son had told them this while he lay in the hospital bed, wounded. The family said that they have given the same statement in the CO office also. They had gone to file the FIR but were not even allowed to enter the police station. They claim that their son was alive for at least 24 hours after he was shot at. He died due to lack of medical attention. They had even arranged blood for the operation but the hospital staff deliberately delayed the process and did not operate on him. The hospital authorities didn't inform the family when their son passed away. Even after this ordeal, the family was pressurised by the police officials to bury the body hurriedly. The family says that around 30-40 people attended the funeral. Raaes's father remains unwell because of which he is not able to earn for the household. His wife works as a household help and runs the house. His other sons continue to face a financial constraint because of the successive lockdowns. They are both married and stay separately. "Bas allah chala raha hai hamara ghar. Jitne log aate hain aise hi record karke chale jaate hain." Nobody provides any meaningful help to them. In the beginning people came to help but now 2 years have passed and hardly anybody remembers their loss.

Even though all evidence of the protestors being shot by police are present and there are hundreds of eyewitnesses for every extra judicial killing by the police, even registering an FIR has become impossible. The police narrative is that protestors died in cross fire amongst themselves. That essentially means that protestors killed each other. There is not even an iota of evidence to support this narrative. It berates all logic. The killing of 23 youth in UP is not just extrajudicial, it is state sponsored. Vital parts of the body like the brain or heart were targeted specifically to cause maximum damage. Most of them were shot from the front which clearly implies that they were not running. The testimonies also point out the deliberate negligence on part of the hospital authorities. Many lives could have been saved if the hospital staff had just done their job. Clear patterns can be noticed from the accounts of the families of the martyrs. For example, both Asif and Aleem Ansari are from Ahmednagar and both were shot outside city hospital on Hapur road. Both had gone out for work and never returned. All the families claim that police refused to give them the dead bodies. Post mortem reports were conducted without following due procedure. The conditions of the bodies do not corroborate the post mortem reports. The families were denied proper burials. The families of the 3 martyrs from Kanpur have filed a petition in the Allahabad high court for a judicial inquiry into the incident and challenged the police's narrative. They continue to fight a slow legal battle. Till date, not even an FIR has been registered.

The 23 people killed in Uttar Pradesh are no less than martyrs, and they must be remembered as Martyrs who laid down their lives in this struggle for dignity and for safeguarding the secular ethos of the country. All this inside a state that refused to accept them as their own, denied them dignity even in death, fell short of a 2 yards plot for their burial and besmirched their memory through the mud even before the earth had set on their graves.

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