

November 2020

THE DISMANTLING OF *Minority* EDUCATION

Police violence in
Aligarh Muslim University
& Jamia Millia Islamia

Photo : Police Firing Tear -Gas Shell inside the Campus

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Citizens Against Hate



This report is based on six months of field work by the CAH team made up of human rights experts, lawyers and researchers. A total of 209 testimonies were collected by members of the fact-finding team. Lawyers and researchers from HRLN helped in collection of testimonies and drafting of this report. The fact finding members visited AMU and JMI campuses, the hospitals where injured students were admitted and police stations where they were detained. At least 8 separate visits were conducted between 14th December and late February, while several injured students were spoken to over the phone.

The fact-finding team is thankful to the students of Jamia Millia Islamia and Aligarh Muslim University for sharing their experiences and critical insights.

The report makes a reference to the incident of release of toxic gas reported by [Vice](#). Another reference has been made with respect to statements of resident doctors who spoke about the injuries sustained by students, reported by [India Today](#). With respect to the incident dated 15th December, 2020, media reports on CCTV footage from the Jamia library have been cited from [The Hindu](#), [Hindustan Times](#) and [The Quint](#).

Regarding the number of students who obtained treatment at the hospital, we have referred to reports by [India Today](#) and [The Wire](#). Another report by [The Caravan](#) on the discrimination by hospital staff at AIIMS has also been referred. Regarding the detention of students on 15th December, 2020, news reports from [NDTV](#) and [Scroll.in](#) have been cited. Regarding the damages to public property caused by the police, reports from [The Indian Express](#) and [National Herald](#) have been cited. The protests that took place at the Delhi Police ITO headquarters have been cited from a report by [Livemint](#).

The section which addresses the ongoing prosecution of students has been written by obtaining Copies of FIRs from lawyers.

The photographs used in the report have been used after prior permission from their owners. Screenshots of video footage available on social media have also been used.¹

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¹ As there was internet shut down in Aligarh, the photographs from AMU are less in number as compared to JMI.

Citizens Against Hate (CAH) is a Delhi-based collective of individuals and groups committed to a democratic, secular and caring India. It is an open collective, with members drawn from a wide range of backgrounds who are concerned about the growing hold of exclusionary tendencies in society, and the weakening of rule of law and justice institutions. CAH was formed in 2017, in response to the rising trend of hate mobilisation and crimes— specifically the surge in cases of lynching and vigilante violence—to document violations, provide victim support and engage with institutions for improved justice and policy reforms. Since 2018, CAH has also been working with those affected by the National Register of Citizens (NRC) process in Assam, documenting exclusions, building local networks and providing practical help to victims in making claims to rights. Throughout, we have also worked on other forms of violations—hate speech, sexual violence and state violence, among others in Bihar, Haryana, Kashmir, Rajasthan and Uttar Pradesh. Our approach is to address the challenge of getting justice faced by particularly vulnerable communities, through research, outreach and advocacy; and to provide practical help to survivors in their struggles, also supporting them in their efforts to become agents of change.

<http://citizensagainsthate.org/>

ABBREVIATIONS

AIR	All India Reporter
AAJMI	Alumni Association of Jamia Millia Islamia
AIIMS	All India Institute Of Medical Sciences
AMU	Aligarh Muslim University
BA	Bachelor of Arts
BJP	Bharatiya Janata Party
BPRD	Bureau of Police Research and Development
CAA	Citizenship (Amendment) Act
CAB	Citizenship (Amendment) Bill
CAH	Citizens Against Hate
CCTV	Closed Circuit Television
CIDT	Cruel, Inhuman and Degrading Treatment
CIL	Customary International Law
CrPC	Code of Criminal Procedure
DMC	Delhi Minorities Commission
ECtHR	European Court of Human Rights
EJK	Extra-judicial Killing
FIR	First Information Report
HC	High Court
HRLN	Human Rights Law Network
IPC	Indian Penal Code
IACHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICU	Intensive Care Unit
IT	Information Technology
ITO	Income Tax Office
J&K	Jammu and Kashmir

JCC	Jamia Coordination Committee
JMI	Jamia Millia Islamia
KLT	Kerala Law Times
LCI	Law Commission of India
MA	Master of Arts
MPhil	Master of Philosophy
MHA	Ministry of Home Affairs
MLC	Medico-legal Case
NAAC	National Assessment and Accreditation Council
NCMEI	National Commission for Minority Educational Institutions
NHRC	National Human Rights Commission
NPR	National Population Register
NRC	National Register of Citizens
P S	Police Station
PCA	Police Complaints Authority
PTSD	Post Traumatic Stress Disorder
RAF	Rapid Action Force
SC	Supreme Court
SCC	Supreme Court Cases
SCR	Supreme Court Reports
SHO	Station House Officer
SI	Sub-Inspector
UT	Union Territory
UN CAT	United Nations Convention against Torture
UP	Uttar Pradesh
USCIRF	United States Commission on Religious Freedom
WHO	World Health Organization

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EXECUTIVE SUMMARY

Executive Summary

1. This is a report on police violence against students of Jamia Millia Islamia and Aligarh Muslim University during the Anti-CAA protests which erupted nationwide after the Citizenship Amendment Act (CAA) was signed into law on 12th December 2019.
2. This report is a result of fact finding investigations by Citizens Against Hate (CAH) and is based on 209 testimonies of students from Jamia Millia Islamia and Aligarh Muslim University. The fact finding members visited AMU and JMI campuses, the hospitals where injured students were admitted and police stations where they were detained. At least 8 separate visits were conducted between 14th December and late February along with telephonic conversations with injured students. The report lays out the events as they unfolded, visible patterns of violence, and continuing criminalization of students. It details the psychological impact on students, the oversights in NHRC investigations into JMI and AMU and the legal framework that needs to be brought to bear on the use of force.

Findings

Jamia Millia Islamia

1. Delhi Police and the RAF officials entered the University without permission of the administration.
2. The police and RAF officials made disproportionate use of force against students. Amongst other weaponries, pellets, rubber bullets and even live ammunition was discharged against young, protesting students. Tear gas shells and sound bombs were used indiscriminately, including in confined spaces.
3. Police and RAF officials caused grievous injuries to students. One student was blinded owing to lathi-charge by the police, while several others suffered from fracture and head injuries.
4. On 15 December 2019, women students were dragged and beaten by male police officials. On 10 February 2020, women students were

attacked based on their religious identity and their hijabs were pulled off. Several women students were sexually assaulted. They were beaten over their genitals and suffered vaginal injuries.

5. Tear gas shells were thrown inside the campus mosque. Police forces broke open the gates and entered inside. The Imam of the mosque, the security guard and a few students, who had locked themselves inside post-evening prayers, were also attacked.
6. Tear gas shells were thrown inside the old reading hall and Dr. Zakir Hussain library. Students' devices like laptops and phones were broken. Many students also lost their research work as a result.
7. Police damaged public and private property on campus, including CCTV cameras, destroying documentary evidence of abuse.
8. Police used communal slurs and verbal abuses attacking the Muslim identity of the students. Those visibly bearing such identity markers, particularly Kashmiris, were targeted.
9. The officials paraded the students with their hands up in the air. They were verbally assaulted and referred to as 'terrorists'.
10. There was delay in giving medical assistance to injured students, while in other instances medical access was prevented. Many students did not seek medical treatment due to fear of reprisal.
11. Students who were taken in custody and the lawyers outside had to plead with the police officials before they were finally allowed to meet with a counsel. They were kept overnight without access to basic facilities.
12. The harassment of students including arrests and criminalisation have continued beyond the events of 15 December 2019 and 10 February 2020.

Aligarh Muslim University

1. On 15 December 2019, a peaceful march was held from Library Canteen to Bab-e-Syed at AMU. The police and RAF officials entered the campus and fired tear gas shells, rubber bullets and stun grenades indiscriminately on protesting students, causing severe injuries.
2. Police forces also entered and bombarded guest house nos. 2 and 3 and the mosque with tear gas shells, where students had taken shelter. Many students became unconscious upon inhaling it.

3. Some shells blew up in the hands of students, while they attempted to throw them away in order to protect themselves.
4. At Morrison Court Hostel, Room 46 caught fire after police forces broke open the gates and threw tear gas shells inside, asphyxiating three students. In a semi-conscious state, these students were dragged from the Hostel to Bab-e-Syed and beaten.
5. The police and RAF vandalized students' vehicles and University property.
6. The police assaulted the ambulance drivers to prevent them from taking injured students to the hospital.
7. Around 60 students suffered severe injuries and trauma and had to be rushed to the emergency ward of the JLNM Hospital of AMU. Many students did not seek medical attention due to fear of reprisal.
8. Proper medical treatment was not given to the students. Three students were critically injured including the one who lost his hand, which was amputated.
9. Several students were detained despite their injuries. At least three students were tortured in custody: stripped, beaten, deprived of food, water and access to medical aid - despite heavy bleedings and fractures, and debased over religious criteria.
10. The harassment of students including arrests and criminalisation have continued beyond the events of 15 December 2019. On 10 December 2019, the Aligarh police registered FIRs against 21 AMU students along with 500 unnamed persons, following a protest. On the night of 15 December 2019, two separate FIRs were filed against 56 individuals and 1200 - 1300 unnamed persons.

Recommendations

1. To immediately constitute a Commission of Inquiry chaired by a retired judge of the Supreme Court or High Court to conduct a judicial inquiry into the entire incident that occurred at JMI on 15 December 2019 and ensure accountability of the police as well as reparative action towards the injuries caused by police action.
2. To ensure payment of compensation to students who sustained injuries as a result of use of force.
3. NHRC and contained in its investigation report, against offending police personnel for physical harassment and assault, sexual assault and communally motivated abuse of students.

For the Delhi Commission of Women

1. To investigate into the allegations made by women students of sexual assault by the police officers.

For Jamia Millia Islamia

1. To provide counselling assistance to students willing to seek support in the aftermath of the incident on campus dated 15.12.2019.

For the State Government of UP

1. To register FIRs, on the basis of testimonies submitted to the NHRC and contained in its investigation report, against offending police personnel for physical harassment, assault, communally motivated abuse and custodial torture of students.
2. To ensure payment of compensation to students who sustained injuries as a result of use of force.
3. To ensure that until a fair and impartial investigation is completed, the arrest and criminalisation of students, who participated in protests, is suspended.

For Aligarh Muslim University

1. To provide counselling assistance to students willing to seek support in the aftermath of the incident on campus dated 15.12.2019.

For the Central Government

1. To ensure that until a fair and impartial investigation is completed, the arrest and criminalisation of students, who participated in protests, is suspended.
2. To formulate proper guidelines and Standard Operating Procedures, for police and other forces coming under the ambit of the Ministry of Home Affairs, regarding conduct of police in dealing with protesting students inside educational institutions.
3. To enact an amendment to the provisions dealing with punishment for offences pertaining to outraging of modesty of women i.e., Sections 354 and 509 I.P.C., along the lines of punishment for aggravated offences under Section 376 (2) of I.P.C.
4. To ensure that prohibitory orders under Section 144 of Cr.P.C. are applied in accordance with the guidelines laid down by the Supreme Court in the case of Anuradha Bhasin v. Union of India, especially that orders are widely published along with reasons and are imposed only when the danger apprehended is in the nature of an emergency.
5. To ratify the Convention Against Torture, to which India is a signatory since 1998, and ensure that a comprehensive legislation to prevent, prosecute and punish torture is enacted in line with India's international obligations.
6. To ensure that the 2015 DK Basu Guidelines for prevention of torture are implemented, and action is taken against erring officials for violation of the same.

INTRODUCTION

It is now an year since we saw the disturbing images of police brutalization of student protesters in Delhi. Moments like the emergency had not adequately prepared us for such scant regard for university autonomy or the hate with which peacefully protesting bodies would be seen by the police; more so in and near the national capital of Delhi and against two educational spaces of national importance. A year into the Citizenship Amendment Act (CAA), this report documents the attack and torture of students, its long terms effects, and the processes of legal (and public) legitimation of hate violence against more than 40,000 young students studying in two universities that spearheaded anti CAA protests: AMU and JMI.

Dealing primarily with the events of 15th December 2019 —three days after the CAA was passed—this report looks at the scope and nature of police violence using more than 200 student testimonies: relentless baton charging, firing with lethal ammunition and metal pellets, tear gas and sound bomb shelling, and vandalization of University premises. The first section of the report lays out the violation of protesting bodies in general, and within it the religious and sexual abuse of Muslims, Kashmiris and women in particular. The following section looks at the possible short and long term mental health impact of the police violence on students.

To whom it matters, in the current climate of India, the religion based hate discernible in the police action against JMI and AMU students and its religious identity orientation, is far more layered than the legal discourse of 'the use of force to disperse an unlawful assembly'. The third section of this report deals with the investigations of the National Human Rights Commission (NHRC) into the violence, and lays out the many processes through which the human rights body converted the cruel, inhuman and degrading treatment into a technical issue of crowd control. Led by SSP Manzil Saini, an officer with a reputation for 'police encounters'², the NHRC investigations blamed the students for the violence, denied systemic accountability, and recommended the punishment of a few police foot soldiers who indulged in some 'unnecessary' & 'avoidable' acts.

2 Namrata Ahuja, "Justice by the Gun" *The Week* (Sept. 7, 2019) available at: <https://www.theweek.in/the-week/cover/2019/09/06/justice-by-the-gun.html> (last visited on August 18, 2020)

Taking from the NHRC and judicial abdication in exercising executive and police accountability, the fourth section identifies gaps in laws regarding torture and policing and elaborates upon national and international rules governing police action against peaceful and constitutional protests. Using the international legal framework provided by the UN CAT and ICCPR among others, this section argues that the acts of police violence against students qualify as criminal acts of *cruel, inhuman and degrading treatment* (CIDT), if not *torture*.

The legal obfuscation of police cruelty and degrading treatment of young, largely Muslim students, along with the systematic destruction of two old and reputed Universities is to be read within the context of the present Bharatiya Janata Party (BJP) Governments' use of its political machinery, and a formidable fake news industry, to delegitimize the constitutional nature of the protests in AMU and JMI. Thus, subjecting students to multiple (and violent) legal and social instruments to reduce their constitutional subjectivities purely to a Muslim one - that, by very inscription within Hindu nationalism, can be declared 'anti-national' and violently hated.

The gravity of the treatment of the students and the two Universities is located in the historical context of the two institutions, partly explaining why their brutalization triggered nationwide protests. Two of the oldest and nationally renowned institutions, AMU and JMI's formative legacy and vision belong to a different (pre-Independence) political era that sowed and nurtured the formation of an independent, secular, and liberal India. That idea of India, particularly its liberal and secular genesis, is presently under systematic attack—an attack attempting a national reconstruction predicated on the dehumanisation and disenfranchisement of the bodies, rights and property of more than 200 million Indian Muslims, the country's principal minority³.

Both AMU and JMI are products of Muslim participation and leadership in modern and national politics of the Indian nation. As historically entrenched insitutional strongholds close to the National Capital, AMU and JMI continue to be symbols and principle sites of Muslim participation in national political life. Educating Indian Muslim youth, but not limited to them, the two institutions are not only centres of educational excellence, but are 'Muslim' and minority institutions in their ethos, and *tehzeeb*⁴. Both Universities' history, location, diversity, architecture and ideals—also represented in the mode and grit of constitutional articulation of dissent—embody the plurality of culture and construction that the Constitution protects under Article 30 in the right of minorities to establish and administer educational institutions.

The BJP has identified the existence of AMU and JMI—among other minority

3 After coming to power with an absolute majority in 2019, the BJP government has 'annexed' the only Muslim majority state of Kashmir, built the symbolic temple on the site of the mosque in Ayodhya, deprived 1.2 million Muslims of citizenship in Assam, and passed the CAA and promised a nationwide citizenship exercise (NRC).

4 *Tehzeeb* is an Urdu word which can be roughly translated to culture/etiquette in English, and also encompasses an element of heritage.

institutions—as a threat. In 2018, PM Modi alluded to JMI as a hub of terrorists⁵, the same year, the BJP government, going against rules, attempted to withdraw the minority status of the University. Between 2014 and 2019, while BJP affiliates have demanded the withdrawal of the constitutional right of minorities to establish and administer educational institutions⁶, 114 unique instances of attacks on Mosques and *madrassas* have taken place in India, where they were stone pelted, burnt or desecrated by various right wing mobs. In the same period, a similar number of attacks have taken place against Churches and Christian run schools.⁷ The concerted attack on freedom of religion and its associated rights have prompted the United States Commission on Religious Freedom (USCIRF) to place India as a Tier-1 country in minority persecution alongside countries such as North Korea and Pakistan.⁸

Attacks on minority institutions are a small part of the larger attack on educational institutions, and the dissent emerging from them. In the context of the CAA, more than twenty three Central Indian Universities have experienced some form of police brutalization (See Annexure I). The violation of university autonomy, and the militaristic policing of student dissent⁹—norms upheld even during the emergency¹⁰—has attracted warnings from UN treaty bodies, special rapporteurs, and the European Union Parliament, among others. As a result of the events detailed in this report, in May 2020, the UN Under-Secretary General's office, issued a *Genocide Warning* to India particularly in the context of hate violence against Muslims and JMI students in Delhi.¹¹

This report and its findings are in defence of human rights and the Indian Constitution, and the report needs to be read and used as such.

5 Maria Akram, "I am from JNU like many others; Are we all terrorists? asks Jamia VC" *The Hindu* (Feb. 22, 2016) available at: <https://www.thehindu.com/news/cities/Delhi/i-am-from-jnu-like-many-others-are-we-all-terrorists-asks-jamia-vc/article8265995.ece> (last visited on August 18, 2020).

6 "All institutions should get equal rights like those run by minorities, demands VHP" *The Times of India* (Dec. 16, 2019) available at: <https://timesofindia.indiatimes.com/home/education/news/all-institutions-should-get-equal-rights-like-those-run-by-minorities-demands-vhp/articleshow/72743030.cms> (last visited on August 18, 2020).

7 Sonia Sarkar, "Why Churches are now under attack in Modi's India" *Ozy* (Mar. 4, 2020) available at: <https://www.ozy.com/the-new-and-the-next/is-the-hindu-right-targeting-churches-again/268729/> (last visited on August 18, 2020).

8 "The US religious freedom body tags India a 'Country of Particular Concern'. What does it mean?" *The Week* (April 29, 2020) available at: <https://www.theweek.in/news/india/2020/04/29/us-religious-freedom-body-tags-india-a-country-of-particular-concern-what-does-it-mean.html> (last visited on August 18, 2020).

9 Tewari Ruhi, "UGC security guidelines: too much policing?" (October 07, 2016) available at: <https://indianexpress.com/article/explained/ugc-security-guidelines-too-much-policing/> (last visited on August 17, 2020).

10 Nair Sobhana K., "The sort of police deployment you see now is unprecedented: Sitaram Yechury" *The Hindu* (January 17, 2020) available at: <https://www.thehindu.com/society/the-sort-of-police-deployment-you-see-now-is-unprecedented-sitaram-yechury/article30585927.ece> (last visited on August 18, 2020).

11 Kairvy Grewal, "UN official raises concerns over hate speech in India, cites Subramanian Swamy's comments" *The Print* (May 20, 2020) available at: <https://theprint.in/india/un-official-raises-concerns-over-hate-speech-in-india-cites-subramanian-swamys-comments/425337/> (last visited on August 18, 2020).

JAMIA MILLIA ISLAMIA

Jamia Millia Islamia (JMI), roughly translated to *National Muslim University*, is a Central University in India, and was granted the status in 1988 by an Act of the Indian Parliament. Founded in 1920 as a small institution in Aligarh in the then (British) United Province,¹² JMI emerged out of the anti-colonial non-cooperation movement and its cultivation of progressive educational spaces as an essential element of the Indian freedom struggle.¹³ In contrast to Aligarh Muslim University (AMU) which was established in 1875 with the assistance of the newly established British Crown rule in India,¹⁴ JMI's founding and its move to Delhi in 1935 was a result of the increasing Muslim participation and leadership within the freedom movement and in response to the need for a progressive space in the national capital of Delhi.

Established through the contribution of many national leaders, including Mahatma Gandhi,¹⁵ and Rabindranath Tagore, the aim of JMI—according to Zakir Hussain one of the founders and an ex-President of India—was to shape '*the future progress of India which will play its part in the comity of nations for peace and development*'.

Ranked 12th among 780 Indian Universities by the Indian Government,¹⁶ JMI is an 'A' grade Central University accredited by the Indian National Assessment and Accreditation Council (NAAC). Like other Central Universities, JMI is an ensemble of multi-layered educational systems which cover all aspects of schooling at both the under-graduate and postgraduate level. In 2017, the University offered more than 250 undergraduate and graduate programs across the sciences and the liberal arts, as well as other professional courses to more than 14,000 students. The University's different departments including law, medicine and mass media have frequently been ranked among the best in India.¹⁷

12 History of Jamia Millia Islamia available at: <[> \(last visited on August 18, 2020\).](https://www.jmi.ac.in/aboutjamia/profile/history/historical_note-13#:~:text=Profile%20of%20Jamia%20Millia%20Islamia%20%2D%20History%20%2D%20Historical%20Note&text=Jamia%20Millia%20Islamia%2C%20an%20institution.and%20Millia%20means%20'National)

13 Manavi Kapoor, "The story of Jamia, the "anti-national" university born of deep Indian nationalism" *Quartz India* (Dec.30, 2019) available at: <[https://qz.com/india/1775183/a-history-of-jamia-millia-islamia-which-spurred-cao-nrc-protests/](https://qz.com/india/1775183/a-history-of-jamia-millia-islamia-which-spurred-caa-nrc-protests/)> (last visited on August 14, 2020).

14 Shafey Kidwai, "Cementing Ethics with Modernism: An Appraisal of Sir Sayyed Ahmed Khan's Writings" (Gyan Publishing House, New Delhi, 2010).

15 Mahtab Alam, "Gandhi, a Lifelong Friend of Jamia Millia Islamia" *The Wire* (Oct.29, 2019) available at: <<https://thewire.in/education/gandhi-a-lifelong-friend-of-jamia-millia-islamia>> (last visited on August 14, 2020).

16 Jamia Millia Islamia, "Annual Report", 5 (2017-18) available at: <https://www.jmi.ac.in/upload/menuupload/university_annual_report_english_2017_2018.pdf> (last visited on August 14, 2020).

17 Shadab Nazmi, "India's best universities: Jamia Millia Islamia's law faculty is ready for judgment day" *India Today* (Jun.19, 2017) available at: <<https://www.indiatoday.in/magazine/india%27s-best-universities/story/20170626-jamia-millia-islamia-faculty-of-law-best-universities-986599-2017-06-19>> (last visited on August 14, 2020).

Minority Character

Based on its history of Muslim initiative and participation, JMI was accorded minority status by the National Commission for Minority Educational Institutions (NCMEI) in 2006—a decision supported by the then Central administration in 2011 when the Commission's order was challenged in court, covered under Article 30(1), read with Section 2(g) of the National Commission for Minority Educational Institutions Act.¹⁸ However, in 2018, the BJP led Central Government reversed its stand in court and approached the judiciary to rescind the minority status of JMI—an issue that continues to remain unresolved.¹⁹ While JMI has been considered a minority institution, and attacked as such, even until 2017 only one-third of its students were Muslims.²⁰

Minority Location

Once located at the erstwhile edge of the capital city of New Delhi, JMI has evolved into the nucleus of a densely populated Muslim neighbourhood over the last four decades. A result of waves of Muslim migration and ghettoisation after large scale anti-Muslim and anti-Sikh riots post 1990, the locality now called *Jamia Nagar* (Jamia town) is spread over 4-5 kilometres and has a population of about 1.4 million of which 98 percent are Muslims.²¹ Despite being highly congested, and with poor quality of basic amenities such as electricity, water, roads and institutional infrastructure, Jamia Nagar has Muslims of all socio-economic classes living in it²² — is a direct result of housing discrimination in the rest of the city.²³

18 "Modi Government Opposes Religious Minority Status of Jamia Millia Islamia" *The Wire* (Mar.21, 2018) available at: <<https://thewire.in/education/modi-government-opposes-religious-minority-status-of-jamia-millia-islamia>> (last visited on August 14, 2020).

19 "Jamia Millia Islamia says Centre did not share affidavit in opposition to its minority status" *Scroll.in* (Mar.26, 2018) available at:<<https://scroll.in/latest/873406/jamia-millia-islamia-says-centre-did-not-share-affidavit-on-opposition-to-its-minority-status>> (last visited on August 14, 2020).

20 Jamia Millia Islamia, "Annual Report", 5 (2017-18) available at: <https://www.jmi.ac.in/upload/menuupload/university_annual_report_english_2017_2018.pdf> (last visited on August 14, 2020).

21 Towfeeq Wani, "How Jamia Nagar Became A Muslim 'Ghetto' In The Nation's Capital" *Youth Ki Awaaz* (Jun.19, 2016) available at:<<https://www.youthkiawaaz.com/2016/06/jamia-nagar-muslim-ghetto/>> (last visited on August 14, 2020).

22 Towfeeq Wani, "How Jamia Nagar Became A Muslim 'Ghetto' In The Nation's Capital" *Youth ki Awaaz* (Jun.19, 2016) available at:<<https://www.youthkiawaaz.com/2016/06/jamia-nagar-muslim-ghetto/>> (last visited on August 14, 2020).

23 Amy Kazmin, "Muslim apartments highlight housing segregation in India" *Financial Times* (Oct.05, 2014) available at:<<https://www.ft.com/content/62e72d98-39a3-11e4-93da-00144feabdc0>> (last visited on August 14, 2020).

Chronology Of Events

Post 2019, in the midst of the BJP government's anti-Muslim policies and the rise of widespread attacks on Muslim life, liberty and institutions, JMI became the epicentre of the protests that had erupted in the national capital. The passing of the discriminatory Citizenship (Amendment) Act, 2019 (CAA), which denied Muslim refugees the right to citizenship processes in India, and evoked fears of disenfranchisement of the Muslim minority when implemented along with the proposed NRC, became a trigger for student-led protests that quickly transformed into a nationwide movement. The organisation and coordination of the protests was led by JMI students and other organised peoples' collectives. As a result, the students, as well as the University itself became the focus of brutal police action, which included physical violence against the students alongside the police vandalising and destroying the University's property and premises. The sections below map the unprecedented scale and methods of the Delhi police's violations against the students, the University's premises and its symbols.

In the days preceding the enactment of the CAA, while the Bill was being debated in Parliament, a number of meetings and small gatherings took place across the JMI campus as students congregated to discuss the Bill and its implications for the proposed NPR and NRC process which was due to start in a few months.

13th December 2019

The day after the enactment of the CAA, about 5000 students took part in a protest march, but were stopped by the police a few hundred metres from the campus, near the Holy Family Hospital. Lathi charge (beating using batons) and tear gas shelling by the police took place throughout the day, and a number of students were detained for a few hours²⁴. Throughout the day, protesting students remained gathered near the campus, and by that evening, Gate no. 7 of the campus, less than a kilometre away from the police barricades, became a key site of the protest.



Source: Shakeeb K.P.

24 Testimonies and other accounts indicate that nearly 50 students were detained and taken to Badarpur Police station (9 kilometres away from the campus). However, since they were all released in a few hours and no case was filed, an accurate accounting of the numbers and names is not available.

14th December 2019

The next day, students across the University declared a 'University strike' as a mark of protest against the discriminatory law. As part of the protests and strike, a common reading corner was created outside Gate No. 7 where protesting students sat and studied.



Source: Shakeeb K.P.

15th December 2019

Police and paramilitary forces were stationed outside the University along the only arterial road connecting the campus to the city. Multiple police barricades were placed around the University to stop students from marching ahead. During the day, two protests took place, one by students inside the campus and the other right outside the campus, which included students as well as people from the locality. As both protesting groups met and grew into one larger body, the police and paramilitary forces began to violently push the students back. The pushback turned violent when the police began beating the students with batons after which the students were forced to retreat to the campus. However, citing 'law and order' the police continued the indiscriminate baton charge and barged inside the university campus without permission and without informing the University Administration.



Source: Shakeeb K.P.

For the next three and a half hours, the Delhi Police along with paramilitary forces fired tear gas shells, and launched an indiscriminate and brutal lathi-charge on students—who were mostly between 19 and 24 years of age—including women students. Seeking shelter from the attack, students ran in two different directions: Some moved towards the hostel inside Gate No. 4 and some towards Gate No. 7, which are situated 100-150 metres apart from each other. As tear gas shells, and sound bombs were constantly hurled at the students, the environment turned into one of desperate panic, with students hurt, screaming for help and gasping for breath. Due to the incessant shelling and the panic, a stampede like situation occurred and many students sustained further injuries, including on the head. Many students collapsed and were further surrounded and tortured by police officials.



Source: Shakeeb K.P.

The police then entered other adjoining areas, principally four non-protest sites, the Dr. Zakir Hussain Library, the M.Phil. and Ph.D. research rooms, which are located on the first and second floor of the library, the Reading Room (attached to Dr. Zakir Hussain Library) and the Mosque.

Established in 1920 and renovated multiple times, Dr Zakir Husain Library is the University's central library with a stack capacity of 6 lakh books and a seating capacity of 1275 students. One of the University's primary buildings, it is the centrepiece of the University's unique architecture and is named after Dr Zakir Hussain, a former professor at JMI and an ex-president of India. A three storey structure, the library has reading hall annexes (known as the 'old reading hall' or 'old library'). There are reading halls for bachelor's/master's and research students on the ground floor. The study/lecture rooms for teachers, and a digital resource room is on the first floor. The halls of second and third floor comprise stacks of book shelves.

Apart from firing tear gas shells, lathi-charging students and manhandling women students, the police fired at the students with their pistols—which the police denied initially, both in court and in the media. However, they were forced to admit when contradicting video footage emerged later,²⁵ footage that the National Human Rights Commission (NHRC) later in its investigation ignored. One of the students described the situation thus, *"It felt like a war zone, amongst the cries, smoke and chaos."*

During the attacks at the four above mentioned premises, the police first attempted to break the CCTVs and then proceeded to beat students and vandalise campus property—this too they denied until it was made evident from the videos that surfaced on social media.²⁶ In the immediate aftermath of the police violence, doctored videos of students purportedly raising slogans *"Hinduon ki kabr khudegi, AMU ki dharti par"* (The graves of Hindus will be dug on the soil of AMU) and *"Hinduon se Azaadi"* (Freedom from Hindus) emerged on social media. The videos were linked to the BJP IT cells²⁷ and were widely circulated after they were shared by BJP political leaders in an attempt to portray students as enemies of Hindus and communalize protests that were merely constitutional expressions of dissent.²⁸

25 "After denials, police admit they did open fire on December 15 during anti-CAA protests" *The Hindu* (Jan.06, 2020) available at: <https://www.thehindu.com/news/Cities/Delhi/after-denials-police-admit-they-did-open-fire-on-december-15/article30489076.ece> (last visited on August 14, 2020).

26 "Jamia violence: New CCTV footage shows Delhi Police attacking students in library" *The Economic Times* (Feb.16, 2020) available at: <https://economictimes.indiatimes.com/news/politics-and-nation/jamia-violence-new-cctv-footage-shows-delhi-police-attacking-students-in-library/videoshow/74157538.cms> (last visited on August 19, 2020).

27 Unnati Sharma, "AMU students did not raise 'anti-Hindu' slogans, they raised voice against Hindutva" *The Print* (Dec.16, 2019) available at: <https://theprint.in/hoaxposed/amu-students-did-not-raise-anti-hindu-slogans-they-raised-voice-against-hindutva/336054/> (last visited on August 19, 2020).

28 "Anti-Hindu slogans' and misleading images surface as fake news abounds amid anti-Citizenship Amendment Act protests across India" *Firstpost* (Dec.16, 2019) available at: <https://www.firstpost.com/india/anti-hindu-slogans-and-misleading-images-surface-as-fake-news-abounds-amid-anti-citizenship-amendment-act-protests-across-india-7789201.html> (last visited on August 14, 2020).

The M.Phil. and Ph.D. research room: Close to 40 students were studying inside the M.Phil./Ph.D. research rooms, on the second floor of the library. At around 6:30 pm, the police forced open the library door and began to violently physically and verbally attack the students—none of whom were part of the protests. The police first attempted to break the CCTV cameras inside the library and then charged at students with batons. Footage captured through one of the CCTV cameras shows one policeman swinging a lathi at the camera, which falls to the floor but continues to record²⁹. Simultaneously, tear gas shells were thrown inside the reading rooms through window panes that had been broken for the purpose.³⁰



Source: Maktoob Media

29 Purnendu Pritam & Hera Khan, “4 Clips Show Police Vandalising CCTV, Property at Jamia” *The Quint* (Feb 18, 2020) available at: <<https://www.thequint.com/news/india/exclusive-clips-show-police-vandalising-cctv-property-at-jamia>> (last visited on August 19, 2020).

30 Sidharth Ravi, “Video of police brutality in Jamia Millia Islamia library goes viral” *The Hindu* (Feb.16, 2020) available at:<<https://www.thehindu.com/news/cities/Delhi/video-of-police-brutality-in-jamia-millia-islamia-library-goes-viral/article30834535.ece>> (last visited on July 1, 2020).

A student from the Law Department who sustained eye injuries from the police beating testified to the following:

"The M.Phil library, which is a small room, had around 40 students studying at that time. Some 20-25 armed personnel forcefully entered and immediately started "andha dhund lathi barsana" (indiscriminate lathi-charge on the students). Havoc was created and all the students started running in order to save themselves. I was also running away from the armed forces. Students were hounded and beaten. While running, for the first blow, I used my hand which got impaired and hence I put my hand below and the second blow was directly on my left eye which seemed a deliberate attempt. My eyes started bleeding and I felt dizzy. I was still running to save myself. Lathi-charge was happening in front of me everywhere. In order to save my life, I ran backwards and somehow escaped to the washroom on the ground floor from the backside. There were already approximately 15 students hiding out of fear in the washroom. I also remained there but within 5 minutes, armed forces came in and started dragging out students from the washroom and started beating them. My eye was bleeding profusely and the armed force personnel saw it and did not beat further.



Source: Adnan Abidi

I had a handkerchief on my face covering the eye and I was lying (This is the spot from where my photo was taken and widely circulated). I remained there for about half an hour."

The police indiscriminately attacked those students who were studying in the library since morning despite their explanations to the police that they had not been at the protests. The police personnel did not relent, severely injuring some students. After the attack, the students testified that they were made to produce Aadhaar Cards or University identity cards and then made to exit by raising their hands up and walking out like criminals. First, the police paraded them around the University via Hostel Road and Dastarkhwan Cafe (Polytechnic Park) to the New Library, with their hands in the air, and later detained them at the Kalkaji and New Friends Colony (NFC) police stations till late into the night.

The Reading Hall: During the attack, some students took shelter in the Old Reading Hall, which is a two story building located around 100 metres away from Zakir Hussain Library and on the right side of Gate No. 07. One of the students recalled that close to



Source: Shaheen Abdulla

25 policemen and security personnel in "blue striped uniform", broke open the door and barged into the reading hall.

*"We sat under the tables to protect ourselves but they dragged all of us out and started beating us brutally including my female friend. They didn't see who was studying, they just beat whoever came in front of them. To save myself, I ran towards the ground floor but unfortunately, one police man grabbed me and took me to a corner of the ground floor. At the same time, one policeman, who was standing on the ground floor said, 'Leke aa isko yaha pe idhar' (Bring him here). They were targeting me and 3-5 policemen started beating me with lathi and abused me. I was hit about 15-20 times by them and some of the blows also landed on my head. Somehow, I managed to escape by removing my blazer because they were holding me by my blazer. I ran towards the left side from the reading hall to save myself when one policeman standing outside said, 'Bhaag bh**k bhaag' (Run, [expletive], run). I kept running and jumped over the 6-6.5 ft high wall and ran towards Batla House where I stayed for a night at my friend's house. It was a very horrifying incident and when I think about it, I still cannot sleep peacefully."*

Another student who was in the reading hall narrated that he and other students ran from the reading room to the washroom to hide themselves. The security guard of the reading hall was also scared and hid with them. The police eventually broke the door of the washroom and started abusing them, "Maaro salon ko, koi bhi bachna nahi chahiye" (Beat the scoundrels, no one should be spared). While trying to run away from the police, his friend jumped from the first floor and hid under the solar panel.

The Mosque: The only mosque inside the University is a small single-storied structure adjacent to the SRK guest house and is located near the Department of Physiotherapy. Some students running from the police sought shelter at the mosque. The police then threw tear gas shells inside the *Masjid* (mosque) as well.

A staff member, who was inside the Masjid for *maghrib* (evening prayers), stated that when the violence broke out, they closed the gates of the Masjid and switched the lights off. He testified that at 6:10 pm, 10 minutes after he closed the gate, the police reached the Masjid gate.

"Upon seeing this, I ran further inside to the spot where the mic is kept and azaan is observed. From there, while I was hiding, I saw that after breaking the other gate they began to break the glass panes of the Masjid. There were 2 other people hiding with me. The police entered the hall and started beating up everybody who was there. I could hear people screaming and telling them, 'Bhagwan ka ghar hai! Yeh Khuda ka ghar hai, chhod do!' (This is a house of God! This is a house of God, leave us!). While being beaten, some of the men were screaming, 'Mar gaya! Mar gaya!' (I am dead! I am dead). The police were hitting them continuously. Then the police began shouting from the hall 'Khaali karo! Khaali karo!' (Clear out! Clear out!). The police were present at all the gates, and they were hitting whoever was leaving through them. While I was leaving

peacefully, one policeman hit me on my head and another hit me on my hand. I was hurt so badly that my vision filled with a bright light."

The Imam of the Masjid who tried to stop the police from entering the Mosque was humiliated and assaulted.

"They grabbed me by the back of my neck and threw away the cap I was wearing. They hit me with a lathi thrice on my back, stomach and shoulder. During this, our security guard came and proceeded to tell me 'the police lifted their hands on me, Imam.' The police started hitting him as well."



Source: Shaheen Abdulla

Another student who took shelter in the Masjid testified that when he stepped out of the Masjid after hearing the commotion, the air smelled of lead. He began recording videos of the students who were rushing into the Masjid to wash their faces to reduce the burning sensation. The police spotted him:

"One policeman came near me and confronted me. I was not at all provocative with my body language. They then hit me with lathi on my hand in which I was holding my phone, and it slipped, and the policemen destroyed my phone. I was beaten up by three policemen. Thankfully I did not sustain many injuries because I had a bag and two layers of sweaters."

Several students near the Masjid were seriously injured. A security guard, who came to the rescue of students, was also attacked by police.

Patterns Of Violence

Physical Violence

In a testimony, a student who is a UPSC aspirant, alleged that the police aimed the lathi at his private parts:

"I along with other 6-7 students ran towards the Metro pillar opposite Gate no. 7, one of them named Roohul was bleeding from his head and another was injured badly on their leg. The police had made us sit there. The police tried to hit me again but this time on my private parts which they just missed."

One student was inflicted with injuries by the police which resulted in a permanent disability. He was hit in the eye and subsequently lost his sight.

A student who was taken to Jayprakash Narayan Trauma centre (opposite AIIMS) for treatment, stated:

"I was taken to a room on the ground floor where a person began to put kaccha (raw) plaster on me. I asked him if I had fractures on both the hands to which he replied, 'haan, dono haath mein fracture hai' (yes, both hands are fractured)."

There were several students who were reported to have sustained fractures and similar injuries that day.

A student with a visual disability testified student testified:

"If I had not worn glasses, I would have been hit on my eye. I told the policeman that I was blind and the policeman told me 'aaj tumhara sara blindpan nikaal denge' (We will see if you are really a blind person) and they hit me on my right leg. One of the policemen asked for my ID card and my name and told me to run away, or they would hit me even more."

Another student with a disability tried to hide beneath the table in the reading hall. Having recently undergone multiple surgeries on his head he attempted to take

shelter along with a few Kashmiri women. The police dragged him out, beat him and made communal slurs against the students:

"There were some Kashmiri women students who were hiding in the corner of the room behind some tables. I saw them and called them for help. When they saw me completely helpless, they dragged me towards themselves. The police started beating those women as well. We got asphyxiated because of the teargas in the entire floor, but they didn't let us leave the room. One of the officers of the police called me, 'Kashmiri saalay, Bharat mein rehna hai to Modi Modi kehna hai'.

(Bloody Kashmiri, if you want to live in India, you have to chant Modi Modi). After that they snatched the phones of the students who were video recording and broke them. They forcefully took our bags, laptops and destroyed them. Since it was the MPhil reading hall, therefore most of the students lost their research work."

Assault on Women Students and Protestors by Police Officials

Outside the campus, when a huge police force attacked the students rally, students dispersed and ran towards campus. Some of them hid as they were being chased by police. A woman student who was present there testified:

"Suddenly, I noticed they had started throwing tear gas shells on the same road where we were hiding. I am an asthma patient. At that time, I could not breathe, so we ran towards the residential area to hide. Police chased us and came inside this house to catch our friend [X]. They dragged out [X] and started to beat him. We ran out to protect him and shielded him with our bodies because there was no female police officer present. But the policemen continued to beat us and I sustained injuries on my back. I was violently beaten by the police and sustained injuries."

One woman student said that policemen were grabbing women by their hair and beating them, while another complained of having been harassed by male police officials.

The women in the reading room felt much more vulnerable than the men. A student of history testified that she was terrified after the policemen barged in, switched off all the lights and started beating them into a corner. A woman student testified that the police specifically targeted Muslim students and spewed communal slurs towards them:

"...While I ran towards the ground floor one BSF or CRPF man said, 'Acha tum bhi pathar phenkte ho' (Oh, so you pelt stones too?), I was so scared that I yelled at him and went. Outside there was another one who said, 'Kashmir chahiye? Dun Azadi?' (Do you want Kashmir? Should we give you freedom?). After about half an hour, my father came and an hour later, we jumped over a wall onto a car parked outside the mosque and ran

towards Batla House where my father had parked his scooter. As we rode towards my house, the police came running after us and my father had to turn the scooter towards a family friend's house in Batla House, where we stayed until around 11p.m. Later we went home."

Racialised/Religious Violence³¹

A final year bachelor's student stated that when the police entered the library, they used abusive language towards the students—"Maa ki ch**t, bahan ki ch**t" (referring to sexual body parts of women), including religious slurs, "Mullo jao Pakistan" (Mulla, Go to Pakistan; Mulla is a derogatory term for bearded Muslim men), and kept hitting the students. A diploma student who was beaten up as well stated that the police told him, "Tumhe yaha padhna ka koi haq nahi hai!" (You do not have the right to study here!).

A Master's student recollected how he could hear the police shouting right before they barged inside the M.A. section of the Library: "Behen Chod, Behen ke loudo" (Sister f**k! Sister f****rs!). When he ran outside, a policeman caught hold of him and shouted, "hum tumhe azadi denge" (We will give you freedom).

A student recounted that when the police broke the glass in the library and started hitting the students, they made remarks such as, "kalma padhle kalma padhle","Bol Modi tera abba hain, baap hain" (Read your quranic verse; Say that Modi is your real father), "Le chal isko, iska encounter karte hain" (Let's take him, let's kill him in an encounter.), "Gutter main dalte hain isko" (Let's throw him in the gutter).

Another student stated that while lathi-charging the students, the police was saying, "Jinnah ke pillo, Pakistan jao, iss desh ki namak harami karte ho" (Sons of Jinnah, go to Pakistan, you are disloyal to this country).

One student who was inside the library narrated that there were around 15-20 Kashmiri men and 8-10 Kashmiri women students inside the library, and that he heard the police shouting, "Kashmiri hai ander, maaro in saalon ko" (There are Kashmiris inside, beat up those bastards).

When students in the Library ran outside, the police kept hitting and abusing them, and threatened them of dire consequences. The police kept referring to Kashmiri students as 'aatankwadi' (terrorists). One of these students testified:

"The police picked up pieces of splintered wood from a broken door and hit a Kashmiri boy until he fainted. We splashed water and fanned him, he regained consciousness.

31 All supremacist movements are built on racial superiority. In the Indian context, Muslims are seen as the racial other, 'foreign', and now as 'enemies' to hindu society and nation. The difference between most supremacist theories and the hindutva political project or the brahminist ideological core could be located in its internal focus on a highly segregatory (and violent) caste based social order. Hence, hate violence against Muslims targets both a 'lesser' and 'foreign' religious group.

Police said to me, 'tum kalma padh lo, aaj to tum upar jaane wale ho' (You should finish reciting your quranic verses (kalma) as you will die soon anyway)."

"The police while hitting us, verbally abused and threatened us, saying 'Aaj batayenge tumhe', 'Aaj hum padhaenge tumhe, kitaab leke baithe ho' (Today, we will show you! Today, we will teach you (a lesson)) and they used other slurs as well.

A woman student who was dragged out of the Reading Hall and beaten up said that a policeman told her, "*Kashmir chahiye? Dun Azadi?* (Do you want Kashmir? Should we give you freedom?).

A similar experience was shared by another student who had a long beard. The police sarcastically told him, "*Tum log kalma padh hi lo!*" (You should finish reading the kalma).

The testimonies also reveal that the police kept referring to the students as, '*katua*' (circumcised), '*jihadi*', and threatened those hiding in the washroom of the reading hall saying, "*Bahar niklo nahi toh goli maar denge*" (Get out or we will shoot you). They also said, "*tujhe kya lagta hai? yeh Modi ki sarkar hai*" (What do you think? This is Modi's government).

When a student was asked for his name, he initially did not give his complete name to the police. The police then asked him to reveal his full name to know if he was a Hindu or a Muslim person. When they figured that he was a Hindu person, the police abused him saying, "*Ye desh ka gaddar hai Kanhaiya Kumar jaisa, aur maro isko*" (He is a traitor of this country just like Kanhaiya Kumar, beat him up even more).

A woman student who was hit on head by a lathi and became unconscious, recalled that after she woke up she went to a police officer and requested him to call for an ambulance, to which the police officer replied, "*Marne do saalon ko*" (Let them die)."

Inside the police station, the police made remarks such as, "*Tum log jihadi ho*" (You all are Jihadi) and "*Saare jihadi desh ke khilaaf hai*" (All of you Jihadis are against the country). A student had developed swelling due to injuries and when on his behalf, other students pleaded with the SI to take him to the hospital for treatment, they were told, "*Koi farq nahi padta agar ek do mar bhi jaye*" (It will not matter if a couple of people die).

The Events Of 10th February 2020: Physical Assault And Sexual Violence

On 10th February 2020, two months after the above stated events, the Jamia Coordination Committee (JCC) called for a peaceful protest march from Gate No. 7 of JMI to the Parliament. In anticipation, a large police contingent, the Rapid Action Force (RAF), was deployed at all the key points of the University and the road.

As soon as the peaceful march started, police began attacking students standing at the front of the protest, pulling some students inside the barricades and beating them up. The police also released a toxic gas on the protestors³² and pushed them into a crowded corner, leading to suffocation which caused several students to lose unconsciousness. The police lathi-charged the students and beat them on their bodies and private parts. The police also used force on elderly people who were part of the march, pushing and stomping on them.

In this particular instance, women students were specifically targeted by the police. Many among the police pulled off the hijabs (head covering) of several women, and spewed communal slurs at women with visible Muslim markers. 11 students were detained by the police, and several of them complained of being beaten up in custody. A total of 34 students were taken to Al-Shifa Hospital, 9 women and 25 men, out of which 2 students were admitted in the ICU. Several women reported having been sexually assaulted by male police officers. Resident Doctors of JMI told the media that around 10 women students had been hit on their private parts by Delhi Police.³³ According to one woman student,

"There were two phases of harassment, the male police officials started surrounding and cornering us. They started taking off our hijabs, hitting and trying to suffocate us. I was not able to breathe. I thought that I was going to die there. That's when some of us started fainting. It was a very scary situation. I had lost my shoes. I did not know what to do to help my fellow students. We were trying to protect each other. At that point, the male officers started hitting us. One of the male police officials grabbed me from the front and groped my chest. He did that when I shouted at them saying, 'Mahilaon ko mat touch kijiye' (Do not touch women). I shouted at him because he pulled and took off the Hijab of an older woman, who would be in her 50s. He pulled me violently and squeezed me. It still hurts me, even now! I kept shouting, telling them, 'Aap sexually harass kar rahe ho' (You are sexually harassing us). He pushed me by hitting me on my chest. I was not in a condition to talk or do anything."

32 Shamani Joshi, "Delhi Police Has Been Accused of Using Toxic Chemical Gas Against Anti-CAA Student Protesters" *Vice* (Feb.11, 2020) available at: https://www.vice.com/en_in/article/5dmy3x/delhi-police-has-been-accused-of-using-toxic-chemical-gas-against-anti-caa-student-protesters (last visited on March 18, 2020).

33 Tanushree Pandey, "Cops hit us in our private parts: Over 10 Jamia students admitted after scuffle with police" *India Today* (Feb.11, 2020) available at: <https://www.indiatoday.in/india/story/female-jamia-students-private-parts-delhi-police-anti-caa-protest-1645059-2020-02-10> (last visited on March 20, 2020).

There are more than a few testimonies that describe how the male police officers sexually assaulted women students, and that women police officers abused them using communal slurs:

"There were two or three women police constables, who were constantly using communal slurs. They were saying, 'If you [women] have come here to die, mar jao yahi pe. Marna hai toh mar jao. Maar hi dete hai aaj hi.' (If you want to die, die here itself. If this is what you want, we will kill you today then). They were also constantly threatening us saying, 'Abhi toh kuch kare nahi rahe hai, karne pe aa jaye toh dekhlena kya kya kar sakte hai!' (We are not even doing anything to you yet. Once we actually get to it, you wait and watch what all we can do!). We asked them, 'How can you, being women, say these things to fellow women?' That's when they told us, 'Tum log insaan nahi ho!' (You all are not human beings!). They also said, 'Tum students bhadke hue ho aur tum logon ko



Source: Shakeeb K.P.

gumrah kiya jaa raha hai. Tum logon ko kuch pata nahi hai. Hum tumko kuch nahi kar rahe hai. Tumne hamara badge tod diya hai. Tum log dehshatgardi karte ho aur aatank phailate ho. Kashmir mein jo haal kiya hai, usse bhi bura karenge yeha.' (You students are agitated and are being misled. You people don't know anything. We are not doing anything to you. You have only broken our badges. You all are spreading terror. What we have done in Kashmir, we will do worse here!). That's when I said to them, 'You have broken our bones and you are talking about your badges! You are not even wearing them today, which is supposedly important for you.' They were not wearing their badges."



Source: JCC FB page (<https://m.facebook.com/JamiaCC/photos/a.101834087992620/142501787259183/?type=3&source=54>)

The testimonies further reveal that there were multiple instances where women were hit in their abdomen and private parts and that these were not one off incidents. A woman student we spoke to when she was admitted in the ICU in the Al-Shifa hospital stated :

"I was hit on my vagina by a male police official. It is swollen now. Another male police official pushed me to the ground and stomped his boots on my feet. My foot is injured. After that, two of them pushed me behind while telling me that, 'kuch nahi kar sakte!' (You cannot do anything!). They (male police officials) hit me again on my chest. I started screaming, 'You guys are sexually harassing us and at the same time, calling us behen, behen (sister, sister). We are not your sisters if you are hitting us and sexually harassing us'. One of the police officials punched me so hard in my stomach that I started puking. There was blood in my vomit. The male official pushed me again very hard and a woman police official punched me again. My fellow women students called the ambulance immediately and brought me to the hospital. My ultrasound reports show that I have a muscle injury in my stomach. It is hurting a lot. I am in a lot of pain."

Another woman student who was part of the protest, was also pushed to ground by a male police official and boots were used to curtail her movement. In her words :

"The male police officers were pressing our feet and hands with their boots. They also hit private parts of a lot of women with their lathis. And when I was detained, as I sat in the bus, the police slapped me, and the female officers lifted my clothes up. There was a media live, even then they lifted my clothes and beat me, scratched my stomach, punched me and hit me."

Delay In Medical Assistance

Injured students from JMI were taken to different hospitals—the Holy Family Hospital, the Al-Shifa Hospital and some to the trauma centre at AIIMS. About 80 students underwent treatment at Al-Shifa Hospital after the violence on the night of 15th December, 20 of them had suffered serious injuries, including fractures due to lathi-charge³⁴ by the police, 63 students were admitted at the Holy Family Hospital, Delhi.³⁵ Three students whose eyes had been severely injured by rubber bullets were treated at AIIMS.³⁶

According to testimonies, the police attempted to prevent injured students from receiving medical treatment. One student pointed out:

"The group of students carried me to Jama Masjid of Jamia at around 7:45 p.m. and lay me down along with a group of other injured students. I called one of my friends who then called an ambulance for me. When the ambulance arrived at the Masjid, the police would not let it enter. An X-ray was performed at around 12:00 a.m. on 16th December 2019 and a second medical opinion confirmed that both my legs were fractured. The doctors found that my left leg could be plastered, but nailing would be required for my more severely fractured right leg. Unfortunately, due to the various delays, the doctors found that the wounds on my right leg had been exposed for too long, and were infected. Therefore, the doctors could not operate until the infection had subsided. It was not until 21st December that the doctors were able to operate. On 21st December at around 9:00 a.m., the doctors performed a two hour operation on my right leg and I was given spinal anesthesia. I was shifted to a ward after my operation. I was discharged on 28th December and my father took me home."

While some students were helping another to get onto an auto rickshaw to go to Holy Family Hospital, the police blocked their way and heckled them. The police repeatedly tried to stop those students who were trying to take their injured friends to the hospitals.

34 Mausami Singh, "80 students undergo treatment at Delhi hospital after violence at Jamia" *India Today* (Dec.17, 2019) available at: <<https://www.indiatoday.in/india/story/jamia-protests-anti-citizenship-amendment-act-caa-injured-hospital-1629100-2019-12-17>> (last visited on April 13, 2020).

35 "Citizenship Act: Protests Across Country; Delhi Police Lathicharge, Detain Jamia Students" *The Wire* (Dec.13, 2019) available at: <<https://thewire.in/rights/citizenship-act-protests-continue-across-country-delhi-police-lathicharge-jamia-students>> (last visited on April 13, 2020).

36 *Ibid.*

Treatment at the Hospital

Students who were taken to the AIIMS trauma centre stated that they did not receive medical assistance on time. One student testified that he was accompanied by the police and the treatment he received was disproportionately delayed and that he was not asked to undergo an MLC (Medico Legal Case) examination. Many students were not given the reports, and their medico-legal reports were handed to them later, at the police station and in the presence of police officers.³⁷ In what can be understood as attempts to block inquiries, injuries were not recorded properly, by either staff or the doctors:

"The police personnel filled my form since I had fractures on both of my hands. The staff asked me how I had gotten injured to which I replied, 'assault by police'. The staff instead wrote 'brought by police but assaulted by unknown persons'."

"In the MLC, the doctor did not record all my injuries. There were abrasions on my right arm and on my back, which were not mentioned in the report. The injuries that were recorded in the MLC include the nose injury, the sprain on my left shoulder, and dizziness and headache (due to tear gas shells). I was primarily treated at Holy Family hospital and then at Al Shifa."

One report in the Caravan magazine states that students also faced discrimination and denial of medical treatment at AIIMS :

"Security at the AIIMS trauma centre was stricter than usual and the guards were refusing to allow journalists inside. The detainees were subjected to continuous scrutiny from the police and even at the hospital. The personnel present at AIIMS continued to behave aggressively towards the detainees, mocking them and labelling them traitors and anti-nationals. As Kumar was being examined, the doctor learnt that he was not from the university. The doctor taunted him, called him 'deshdrohi'—anti-national—and unemployed, and laughed at the fact that he was a former student. The police joined in on the mockery. Many other detainees suffered similar ridicule."³⁸

37 *"Upon arrival at the Police station, at around 6.30 am, we were handed our MLCs, which was unexpected as we were not asked to give MLCs at the Trauma Centre. The MLC was incorrect as it stated that I sustained injuries to my right hand and leg, whereas I was actually injured on my left arm and leg."*

38 Ahan Penkar, "At AIIMS, doctors and police treated detained Jamia protestors with hostility, ridicule" *The Caravan* (Dec.17, 2019) available at: <<https://caravanmagazine.in/politics/jamia-millia-islamia-cab-caa-aiims-student-protests>> (last visited on April 13, 2020).

Detention, Criminalisation And Denial Of Legal Aid

On the same night, around 100 students from JMI were detained overnight at the Kalkaji and New Friends Colony Police Stations,³⁹ and released by the next morning.⁴⁰ The Delhi Minorities Commission (DMC) had issued a direction to the SHOs of Kalkaji and NFC police stations to release the injured students and take them to hospital for treatment without any delay.⁴¹ Simultaneously, a protest was organised by concerned citizens outside the Headquarters of Delhi Police at ITO.⁴² The very next day, some of the students were booked for rioting and arson.

Detention and Denial of Legal Aid

Injured students testified that they were forced into the police van and taken to the police station, instead of being provided with immediate medical aid:

"Many students on the (police) jeep were crying and in pain, and pleaded to be taken to Holy Family Hospital. The police feigned taking us to the hospital, however, instead they took us to the New Friends Colony Police Station. There, they switched our phones off and confiscated them. I was instructed to sit in a common room in the police station along with the other students who were in the jeep. None of us were provided with any water or food at this point, and I was not given any medical attention."

The students in custody as well as the lawyers outside had to plead with the police officials before they were finally allowed to meet with a counsel. Some of them, had no identification on them:

"Around 12.30 pm, Colin Gonsalves, Senior Advocate, along with another advocate entered the room—she started to note all of our names. Colin said that as an advocate, he had the right to speak to his clients in private but the 3-4 policemen in the room did not comply with this and said that the S.H.O. had told them to not leave the room. We gave them our names, numbers and addresses for them to move bail."

39 Ridhima Shukla, "Citizenship Act Protest Highlights: Schools Closed, Internet Suspended In UP's Aligarh Amid Violence" *NDTV* (Dec.17, 2019) available at: <https://www.ndtv.com/india-news/citizenship-act-cab-protests-live-protests-in-delhi-jamia-millia-islamia-aligarh-muslim-university-we-2149390> (last visited on April 21, 2020).

40 "Citizenship Act protests: Nearly 100 detained Jamia students released" *Scroll.in* (Dec.16, 2019) available at: <https://scroll.in/latest/946942/citizenship-act-protests-nearly-100-detained-jamia-students-released> (last visited on April 21, 2020).

41 "Delhi Minorities Commission issues direction to Kalkaji SHO to release 'injured' Jamia students" *The Hindu* (Dec.16, 2019) available at: <https://www.thehindu.com/news/national/delhi-minorities-commission-issues-direction-to-kalkaji-sho-to-release-injured-jamia-students/article30315232.ece> (last visited on August 17, 2020).

42 "Protests outside Delhi Police headquarters at ITO" *Livemint* (Dec.16, 2019) available at: <https://www.livemint.com/news/india/protests-outside-delhi-police-headquarters-at-ito-11576440500473.html> (last visited April 21, 2020).

"The lady advocate then asked the S.I. where his name tag was but as he was about to take it out for her to see, he put it back inside and went to stand with the other police personnel in the room whose name plates were not visible as well."

Several students stated that they were treated as criminals while being taken in the police vans and inside the police station as well. The following is an excerpt from the testimony of a student who went to visit his friends at the hospital, and was picked up by the police from there. He did not participate in the protest. He was detained by an individual not in uniform:

"A person in civil dress came to me and snatched my mobile and began abusing and beating me and dragged me to the police jeep. In the course of this struggle, my jacket was torn when I resisted, he caught hold of me and forcefully put me inside the police jeep. The police made some extremely communal abuses as they hit me with a lathi 'Sale, netagiri karne chala hai, Naxalite ho tum log, Naxalite nahi atankwadi hai, yahan kya karne aya hai Pakistan chala ja, azadi mil jayegi' (You scoundrel, you are trying to do politics here, you are a Naxalite, no, in fact you are a terrorist! What have you come to do here, go to Pakistan, you will get freedom there). I was crying and begging for mercy. They beat me continuously, for 15 minutes."

Mistreatment by the Police

While some of the students were being taken to the police station, they noticed a group of male students being commanded by the police to lie down on the cold floor after being beaten up.

"When we stepped out of the campus, the policemen asked us to hold our bags in our hands and hold them up in the air. We did as we were told. When I turned left, I saw 10-15 boys lying on the floor lifelessly as if they were stuffed toys, only their eyes were moving—dried tear tracks were visible on their faces. They were lying there on the cold floor. When a boy beside me looked at those boys, one of the policemen hit him on the head and said, 'idhar kya dekh raha hai, samne dekh' (What are you looking at, look in front)."

At the police station, one student who had sustained severe head injuries and was bleeding, requested the police for medical treatment. The police once again retorted that it did not matter if a few students died.

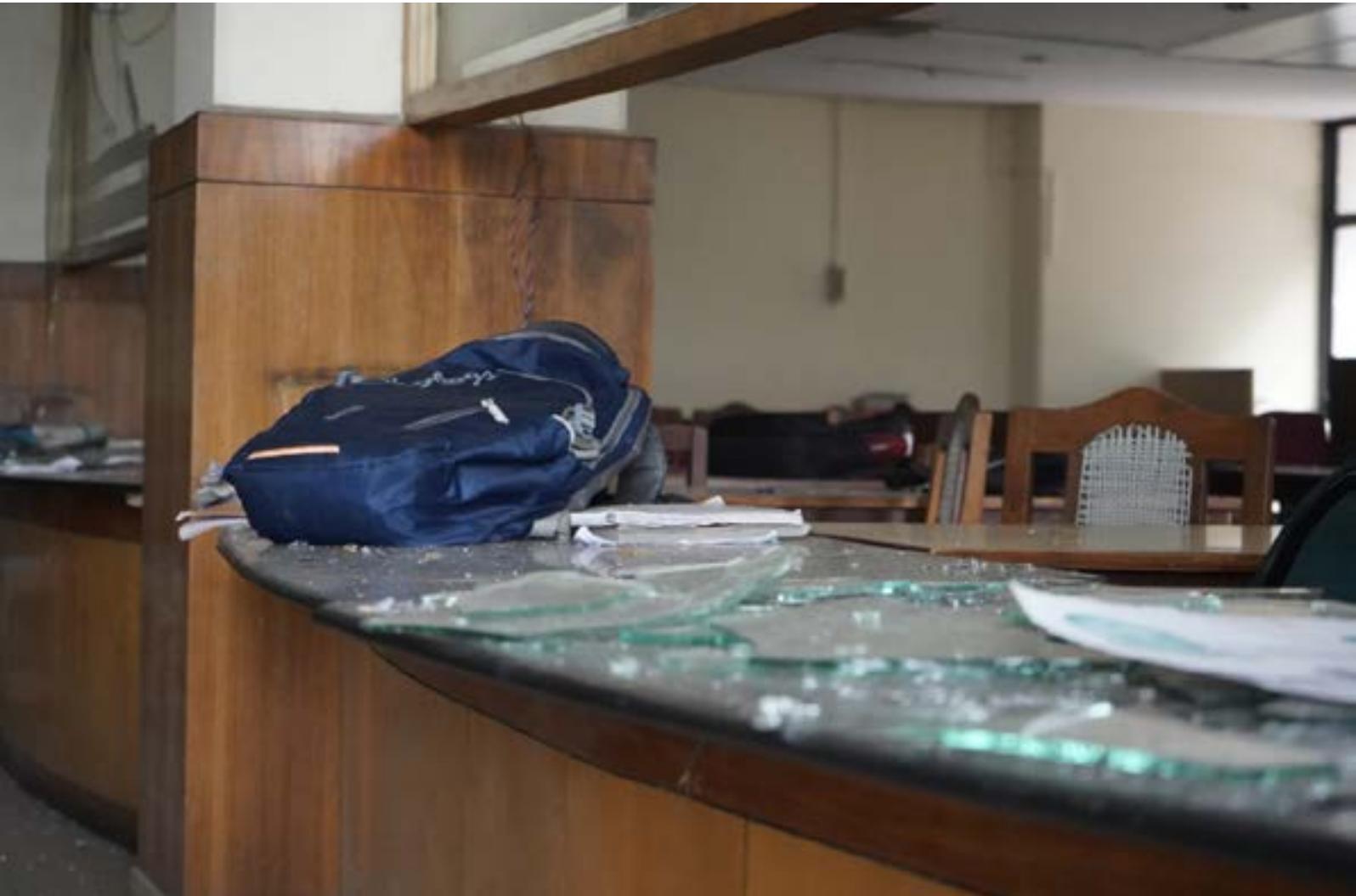
"I started to cry as I felt blood had begun to clot in my head since the swelling was increasing. An S.I. was sitting on a chair in the room—his name plate was hidden. I was crying and asked him to provide me with some medical aid. He told me that the ambulance would arrive in an hour. The other students were also supporting me because they could see I was in bad shape. It was another two hours and yet the ambulance hadn't not come. Some of the students then told the S.I., 'Sir, isko toh bhejo. Yeh mar jayega' (Sir, at least send him to the hospital. He will die otherwise), to which the S.I.

replied, 'koi farq nahi padta agar ek do mar bhi jaye' (It will not make any difference even if one or two die)."

Another student who ran from the M.Phil. library when the police started lathi charge on the students, was hit on the leg by a policeman when he reached the library exit gate, and once he fell down on the ground, a group of them thrashed him with their lathis and boots. He was then dragged and taken to Gate no. 7 and made to sit under the metro bridge with 12-13 other injured students. Along with the other students, he was taken to the Kalkaji P.S. and detained. He narrates his traumatising experience in the following words:

"I was in a lot of pain. It was bitterly cold and the police made us sit on the floor. One of the students was bleeding from the head and was repeatedly crying for help. Despite repeated requests for first aid, we did not get any medical attention for the first two and half hours. The police kept verbally harassing us. They used Maa-Behen ke gaali (abuses referring to mothers and sisters) and kept asking us if we wanted azaadi (freedom). I have injuries on my thigh, my knee, the lower part of the legs, my arms and my entire body feels numb. This experience has been extremely traumatising and I am unable to get past it. It still haunts me and makes me feel extremely sad."

Destruction And Vandalisation Of Property



Source: Shaheen Abdullah

According to an official communication submitted by JMI to the Ministry of Human Resource Development (MHRD)⁴³ property worth 2.66 crore rupees was damaged by the police. The police also damaged public property and vehicles near Mohibulhasan house.⁴⁴ The police violence also resulted in loss of personal property of students—laptops, phones and study material etc.,—many of whom came from poor socio-economic backgrounds. A student testified:

43 Aranya Shankar, "25 broken CCTVs in Jamia's Rs 2.66-crore damage bill to HRD" *The Indian Express* (Feb.27, 2020) available at: <https://indianexpress.com/article/india/jamia-violence-police-cctv-hrd-6274992/#:~:text=JAMIA%20MILLIA%20Islamia%20suffered%20damage.cameras%20worth%20Rs%204.75%20lakh> (last visited on May 4, 2020).

44 "Police launched unprovoked & brutal attack on students and staff in Jamia: PUDR report" *National Herald* (Dec.26, 2019) available at: <https://www.nationalheraldindia.com/india/pudr-fact-finding-team-says-2-attacks-on-jamia-protesters> (last visited on April 21, 2020).

"In the whole incident, my laptop broke as it fell from my hands. I come from a very poor family in Bihar. My studies have been affected due to the fractures in my hands."

Another student said:

"They snatched my phone and broke it on the pavement. They kept the broken phone with them. The phone was worth Rs. 15,000. My scooter, which was parked on the side of the campus road, was vandalised heavily. There are lathi blows clearly visible on it. It is not in working condition. It doesn't even start now. Hardly, a year had passed since I had purchased my scooter, it was worth Rs. 60,000."

Continuing Criminalisation

FIR 48/2020, P.S. Jafrabad

IPC

186 (Obstructing public servant in discharge of public functions.)

188 (Obstructing public servant in discharge of public functions.)

353 (Assault or criminal force to deter public servant from discharge of his duty.)

283 (Danger or obstruction in public way or line of navigation)

341 (Punishment for wrongful restraint)

109 (Punishment of a abetment if the act abetted is committed in consequence and when no express

provision is made for its punishment)

147 (Punishment for rioting)

34 (Acts done by several persons in furtherance of common intention.)

FIR No.: 59 of 2020, P.S. Crime Branch

IPC: 124A (Sedition)

153A (Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony)

186 (Obstructing public servant in discharge of public functions)

353 (Assault or criminal force to deter public servant from discharge of his duty)

212 (Harbouring offender)

295 (Injuring or defiling place of worship, with intent to insult the religion of any class)

427 (Mischief causing damage to the amount of fifty rupees),

436 (Mischief by fire or explosive substance with intent to destroy house, etc)

452 (House-trespass after preparation for hurt, assault or wrongful restraint)

454 (Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment)

34 (Acts done by several persons in furtherance of common intention)

PDPP:

3 (Mischief causing damage to public property)

4 (Mischief causing damage to public property by fire or explosive substance)

Arms Act: 25 (Punishment for certain offences), 27 (Punishment for using arms, etc)

UAPA: 13 (Punishment for unlawful activities), 16 (Punishment for unlawful activities), 17 (Punishment for raising funds for terrorist act), 18 (Punishment for conspiracy, etc.)

Asif Iqbal:

Sections 143 (punishment for being a member of an unlawful assembly) 147 (Punishment for rioting)

148 (Rioting, armed with deadly weapon), 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object), 186 (Obstructing public servant in discharge of public functions), 353 (Assault or criminal force to deter public servant from discharge of his duty), 332 (Voluntarily causing hurt to deter public servant from his duty), 333 (Voluntarily causing grievous hurt to deter public servant from his duty), 307 (Attempt to murder), 308 (Attempt to commit culpable homicide), 427 (Mischief causing damage to the amount of fifty rupees), 435 (Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees), 323 (Punishment for voluntarily causing hurt) 341 (Punishment for wrongful restraint), 120B (Punishment of criminal conspiracy), 109 (Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment), 34 (Acts done by several persons in furtherance of common intention).

Meeran Haider: Initially arrested under Sections 147 (Punishment for rioting), 148, 149 read with 120B of the I.P.C. Subsequently booked under FIR 59/2020

Safoora Zargar: FIR 48/2020 and FIR 59/2020

Shifa Ur Rehman: FIR 59/2020

ALIGARH MUSLIM UNIVERSITY

Aligarh Muslim University (AMU), located 120 kms from the capital city of New Delhi, is a Central University in Aligarh, Uttar Pradesh. It was established in 1875 as the Mohammedan Anglo-Oriental College with the assistance of the newly formed British Crown rule in India. AMU emerged out of a movement led by Sir Syed Ahmed Khan, to provide modern education to Indian Muslims. In response to a long-standing demand by the Muslim community, in 1920 the college was converted into a University by the Aligarh Muslim University Act, an imperial legislation. The Act was amended in 1951 to bring AMU in line with Indian constitutional provisions of secular instruction in Universities, as well as other administrative requirements.

Recognised as an institute of national importance under the 7th schedule of the Indian Constitution, AMU offers more than 300 undergraduate and graduate programs to more than 22,000 students. Like JMI, AMU is an 'A' graded University by the National Assessment and Accreditation Council (NAAC) and its different departments are frequently ranked among the best in India. Having a rich history, AMU's notable alumni are in every field and include ex Indian Presidents, Chief Ministers and governors of states, several Supreme Court judges, sportsmen, and film-stars as well as with several ex Prime Ministers of Pakistan and Bangladesh.

Minority Status

In 1967, the Supreme Court, in a case in which the University was not a party, declared that AMU was not a minority institution protected under Article 30 of the Constitution as it was established by an act of the Indian Parliament. After a nation-wide movement for the restoration of AMU's minority status, the Indian parliament in 1981 amended the 1920 Act, according minority status to the University—under the ambit of Article 30 of the Constitution—re-instating the powers of the Muslim controlled governing council of the University.⁴⁵ In 2006, the Allahabad High Court declared the amendment unconstitutional, with an appeal against the order currently pending in the Supreme Court of India.

⁴⁵ The Aligarh Muslim University Amendment Act, 1981

A historical centre of Muslim political participation in India, AMU has been a locus of protests against the widespread attacks on Muslim life, liberty and rights, under the BJP regime since 2014. Citizenship changes, through the NRC in Assam and promulgation of CAA, have attracted strong political dissent from students in AMU.⁴⁶



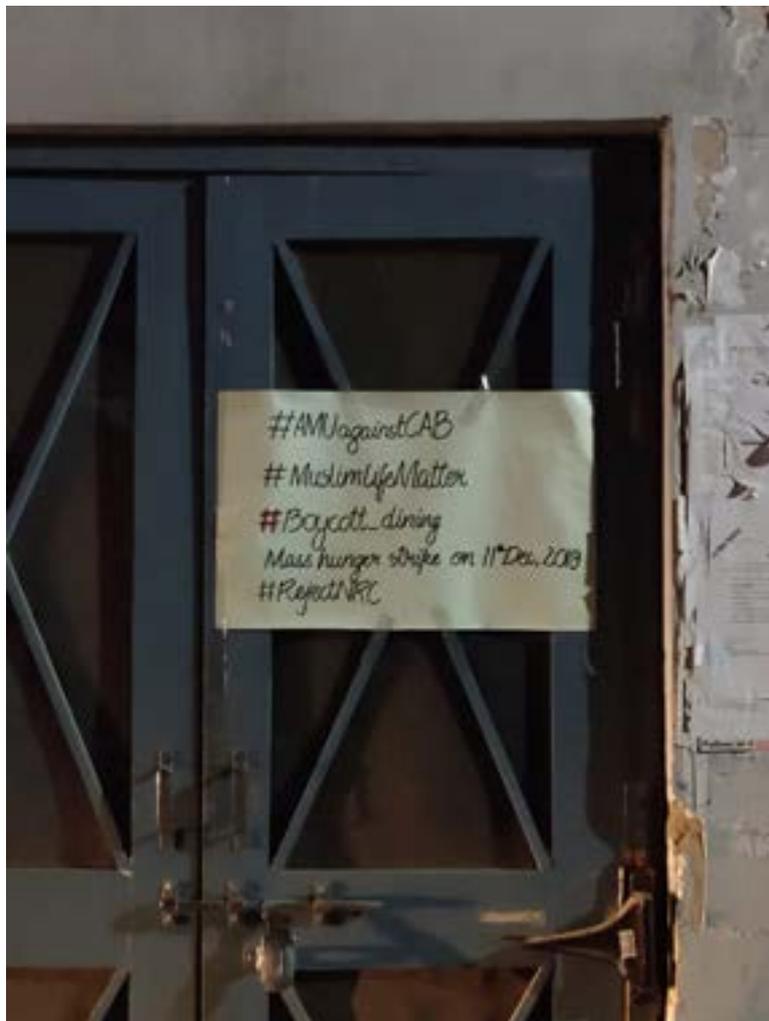
Source: Ansab Amir Khan

46 Ansab Amir Khan, "A Timeline of Protests at Aligarh Muslim University, As I Saw It" *The Quint* (Jan. 8, 2020) available at: <https://www.thequint.com/my-report/caa-protests-students-aligarh-muslim-university-violence-timeline> (last visited on July 17, 2020).

Chronology Of Events

10th December 2019

In the week leading up to the passing of the CAA, several large discussion gatherings of more than 100 students—to examine and discuss the discriminatory nature of CAA—took place across the University. On 10 December 2019, two days before the parliamentary enactment, more than 4,000 students participated in a protest march from the Maulana Azad Library Canteen to Bab-e-Syed, the main gate of the



Source: Ansab Amir Khan

University. The peaceful protest march was stopped at the University gate by a large contingent of police. Despite it being a peaceful rally, an FIR was filed against 21 named and 500 unnamed students of AMU on the same day.⁴⁷ Thereafter, the main gate of the University became the central site of anti-CAA protests.

11th and 12th December 2019

Hundreds of students sat on a relay hunger strike inside the University gate and the dining halls of all the hostels were boycotted in solidarity. Boycotting students started community kitchens for the entire student community. Protesters' gatherings at the main gate continued to swell as several AMU students, prominent academics and



Source: Ansab Amir Khan

47 FIR No. 0697/2020, P.S. Civil Lines, under Sections 147 (Rioting), 188 (Disobedience of Public Servant) and 353 (Assault) of I.P.C.

activists, addressed the gatherings. Later in the evening, women students of AMU, who were denied permission by their hostel wardens to join the protest at the main gate, marched to the site of protest to express their solidarity.

13th December 2019

10,000 AMU students, led by the officially elected AMU Students Union, organised a march from Jama Masjid within the campus to the District Magistrate's office, to submit a memorandum for the repeal of CAA. They were again stopped at Bab-e-Syed by the District Administration and the police. The Superintendent of Aligarh Police was present and took the memorandum on behalf of the District Administration.



Source: Ansab Amir Khan

15th December 2019

While the protests at the main gate and several other smaller centres in the University were still taking place, news of police brutality against the JMI students reached AMU campus. At 7 pm, students gathered at the library canteen to march towards the main protest site (main University gate), particularly against police violence. A heavy contingent of Aligarh police and the elite RAF, who were deployed at the University Circle—1 km from the main gate—arrived at the protest site. Stationed outside the gate, while the students were inside, the police forces verbally abused students, violently provoking them. The most common refrain used by the police was “*bahar aao madarchod*” (come outside, motherfuckers).

Tear Gas and Rubber Bullets: At around 8 pm, the police started firing tear gas shells and rubber bullets at the protesting crowd. Stun grenades and pellet guns were also fired, severely injuring the students. Other kinds of explosives, pellets and stun grenades were launched into the crowd inside the gate. According to a few accounts, the police resorted to stone pelting as well. Those who had been violently pushed back, fearing for their safety, started to seek refuge in nearby buildings such as Guest House No. 2 and 3. A student from the department of history who narrowly missed being injured testified:

“I was present around 100-200 meters away from the gate, trying to protect myself and my friends from getting injured. It was during this time a white van, carrying teargas weapons and rubber bullet guns came inside at a speed of around 80-100 km/h and behind it were the police and RAF. They started firing indiscriminately and one of my friends was hit by a teargas shell and was injured badly. I witnessed them saying, ‘seedhay maaro saale ko’, (Directly hit those bastards). I was in the lawn of Guest House No. 2 and tried to run away from the spot when a rubber bullet directly hit my stomach but fortunately, I wasn’t injured too badly, because it hit my jacket’s zipper lock which to an extent protected my body. However, my collar bone was injured badly.”

An engineering student who was going towards Bab-e-Syed narrated:

“As soon as it started, I decided to stop at the Guest House no. 2 (around 300 meters from the gate) along with two of my friends. After some time, the police barged inside the campus. I saw students carrying injured students on their bikes. Some of them had head injuries and some were soaked in blood. A student who was hit by a rubber bullet came and showed it to me. I saw the police barge in and chase after students. The students started running towards me and seeing that, I started running as well. The police chased me and I fell down on the road while I was running and nearly broke my foot. My shoes were torn too. I somehow managed to jump across the Guest House fence and go towards another part of the University, the road leading to the residential quarters near the Department of Arabic. I felt relieved for a bit thinking that it was safe to be in that part of the University as it was far away from the protest site. But in no time, one tear

gas shell fell very close to me, in the residential quarters. I was really affected by the tear gas shell. My eyes and windpipe began to burn and I was coughing excessively. As I was feeling suffocated, I continued running and reached the Union Hall gate. I somehow managed to enter the Sir Syed Hall. When I was in the Sir Syed Hall, I saw the police coming towards the Hall. Our phones were working until then. Through phone calls, we were getting to hear that the police had barged inside the Morrison Court, which was very close to the hall we were in."

Police Enter the Campus: After entering the University gate, Aligarh police and RAF started to lathi-charge students, accompanied by several rounds of firing of tear gas shells, rubber bullets and pellets.⁴⁸ Injured students—more than 50 according to testimonies—took refuge in nearby buildings like Guest house Nos. 2 and 3 as well as the Jama Masjid. The police forces then entered the buildings, including the mosque, threw tear gas shells and continued beating people indiscriminately, including those who were residents on campus or praying at the mosque.



Source: AMUSU Report

48 The police version contained in the NHRC report has itself conceded that "... more than normal ammunition i.e. teargas shell, rubber bullet etc..." was used by the force at AMU. (P. 186 of the NHRC report).

A student from the Department of Urdu who took refuge in a room of the guest house testified that:

"When I found that they were going to break-open my door, I left the door quickly and entered the washroom along with some other students and locked it from inside. The police tried to break the door but failed to do so. When we heard the screaming of the students who were being beaten outside, we were terrified. We were inside the washroom for almost two hours and did not know that the police were still waiting outside. During this time, I sent a message from my phone to many of my friends and requested for help but no one was in a position to come and help us. We were completely helpless. It was at around 10:00 pm that they (the police) finally broke open the door and dragged us outside. I was beaten almost to a pulp by 6 policemen resulting in fractures in both my hands and two fingers (little finger of my left hand and my right index finger). They violently hit me with the butt of a gun, resulting in my entire hand and face swelling. Doctors told me that if the swelling didn't reduce in my hands, I might have had to have an operation."

At least 40 students⁴⁹ received severe baton injuries, while several students turned unconscious due to tear gas suffocation. A tear gas canister exploded in the hands of a student attempting to push it away from him- leading to necessary amputation of his arm. Injured students caught by the police forces were taken to the police station and detained.

Attacks Inside the Hostel: Even after the students had dispersed from the protest site and sought shelter indoors and the protest had died down, the police continued their attack. At around 10 pm, police forces broke through the gate of Morrison Court Hostel and entered the premises, an area which is around 500 meters away from the active protest site and therefore did not require any crowd control. A master's student from the Faculty of Social Science present there stated:

"After some time, when most students had dispersed from the university road some of us who were near the staff club at the tikona raised our hands in surrender and pleaded with the police to not come there. We told them that all students had dispersed and no one was protesting anymore, so the police should please stop their action and leave us. Some students were also waving white handkerchiefs. At first we thought that maybe the police were going back but then suddenly a white van of police along with police persons charged at us and we ran in different directions. I ran towards Suleiman Hall through a side road. The last I saw was that the van had stopped at Morrison Court and police were going inside the hostel. As I was running towards the side road I was hit by a rubber bullet but I forced myself to keep running. After I reached Suleiman Hall I was just relieved to be alive. I didn't go any place for medical treatment of my injuries as I was afraid of being beaten up or detained by the police."

49 This is a conservative estimate based on the NHRC investigation report. 25 students were admitted at the Medical College at AMU, while an unconfirmed number, estimated to be around 60, received treatment for injuries but were not admitted. (P. 210 of the NHRC report)



Source: Ansab Amir Khan

Room No. 46 of Morrison Court Hostel: After thrashing the guard of the hostel, the police entered the hostel and fired tear gas shells in the lobby. They cut through the window mesh of Room no. 46, broke the glass window and threw tear gas canisters inside the room. One of the students present in the room, whose detailed testimony has also been recorded by the NHRC and is contained in their report, narrates that:

"At around 10:00 pm, we heard a lot of gunshots and noise from outside. We ran outside to see what was happening. I was terrified, I hadn't seen anything like this ever happening in my life. The students who were in the protests had been beaten by the police and those who escaped ran into different hostels to take shelter, with the police and RAF chasing them. Then all of a sudden we heard some police personnel shouting and abusing, entering the hostel. They came to the door and tried to break it open but

couldn't do so. They were shouting and abusing us outside the room. We were repeatedly saying from inside the room that we were not protesting, we were just studying in the room and were not involved in any of the protests as our examination was going on. But they didn't stop abusing and were saying, 'get out, we will tell you.' When they couldn't open the door, they broke the window of our room with the butt of their gun and started firing rubber bullets and teargas shells. One tear gas shell exploded inside the room and the room started burning. We started choking and were compelled to come out. As we came outside, they began to beat us brutally with their sticks and the butts of their guns. No one was listening to us, whoever came started beating us and were saying, 'daudo daudo' (move away, move away) but they were not actually letting us move because they were continuously beating.

I received a head injury there and later got two stitches in my head.

They dragged us from Morrison Court Hostel to Bab-e-Syed and shoved us into the truck parked outside; all the policemen who were coming abused us and beat us. Blood was oozing out of my head wound. There was a policeman who, on the way, said to the other policemen, 'chodo isko, ye already pit gaya hai' (stop beating him, he has been beaten up already) but no one paid his words any attention. It seemed like they were taking some revenge against us."

An M.A. student who was also present (and whose detailed deposition is also included in the NHRC report) recalled:

"When I reached Morrison Court, I found that the police had reached near Morrison Court and I remained there for some time before the police vehicle rushed in. We went inside the hostel. I was witnessing this from the gates (inner gate) of the Morrison Court, so I rushed into the nearest room that was open. I, along with many students who I didn't know at that time, rushed into that room. One student switched off the lights, so I could only hear their voices. The police started banging on the door, and students, including me, pleaded for them to stop and leave us. But the police kept saying, 'agar zinda rehna chahte ho toh bahar niklo' (if you wish to remain alive then come out). I, along with a couple of students, held the door handle tightly, as the lock was broken. Then, they broke the window glass by something that I thought (at the time) was a rifle butt (it could have been something else). It was then that the first tear gas shell came. It fell inside the room but very close to the window so we were able to get through it as most of the smoke went out from the window. Then I heard a loud noise, as if something had exploded in the room. The explosive sound numbed my senses for some time and the whole room became suffocating. I was able to hear the helpless cries in the dead silence. Before I could recollect myself, another explosion of the same kind happened and I don't know what happened in the room after that. The room became so suffocating that I thought I'd die. Other students were asking me to open the door and I myself without thinking anything opened the door. The police in the meantime were still shouting 'agar zinda rehna chahte ho toh bahar niklo'. I thought it was better to go outside than to die of

suffocation. So, I opened the door and the moment I opened the door, I received the first blow on my left shoulder and then I was dragged by one of the personnel in blue uniform, who beat us with rods, hands and feet."

Grievous Injuries

Around 60 students who suffered serious injuries and managed to escape police detention, were rushed to the emergency ward of the hospital located inside the AMU campus. Three students—one whose right hand had to be amputated, the second, who was suffering repeated seizures after being hit on the head with a lathi, and the third, a student who was shot by a rubber bullet in the head—were admitted in the emergency section's ICU. The rest of the students, those with serious but not life threatening injuries, were given first aid and sent back to their rooms.

A student from the Department of Law who sustained injuries owing to an explosive blowing up in his hand stated:

"The police were also throwing 'noise blasters', these looked like a hand grenade and made a loud sound whenever they exploded. In the middle of the protest, I picked up one of these noise blasters to throw it aside. Instead, before I could throw it away, it combusted in my hand itself. I was rushed to the hospital and have been here since then. I almost lost my thumb but thankfully they were able to stitch it back. Currently, I have 30 stitches on my right hand. And some minor injuries on my face. The doctor told me that full recovery is only possible in two months. On Monday early morning, I had to go in for surgery at 1 am. When I came out by 3 am, none of my friends who had been with me were around. I managed to find a phone and called my own phone number to find out where my friends were. The one who had my phone, picked up and said that they were told to leave the hospital premises (unclear if it was by police or admin)."

The friend of an M.A. student who was admitted to the ICU ward stated:

"His condition is serious and the doctor has kept him under observation right now. Lots of blood was lost. He is not sure about the injury but he is suffering from head injuries."

Another student of Foreign Languages who received rubber bullet injuries, stated:

"It was a peaceful march and there was absolutely no need for violence. When the police started using force there was some stone pelting from the students' side as well. I was protesting quite strongly because I am extremely angered by the CAA. At some point something hit my stomach, near my pancreas. I think it was a rubber bullet. I lost consciousness and I woke up only today. That means I lost an entire day in my life. I slept through all of Monday and I don't remember anything after I fainted."

The doctor who treated some of the students who were admitted also stated the critical condition in which the students were brought:

"[A student who was hit by a rubber bullet] was not maintaining his blood pressure when he came in. In fact, even now we are struggling to stabilise his blood pressure. He could not even be shifted for a CT scan because his condition was so critical. His injuries were

almost fatal. He suffered what looked like a mild cardiac arrest but now we believe his body responded that way because of the trauma his heart suffered. We checked for abdominal bleeding but there wasn't any. Even now internal bleeding is possible so we are keeping him under close observation."

Detention Of Students And Custodial Torture

The police detained 26 students and took them to various police stations in Aligarh. Of the detained students, some were heavily injured and initially prevented from getting medical help,⁵⁰ they were taken to the Malkhan Singh Hospital (3.5 kilometres away from AMU) in the city instead of the University's own medical college inside the campus. Those with lighter injuries refrained from seeking medical help for fear of reprisal.

Post the violence, the police and the RAF maintained a heavy presence inside the campus. Two students reported that they were beaten by police officers near the Kennedy Hall complex the next morning, hours after all protests had ended. Throughout the night, police personnel seized motorcycles parked inside the campus, including many parked in the library parking lot. The security forces also vandalised bikes and other vehicles belonging to students.⁵¹

On the evening of 16th December 2019, 26 students were released from custody. Three students have testified that they were stripped and beaten with leather belts. Another student was beaten with rifle butts. Some of the released students also described the mental torture and religious humiliation—the police forced them to drink alcohol and chant religious slogans like '*Jai Shri Ram*'. Almost all accounts of custodial violence mention the use of vile and Islamophobic language by the officials.

Testimonies of students who were tortured

a. A student from the Department of Urdu who had taken shelter in the guest house (his detailed testimony was also recorded by the NHRC and is present in their report):

"After being beaten, when I was left half dead, they took me to the police station. On the way to the police station, I was abused and rebuked as if I were a criminal. I was told, 'Aap Pakistan kyu nahi jaate, desh drohiyo?' (You traitors, why don't you go to Pakistan?). I was kept in the police station for about 30 minutes. I had shooting pain in my hands and I was continuously bleeding. I requested them to take me to the hospital but they didn't pay heed to my request. Amidst this pain, I was asking myself only one question. Am I a terrorist that they're treating me like this? What is my crime? Is being a Muslim a

50 A student of B.A. narrated, "One of my friends [at Aftab Road] was severely injured. He got head-injury at the canteen and was taken to the Hall. We couldn't take him to the hospital because the police had beaten the ambulance drivers and there were chances of him getting detained. We managed somehow to stop the bleeding for about an hour. When we realized that the blood was not stopping, we called the ambulance for an emergency. When we came out, the police stopped us. They started rebuking us and asking, 'Is CAB for the minority? Yes, I replied. Are Muslims minority in India? Yes, I replied'. He started beating and asking, "Tum saalo minority ho? [You Muslim Bastards! Are you even a minority?!'. After almost an hour, the ambulance came and we admitted him to the hospital."

51 The NHRC report has found that police "caused damage" to some of the vehicles parked inside the campus. (P. 190 of the NHRC report)

crime? Or is demanding a legitimate right my crime? Finally, they took me to Malkhan Singh Hospital. When doctors started doing my MLC, one of the policemen told the doctor not to do my MLC because he wanted to beat me again. Then another policeman stopped him and said, 'Stop it now, otherwise he will die, because he has already lost so much blood.' I spent the entire night in pain and my little finger has swollen so much, and I kept bleeding from my wounds. It was at around 8:00 pm the next day when we were released, and I was shifted to JNMC."

b. A student who was present in Room No. 46 of Morrison Court during the violence and was dragged out by police personnel (his detailed testimony was also recorded by the NHRC and is present in their report).

"I was thrown into the truck and one RAF personnel entered it as well. He laid me down and put his foot on my face and said, 'Ab mango azadi, azadi chahte thay gaddaro' (Now ask for freedom, you were demanding freedom you traitors!). He also added, 'Desh ka namak khaatay ho, desh se gaddari kartay ho' (You earn your bread and butter in this country, and still you betray it). He punched my face and my face, my lower lip and my knees began to bleed.

When we reached Bab-e-Syed, they snatched my phone and wallet and dragged me out of the truck and shoved me into a jam-packed police van, full of detainees who were placed one on top of another, and then they locked the door. They directly drove us to Malkhan Singh Hospital, some 9-10 kilometres away from AMU. I was not able to walk; some students and doctors helped me to the emergency room where my external wounds were cauterized to stop the blood flow and I was given some painkillers. No X-Ray was done. We repeatedly told the policemen to carry out X-Rays because our bones were fractured. They didn't listen to us and told us, 'filhaal itna hi' (for now, it is enough). In the hospital itself, where we were undergoing treatment, some policemen came and started investigation. This was done to know about our identities. We were crying in pain but they didn't allow the treatment to be completed and continued with the interrogation. During the questioning, they followed a pattern, one question, one slur, one slap. One policeman came and did that, others followed. This was repeated around 7-8 times.

One police inspector came to me—I could just see his two star badge—and pulled my beard and said, 'Ye toh aatankwadi lag raha hai', (he looks like a terrorist). One Hindu friend, who was also detained and was sitting with me was told by this police officer, 'aap kaise inkay saath ho, inkay behkawa mai kaisay aa gaye' (how can you support them, how did you fall in their trap). At around 2-2:30 am, we were taken to the Gandhi Park Police Station and were thrown into the police lock-up. We repeatedly requested them to allow us to call our parents. They didn't let us talk to anyone. Instead they started abusing and castigating us. They had already snatched our phones so we were completely helpless. The condition of the lock-up was pathetic. We were around nine students in a single room and there was no separate washroom. The room stank. It was

very cold and we were not provided with extra blankets—nine people had to share only three blankets. The cold was more painful than the injuries. We were not spared even in the lock-up. Everyone passing by abused us. I was screaming in pain the entire night.

Next morning, a new batch of policemen arrived. Just as the earlier policemen had done, they abused and scolded us. They kept harassing us, saying, 'Saalo jail mai hi sadogey, koi lenay nahi aayega. Haraamiyo! Desh Drohiyo' (You bastards! You will decay in jail only and no one would come to your rescue. You bastards! You traitors). At around 10:00 pm, the proctor and the members of AMUSU came to the police station and got us out on bail. We were directly shifted to JLNMC for treatment where X-Rays and other tests were done."

c. An M.A student who had locked himself inside a room in Morrison Court and was forced to come out when he started suffocating due to a tear gas shell explosion inside. He was then carried away by RAF personnel (his detailed deposition was also recorded by the NHRC and is present in their report).

"First, I was taken to the left side of the corridor as some personnel were standing there, so they could beat me up. Then, I was dragged outside the hostel, beaten up all the way, until we reached the end of Morrison court area. They then asked me about my hometown. After coming to know that I was from Kashmir, the degree of brutality increased. They started shouting, 'Acha tum hi ho jisko azadi chahiye?'

(So you're the one who wants freedom?) and then as they beat me, they said, "Yeh lo Azadi" (Take this, here is your freedom). One of the personnel suggested the others beat me with a wooden rod instead of a plastic one. I was tied to a tree and my legs were beaten. This happened at the corner of the road which leads to Morrison Court. I received a blow on my ear and it began to bleed heavily. I was half conscious and I told the police personnel, who were holding my collar, that my head had been injured. He then held me by my head and asked others not to hit me on the head while suggesting that they could hit anywhere on the rest of my body.

I was kept in a large police vehicle, a truck, along with many others and we were beaten in the vehicle as well. A policeman had a short rod-like object in his hand—he was counting us repeatedly after every few minutes—he beat us while counting each time. He stepped on my face, my legs and wherever he could step on. When the brutality didn't stop, I told him that my brother was in the Army as well. He asked me for his name and battalion. When I had answered him, his focus shifted from me to the next student who was lying down and was wearing a sherwani. He beat him also up, while saying, 'Tu saala sherwani waala'. When we were being taken out, every other student told him to take his sherwani off. I was asked to hand over my phone, and to date I have no trace of that phone. I saw a broken phone by my side as I was lying on the vehicle which I thought was mine. Later, a student who was detained with me told me that my phone was placed on his head and broken with a rod by that policeman.

When we were taken in the small police vehicle, a jeep, we were beaten even then, that is, in the time between being transferred from the big vehicle to the smaller one. Then we were taken to Malkhan Singh Hospital. There, first aid was given (painkillers, etc.) but I saw that students were being beaten even while they were being treated for injuries. Fortunately, I was spared there. Then I was asked about my permanent residence, contact details of my family members, etc. I was then taken to Akarabad Police Station along with four other students. As we were being taken, a fear of being encountered ran through the minds of every one of us. Then, we reached the police station. First, we were taken to a room. We were given a thin blanket, and told to spread it on the floor. We were asked to lower down our trousers and lie down. One by one we were beaten by a thick and wide rubber-like belt on our hips. After that, although the physical violence ended, verbal violence continued. Repeatedly, I was called a Pakistani due to my Kashmiri background and one of the personnel told all us, 'Jo Rohingya ke saath hua burma main, hum tumhara sath waisa hi karenge' (What happened to the Rohingya in Burma, we will do the same to you). Then we made entries in the diary and then the three students were sent to be kept in one room. I, along with another student, was taken to the initial room again. I don't know why but I was asked about my personal information and again that rubber belt was used on my hands but not as brutally as before. Then, we went back and slept in the room with everyone else. The next day, we were at the Civil Lines Police Station around 10 pm and by 10:30 pm, I was released from the Civil Lines Police Station.

The degree of brutality can be gauged from the fact that when I went to the hospital soon after my release, I was prescribed sixteen X-rays and a full body CT scan as every part of my body except my head and feet had turned blue."

Several other students stated that the RAF personnel used communal abuse against them while beating them, as can be evidenced from the testimonies in the preceding segment. They recounted many instances of taunts and insults. In one instance, they were asked by the police if CAA was for the minority, and the police beat up a student when he said yes. The police, while beating him up, said, "Tum saalo minority ho?" (You Muslim bastards, are you even in minority?).

Arrests And Criminalisation

After the protests on 10 December 2019, the Aligarh police registered an FIR against 21 named and 500 unnamed students of AMU.⁵² On the night of 15 December 2019, two separate FIRs were filed⁵³ against 56 individuals and 1200-1300 unnamed persons.

Post 15 December, police forces were posted at all of the entry points to the University as a 'precautionary measure'. Simultaneously, internet services were suspended—particularly on the 13th and the 15th. The following week, another FIR was filed against 1200 unnamed students, teachers and other non-teaching staff for violating Section 144 and carrying out a peaceful candle light march. Several prominent activists were post-facto detained and for addressing AMU students.⁵⁴

On 24 January 2020, the UP Police again booked 4 named and 200 unnamed persons over charges of violating prohibitory orders under Sections 145 (unlawful assembly), 147 (rioting), 188 (disobedience of public servant) and 283 (causing danger and obstruction) of the I.P.C.

An M.A. student from the Faculty of Arts who received a summons notice from the police alleged that the district administration, in collaboration with some University officials, continued to target politically active students after 15 December 2019. He said that while he has played an active role in the anti-CAA-NPR-NRC protests on campus, he was not present in Aligarh on 15 December. He speculated that the police could only have gotten his name from the records of the Proctor's office at AMU, which keeps tabs on political activity inside the campus.

Several students expressed worry and concern about their careers, futures and reputations. Students with no previous criminal record and no active political connections have been charged with criminal charges. This has affected their families and left them in shock.

52 FIR No. 0697/2020, P.S. Civil Lines, under Sections 147 (Rioting), 188 (Disobedience of Public Servant) and 353 (Assault) of I.P.C.

53 FIR No. 0703/2019 and 0704/2019, P.S. Civil Lines, Aligarh.

54 Detained under Sections 106 and 117 of the Cr.P.C. (preventive measure to maintain peace) and Section 155 of the I.P.C. (liability of a person for whose benefit a riot is committed).

Continuing Criminalisation

A student who was charged under the Goonda Act and who was not served a notice, found himself showcased on TV as one of the masterminds behind the alleged 'students' attack on police and RAF. A month later on 26th January 2020, he, along with four other students, were arrested by the University police because they took part in a protest organised by students against the Vice-Chancellor for allowing the police violence and criminalisation. The students were released only after the rest of the students protested in demand for their release. They had to furnish two bail bonds of Rs 2,00,000 each.



Source: Ansab Amir Khan

Another student, who was picked up by the police on 8th July and is presently in judicial custody, came to know about the case against him through a news broadcast on the *AajTak* channel, which reported that he was the mastermind who planned and executed 'riots' on 15 December 2019 in AMU. Earlier in December, the District Magistrate of Aligarh had threatened the same student's father on the phone, saying that if he did not stop the anti-CAA protest in Aligarh, all of them would be made to face adverse consequences. He subsequently received a summons notice in January and in mid-January, his house was raided.



Source: Ansab Amir Khan

Many other students had similar, horrifying experiences in which their names were published in the newspapers as 'suspects' involved in the violence of 15th December 2019. One student narrated:

"The newspaper articles and news shows have affected my public image horribly. Everyone who saw the news looked at me like I was a rioter. The news shows with its headlines have character assassinated me and in turn my family. My relatives and extended family have also distanced themselves from me."

A woman student narrated how following the brutal unleash of police violence on students on the night of 15th December 2019, she joined the protests to demand justice for the police violence against students.

"The University administration served an advisory notice to me, which 'advised' me to remove the protest from Bab-e-Syed, failing which I would have to face 'consequences!'"

Both the University administration and District administration threatened her of dire consequences if she did not stop taking part in the protests. She was served a notice after which the state police visited her hometown, interrogated her twice and conducted an inquiry about her in her neighbourhood, asking her neighbours, relatives and close kin about her political connections.

Another woman student who took part in protests after 15th December 2019 was threatened by a faculty that if she did not stop taking part in the protests, she would have to face several backlogs in her studies.

"We burned an effigy as a measure of protest and the district administration filed the report under UAPA. They are constantly suppressing free voice. I thought that I had to go personally there to reply to the notice. The way student activists are getting arrested in Delhi and Aligarh and the state is witch-hunting Muslims, state institutions are harassing Muslims, I have a psychological fear of stepping out of the house due to my worries of being arrested".

152 students were booked for offences of attempt to murder, sedition and other offences under I.P.C. following their participation in the protests.

Sharjeel Usmani, Ravish Ali Khan, Farhan Zuberi and Mohd. Amin Mintoe:

FIR No: 697/2019, P.S. Civil Lines, Aligarh

Sections 147, 188 and 353 of Indian Penal Code

147 - Punishment for rioting

188 - Obstructing public servant in discharge of public functions

353 - Assault or criminal force to deter public servant from discharge of his duty

FIR No: 703/2019, P.S. Civil Lines, Aligarh

Sections 147, 148, 149, 153, 307, 504, 506, 332, 336, 188, 189 of IPC, Section 7 of Criminal Law (Amendment) Act and Section 3 of Prevention of Damage to Public Property Act, 1984

148 - Rioting, armed with deadly weapon

149 - Every member of unlawful assembly guilty of offence committed in prosecution of common object

153 - Wantonly giving provocation with intent to cause riot)

307 - Attempt to murder

504 - Intentional insult with intent to provoke breach of the peace

506 - Punishment for criminal intimidation

332 - Voluntarily causing hurt to deter public servant from his duty

336 - Act endangering life or personal safety of others

188 - Disobedience to order duly promulgated by public servant

189 - Threat of injury to public servant

Section 7 of Criminal Law (Amendment) Act, 1932 - Molesting a person to prejudice of employment or business

Section 3 of Prevention of Damage to Public Property Act, 1984 - Mischief causing damage to public property

FIR No: 704/2019, P.S. Civil Lines, Aligarh

Sections 353, 332 and 395 of Indian Penal Code and Section 7 of Criminal Law (Amendment) Act

395 - Punishment for dacoity.

PSYCHOLOGICAL IMPACT ON STUDENTS

From December, 2019 to February, 2020, several therapists across the country came together to provide voluntary therapeutic support to students who faced high levels of violence. Clinical psychologists, counsellors and doctors highlighted both psychological as well as the social and structural aspects of mental health issues emerging as a direct result of these acts of violence by the police.⁵⁵

The police violence against students within the University campus in turn violated the idea of a University as a 'safe space', where young minds are nurtured, and where students come to learn, grow and build a sense of community and belonging.⁵⁶ Universities in India, due to their largely metropolitan locations, have in them significant groups of students who are not only marginalised, but are also far away from home and their immediate support systems. It is this 'safe' nature that judicial pronouncements concerning police action in Universities, as well as the police's own internal guidelines have sought to protect.

Short Term Psychological Impact:

Panic episodes or anxiety symptoms as an acute stress response

Moments of negative thinking, reduced self-esteem

Disrupted sleep patterns and reduced daily functioning

Extreme isolation and loneliness, given that many students are far away from home

55 Szabo P. Christopher, "The trauma caused by violent protests can be acute, but is largely ignored." *The Conversation* (September 22, 2016) available at: <<https://theconversation.com/the-trauma-caused-by-violent-protests-can-be-acute-but-is-largely-ignored-65763>> (last visited on August 10, 2020)

56 Michael S. Roth, "Don't Dismiss 'Safe Spaces'" *The New York Times* (Aug. 29, 2019) available at: <<https://www.nytimes.com/2019/08/29/opinion/safe-spaces-campus.html>> (last visited on August 10, 2020)

Long term psychological impact:

Loss of motivation and listlessness in all tasks

Lack of academic performance

Risk of self-destructive habits and self-harming behaviours

Prolonged episodes of depression characterized by hopelessness and helplessness

PTSD and intergenerational trauma as entire families and communities are mentally overwhelmed as one's agency is stripped away.

The state's own machinery was used to institute violence against minority students and such action can only be viewed as furthering the objectification, dehumanisation, 'scape-goating' and societal 'othering' that minorities already face in society where they are specifically targeted and treated as lesser citizens of the state. This inherently creates defensiveness and fear, as it impacts the victim's own sense of self as well as highlights their subjugation in the eyes of the oppressor, who can now perpetuate further violence.

A key elaboration of the psychology of violence is in the understanding that this brutality is multi-pronged in nature. At the peripheral level exists violence to the body depicted by infliction of pain, physical abuse, bodily scarring, gender-based violence and sexual harassment. This is followed by violence to the psyche which is the shock created by being attacked in your educational campus, in a safe space by 'protectors of citizens' or 'law and order forces'. This causes a limbo between disbelief of the situation and numbness, as one's contextual equilibrium is destroyed. The third and final blow is violence to the spirit and soul which occurs as a result of an assault on one's identity and lived imaginations as well as one's access to justice and care.

The Istanbul Protocol—an international guideline for states and civil society on how to approach torture and violence by state forces—lays down that "*torture is a means of attacking an individual's fundamental modes of psychological and social functioning.*"⁵⁷ The ambit of this torture is not limited to physical acts, but considers, and lays stress on mental harm. While specific kinds of physical acts, particularly hate violence has long-term and sometimes irreversible psychological impacts, non-physical harm—subjection to verbal abuse and hate and desecration of the home—also has an impact on mental health.

The invasion of the campus by police officials, the inflicting of violence in spaces

57 United Nations, "Istanbul Protocol" (2004) available at: <<https://www.ohchr.org/documents/publications/training8rev1en.pdf>> (last visited on August 10, 2020).

of learning and praying, i.e. libraries and mosques, the misogynist comments and racialised attacks targeting the faith and religious identity of students, treating their bodies in a dehumanizing way—all of this presents a strong case of torture and its long-term psychological impacts. Specific police acts of humiliation and degradation that usually go unmentioned in violence accountability, are of particular importance in the context of mental well-being in the long run.

On the night of 15th December 2019, the students of JMI were paraded outside their own University campus with their hands up in the air. Similarly, students of AMU were treated as criminals, by portraying them as 'masterminds' through television channels. The public humiliation and criminal treatment of young students by the law enforcement and through vindictive media trials, and the ensuing social boycott, can lead to trauma and long-term impact on mental health inhibiting social relations, amongst others.

Several testimonies of the students suggest that they could not sleep for days post the violence they witnessed. Difficulty in falling or staying asleep is one of the short term consequences of this nature of violence.⁵⁸

A student from JMI recollected,

"This whole incident has left scars on my memory. Even when I sleep, I feel that the police are loudly knocking the doors again. I feel I need to see a psychiatrist when I come back to Delhi because I have been traumatised badly."

The continuous propaganda and criminalisation of Muslim students of the two Universities, by the right wing media and some mainstream media channels has lead to the portrayal of the students as 'violent', 'extremists', and 'anti-Hindu' and perpetuated similar notions that may have existed in the minds of the larger public. It is inevitable that such representations of young students have the potential to impact their day-to-day interactions with people, and their integration in society.⁵⁹ Several studies in the USA have shown that the increased police violence and continuous criminalisation of the Black community in America, has led to serious mental health concerns, including stress, trauma, anxiety, hopelessness, and a fear of attacks by police.⁶⁰ Paranoia and delusions of persecution⁶¹ have also been seen as long-term impacts of the nature of these targeted attacks by police and by society, which is not limited to physical violence.

⁵⁸ *Ibid.*

⁵⁹ Ni, Michael & Kim, Yoona & Mcdowell, Ian & Hong, Qiu & Wong, Irene & Galea, Sandro & Leung, Gabriel. (2020), "Mental health during and after protests, riots and revolutions: A systematic review." (last visited on Aug 11, 2020).

⁶⁰ Ana Sandoiu "Feature Report, "Police violence: Physical and mental health impacts on Black Americans" *Medical News Today* (Jun. 22, 2020) available at: <<https://www.medicalnewstoday.com/articles/police-violence-physical-and-mental-health-impacts-on-black-americans#Public-safety-as-detrimental-to-public-health>> (last visited on August 10, 2020).

⁶¹ United Nations, "Istanbul Protocol"(2004) available at: <<https://www.ohchr.org/documents/publications/training8rev1en.pdf>>

The violence towards protesting individuals has had ramifications on the immediate family members and social community. Some of the students, after the violence, also faced social boycott after their social media profiles were tracked and their names put in police complaints.

A student of AMU testifies,

"My father had to receive the notice from the police. I was showcased as one of the main suspects in all newspaper reports and television news of 15th December. The newspaper articles and news shows have affected my public image horribly. Everyone who saw the news looked at me like I was a rioter. The news shows with their headlines have character assassinated me and in turn my family. My relatives and extended family also distanced itself from me."

The experience of the trauma faced was also gendered, especially in the case of JMI. Several women students who were sexually harassed by police officials, also addressed in their testimonials the extent to which this violence was agonising and mentally scarring. A woman student of JMI recollects:

"It is going to take a long time to heal. I am very tired and sleepy but not able to sleep because a recurring thought that, ...these things remain undocumented each time—that the male police officials are harassing us. They are pinching us. They were pinching us today. They are harassing us. They are grabbing us. They are groping us. These things remain undocumented. I am constantly thinking about it...getting very anxious. This also amounts to mental harassment. The scenes are repeating in my head—pakda hai aur kheecha hai (they held and grabbed us)—I would not allow any person to do that to me, no matter who the person is, especially not someone from the State! This was a direct State attack. This was not merely police brutality. This was State brutality because we have not seen this before 2014."

Another student from AMU recalls, *"My family was traumatised by the raid. My mother still wakes up in the middle of the night, horrified by visuals of policemen raiding our house and searching it."*

Students of both Universities shared how they are now being extremely cautious and sometimes even paranoid about their movements and surroundings. They are making sure their phones are always with them, so they can quickly reach out for help. The overall anxiety here is not just limited to the probability of one's own arrest, or consequences faced at both personal and institutional levels, but also the fear one feels as a community, because of one's own religious identity. Studies suggest that being caught in such political unrest, can cause Post Traumatic Stress Disorder (PTSD).⁶²

62 Pallavi Pundir, "Students in Delhi Tell us How the Police Violence During the Anti-CAA protests has affected their Mental Health" *Vice* (Jan. 21, 2020) available at: https://www.vice.com/en_in/article/z3b4b4/students-in-delhi-tell-us-how-the-police-violence-during-anti-kaa-protests-has-affected-their-mental-health (last visited on February 10, 2020).

A student from AMU says,

"The way student activists are getting arrested in Delhi and Aligarh and the state is witch-hunting Muslims, state institutions are harassing Muslims, I have psychological fear and fear stepping out of the house because I am afraid of being arrested."

A study conducted by the World Health Organization (WHO) in 2014⁶³, suggests that social inequalities are associated with an increased risk of mental health disorders. It says, *"Certain population subgroups are at higher risk of mental disorders because of greater exposure and vulnerability to unfavourable social, economic, and environmental circumstances, interrelated with gender. Disadvantage starts before birth and accumulates throughout life."*⁶⁴ There is a need to recognise that Muslims as a community in India, with the ongoing criminalisation of their community, are at a higher risk of mental health issues, especially after the unrest and police action that has unfolded since December 2019

There is an abundance of both anecdotal and documented minority bias by police across the world. ⁶⁵What occurred at JMI and AMU are not isolated incidents. Records of similar anti-minority violence and attacks on marginalised as well as vulnerable youth exist as a response to student activism and protest in many parts of India and the world. ⁶⁶In most cases, Dalit and Muslim students bear the brunt of this violence. The cheering on of police brutality as an efficient "handling of the situation" leads to the normalisation of violence and severe repercussions against minorities in other parts of the country rather than the de-escalation of violence.

63 World Health Organization, "Social Determinants of Mental Health" (2014) available at: https://apps.who.int/iris/bitstream/handle/10665/112828/9789241506809_eng.pdf?sequence=1 (last visited on August 10, 2020).

64 *Ibid.*

65 Podcast, "The Impact of Police Violence on Health" (June 5, 2020) available at: <https://why.org/episodes/the-impact-of-police-violence-on-health/> (last visited on August 10, 2020)

66 Misra Shubhangi, "Stop cheering Police Brutality. Citizens like Jayaraj and Bennix pay the price." (June 28, 2020) available at: <https://theprint.in/opinion/pov/stop-cheering-police-brutality-citizens-like-jayaraj-and-bennix-pay-the-price/450378/> (last visited on August 10, 2020)

NATIONAL HUMAN RIGHTS COMMISSION (NHRC) INVESTIGATION INTO THE VIOLENCE AT JMI AND AMU

The NHRC, acting on numerous complaints and judicial orders, investigated the human violence that took place at JMI and AMU as human rights violations. Both investigations were headed by Ms. Manzil Saini, SSP, an officer of the Uttar Pradesh cadre on deputation to the NHRC. In the case of AMU, a number of concerns were raised by other human rights groups and petitioners regarding the selection of an officer from UP—a state with a reputation for Extrajudicial Killings (EJK)—to investigate police human rights abuses.⁶⁷ The complaints yielded no effective action on the part of the NHRC.

Both investigations resulted in similar findings and recommendations. The NHRC blamed the students for the violence; the use of force by the police was found to be justified and necessary. The NHRC only critiqued the police for 'unprofessional' behaviour such as caning students who were not protesting, and causing damage to property of the University. The investigation concluded that these actions had no bearing 'on the task of controlling law and order'. The NHRC recommended compensation for some of the injured students on 'humanitarian grounds' and departmental action against the offending officers.

⁶⁷ Letter sent to NHRC by Mr. Colin Gonsalves, Senior Advocate, on behalf of the petitioner dated 13 January 2020.

Findings of the NHRC report on violence at Jamia Millia Islamia

Based on complaints received on 15th December 2019, regarding denial of legal and medical aid to 34 detained students of JMI at Kalkaji and NFC Police Stations in New Delhi, the NHRC launched investigations into the allegations of human rights violations by the police at JMI. Subsequent complaints were also filed by human rights groups on 16th December 2019, regarding police violence against students.

The NHRC in its findings blamed the violence on the students based on questionable grounds, providing legitimacy to the police action. Crucially, the report nowhere indicates which groups of individuals' depositions were recorded, or what evidence it relied upon to come to the conclusion. While legitimising police action and attributing criminal intent to student protesters, the NHRC recommended compensation to the injured students and disciplinary action against erring officers. Below is a critical appraisal of the key findings of the report:

- i. The NHRC report claims that the students did not take prior permission from the administration to protest, thus arguing against the students' constitutional right to protest.⁶⁸ It is a settled principle of law⁶⁹ that mere lack of permission does not make a protest unlawful. At the same time, the NHRC pays no attention to the police violating their guidelines to seek permission from the University administration before entering the campus.⁷⁰
- ii. The report partly blames the violence on the University administration's inability to control the situation,⁷¹ while ignoring the administration's stand that the police did not need to enter the campus. Strongly admonishing both the students and the University administration, the NHRC merely states that the police 'could have avoided'⁷² entering the reading room and library.
- iii. Without any evidence, the report also claimed that the protest was coordinated and led by local political leaders who from time to time addressed the protesters,⁷³ legitimising anti-protester fake news and propaganda.⁷⁴ The NHRC report repeatedly mentions the 'need to uncover the real actors and

68 See, point (i) ("*no permission sought for activity*"), point (ii) ("*failure of the administration that they did not try to share development of any discontentment with local police*").

69 *Ramlila Maidan Incident v. Home Secretary, Union of India* 2012 (5) SCC 1. For further discussion on this point, see section on '*Permissible Use of Force*', P. 66 below.

70 For further discussion on this point, see section on '*Indian legal framework regarding police action against students*', P. 65 below.

71 See, finding no. (ii).

72 See, finding no. (i).

73 See point (i) ("*protest was also coordinated and led by local political leaders...beyond doubt that students of JMI, local residents, doubtful character, political leaders were actively involved*").

74 Neeta Sharma, "Curb Violence, Fake News On Social Media": Centre To States Amid Citizenship Act Protests NDTV Dec. 16, 2019 available at: <https://www.ndtv.com/india-news/citizenship-act-protests-curb-violence-fake-news-on-social-media-centre-tell-states-2149763> (last visited on August 18, 2020).

motives behind overall protest...under the disguise of students'.⁷⁵ It fails to see the peaceful and constitutional nature of student dissent.⁷⁶

- iv. As part of blaming the violence on the students, the NHRC report claimed that protesters damaged property alongside the road. The NHRC's own findings are rebutted by the Delhi Police's admission⁷⁷ that none of those who were involved and consequently arrested in the bus burning incident—the pretext for claiming that the protestors were violent and necessitated the use of force—were students.⁷⁸ Thus, not only does it justify police brutality without substantiation, but also purposely weaves a narrative through falsification. Moreover, the location where public property was damaged—New Friends Colony near Mathura Road—is 3-4 kilometres away from the University and was not the site of protests. None of the rioting imputed to the protesters actually happened inside the campus or near any of its gates.
- v. The NHRC report, in contradiction to various accounts, and without substantiation, alleged that the protestors entered the library and blocked the police from entering. Hence, the police broke open the doors of the library in order 'to remove them'. The report observes that the beating of students inside the library was 'avoidable'.⁷⁹ By its own admission, if the protestors had hid inside the library, then the alleged unlawful assembly had already dispersed—requiring the police to cease violent action instead of aggravating it.
- vi. The report constructs a scenario in which the police had no option but to enter the University campus, while at the same time downplaying the actions of the police inside the campus.⁸⁰ In doing so, the report neither investigates the police's use of force nor holds the police accountable.
- vii. Despite several videos having surfaced online, showing indiscriminate and excessive use of force by the police, the NHRC failed to mention or consider them. The NHRC termed the violence on students as a 'clash' between the police and students.⁸¹ However, this report, among several others, shows the brazenness of police and the targeted nature of the attack.

75 See, finding no. (iii).

76 See, finding no. (vi).

77 Anvit Srivastava, "10 arrested in connection with Jamia violence; no students among them, say Delhi Police" *Hindustan Times* (Aug. 7, 2020) available at: <https://www.hindustantimes.com/delhi-news/10-arrested-in-connection-with-jamia-violence-no-students-among-them-say-delhi-police/story-c6O2OdCfRHRpggH-4loTzwK.html> (last visited on August 18, 2020).

78 See, findings (i) and (iii).

79 See, point (i) ("as to remove them police broke open the doors of the libraries"... "the beating inside the library was avoidable").

80 See, point (i) ("seeing no other alternative..to control the violent unruly mob and to remove them from the campus").

81 See, point (i) ("there were clashes in which many protesters became injured and were detained").

- viii. The report attributes criminal intent to the students and people participating in democratic protests against CAA-NPR-NRC. It directs the University administration to establish a mechanism of better communication with the student fraternity so that students are 'not influenced by outsiders and local goons or petty politicians'.⁸² The human rights body does not address the severe lapses on part of the Delhi police, the ensuing human rights violations, the violation of students' rights to organise and protest, the treatment of women students at the hands of male police personnel, the attack on the Masjid and the Imam, the detentions and arrests of students and the extent of grievous hurt caused to students who were at the receiving end of disproportionate use of police force.
- ix. The report recommends that the Delhi Government give compensation to the injured students.⁸³ However, no compensation has been provided as yet.
- x. The report recommends that the Delhi Police Commissioner and Director General, CRPF identify members of the force (both Delhi Police and RAF) who were seen in CCTV footage damaging CCTV cameras, 'unnecessarily' going inside the reading rooms of libraries and also using tear gas shells inside the library, to initiate disciplinary proceedings.⁸⁴ By putting the onus of police brutality and excesses on individual erring police officers, the NHRC fails to look into the role of the Ministry of Home Affairs (MHA) under whose jurisdiction the Delhi Police operates, and the senior police officials who may have issued such orders.
- xi. Although the report briefly mentions AMU, it fails to note the striking similarity in police action—both occurring in states controlled by the BJP-led Government, at a time when the BJP rules the Center—in the two Universities and against Muslims students. On the contrary, the report goes on to direct the Commissioner of Police, Delhi—the command head of the perpetrators of violence—to constitute an Special Investigation Team (SIT) of the Crime Branch, Delhi Police, to identify and arrest the '*real perpetrators behind the violent protest*'.⁸⁵ The recommendations further direct the Commissioner of Police, Delhi and other senior officers to 'improve and to set up a robust intelligence gathering system' to ensure better preparedness 'to prevent such incidents in future'.⁸⁶ Thus the NHRC, while attributing criminal intent to students, has also given directions for an architecture of surveillance and control of University spaces in future.

82 See, Recommendation no. (vii).

83 See, Recommendation no. (i).

84 See, Recommendation no. (ii).

85 See, Recommendation no. (iv).

86 See, Recommendation no. (vi).

Findings of the NHRC report on violence at Aligarh Muslim University

The Allahabad High Court, in response to a petition filed in at the court asking for immediate relief to injured students and an independent investigation into the police violence on campus, tasked the NHRC with an investigation. The NHRC investigation was led by Ms. Manzil Saini, SSP, an officer of the police cadre of the same state in which AMU is located, i.e. Uttar Pradesh, under whose command several extra-judicial killings had taken place. Objections raised by petitioners as well as human rights groups were ignored by the NHRC. Moreover, for the investigation, the NHRC invited students to depose at a guest house of the UP government, manned by the UP Police. Deposing on police violence to the same police force which owned and manned the guesthouse affected the number and quality of depositions. Despite these challenges, 129 students recorded their testimonies before the NHRC investigation team.

The NHRC team visited AMU from 13th to 17th January 2020 and a few members of the team returned for a second round from 28th to 31st January 2020⁸⁷. They spoke to the University administration, district administration, police, including Aligarh police and RAF, medical staff and students who were witness to the incidents of 15th December.

The investigation also took as evidence some CCTV footage. The video evidence, which was later shared with the petitioners, consisted of short clips taken from selected CCTV footage limited to certain areas and not the whole footage covering the entire time-span or spread of the incident. The investigation did not take into account, even circumstantially, any videos of violence recorded by students on their phones. At the same time, the report cited lack of CCTV footage as a reason to dismiss serious allegations, including those of torture and inhuman treatment of students at the hands of the police.

Following are some substantive loopholes in the results of the NHRC investigation:

- i. The NHRC report reiterates the police's version which says that that they had to 'apply force' against the students of AMU in order to 'save the city from communal violence'⁸⁸. This runs contrary to its own previous finding where it noted that the 15th December events were neither planned nor premeditated⁸⁹.

87 Since only a few departments of the University were open by the second week of January and most students were yet to return after the abrupt vacation announced on 16 December 2019, the NHRC team had to return to complete the investigation.

88 P. 184 of the NHRC report discusses its finding on the question "(C) Whether the action taken by the police force to contain the situation was reasonable?" This was reiterated at P. 187 of the report - "*The senior officers of the police force and district administration directed to detain some of the protesters... to save the life and property inside the campus and Aligarh city*" - and again on P. 212 of the report.

89 "*There was no pre-decided program as such to hold any protest by the students on that day...*" (P. 179 of the NHRC report)

The NHRC's declaration of the intent of students—which also heavily informed their conclusions—is not grounded in any indicative evidence relating to speeches, slogans or acts. The contention of the NHRC is based solely on statements made by the police, without any supporting documents.

- ii. If the NHRC's assumptions for the initial use of force is taken to be true, it does not justify the continued use of violence by the police after the protesters had dispersed. The police version claims that students continued to indulge in violence even inside the campus.⁹⁰ However, it fails to mention any particular incident of violence by students inside the campus.⁹¹ The NHRC testimonies, on the other hand, clearly indicate that students were fleeing from the gate or hiding inside nearby structures to protect themselves from attacks by the police. Some students were also pleading with the police to go back and waving their handkerchiefs to say that they were not protesting anymore.⁹²
- iii. The report concedes that 'in some of the clips' it could see police personnel hitting a detained student with sticks on their body.⁹³ Instead of calling it custodial torture, such incidents are classified merely as 'unprofessional' behaviour on the part of the police. Regarding allegations of brutal use of force by the petitioner as well as in testimonies, the NHRC merely concludes that no 'material evidence' was produced except '1-2 video clippings'⁹⁴. The report does not call for any further investigation on the basis of these '1-2 video clippings', or consider other evidence such as medical records of injuries to be indicative of the fact that there were other incidents of violence by the police that were not recorded on camera.
- iv. The most brutal police action of that night took place in Morrison Hostel—a room was burnt, a guard was beaten unconscious, and several students were grievously hurt, including the occupants of the burnt room. The petitioners had particularly cited the events of Room No. 46 to show that use of force by the police was excessive, disproportionate and unreasonable.
 - a) The NHRC Report observed that there was a contradiction in the statements given by the students and the statement of the gatekeeper

90 P. 184 and P. 185 of the NHRC report.

91 The police version only makes a general observation that the "*mob pushed back inside the campus*" instead of going "*back to their hostels*" continued "*pelting stones*" (P. 184 of the NHRC report), causing the police to use force inside the campus. The NHRC finding itself is silent on this point. However, if the police were only looking for the students to "*go back to their hostels*", why were they chasing and beating up students who went back inside the hostel and guest house building?

92 See testimony of a student under the section '*Attack Inside the Hostel*', P. 42 above.

93 Page 187 of the report, discussing its finding on the question "(C) *Whether the action taken by the police force to contain the situation was reasonable?*".

94 P. 188 of the NHRC report.

of the Morrison Court hostel.⁹⁵ The gatekeeper's testimony mentions that he was beaten unconscious at the hostel gate itself. One of the three students' testimonies has mentioned that the gatekeeper had come into Room No. 46 with them, while others are silent on this point.⁹⁶ The gatekeeper's testimony also mentions that he remembers nothing after he was beaten in front of the hostel gate, and that his next memory is of waking up in the hospital next morning. A possible memory lapse that was perhaps caused by police violence, was used by the NHRC to conclude that there was no evidence to show police brutality inside the hostel. The Commission also discarded the student testimonies of the violence inside the hostel concluding that the injured students were part of the mob who after dispersal took refuge in the hostel and justified police action as legitimate.

- b) The police, in its version of what happened in the Morrison Hostel have completely denied having lobbed any teargas shell inside Room no. 46 and hence causing a fire. In fact, they have altogether denied having entered the hostel at all,⁹⁷ a claim refuted by the few CCTV video evidence on record.⁹⁸ The NHRC observation relied solely on the police version, discounting CCTV footage which showed police entering the hostel with tear gas and other kits (which disproved their claim of never having entered the hostel), the clear evidence of fire inside the room⁹⁹ and recovery of empty tear gas shells from Room no. 46¹⁰⁰—all indicative of what the students deposed.
- c) The NHRC Report concludes that due to non-availability of sufficient 'material evidence' like CCTV footage of the attack on the hostel and specific spaces the allegations are 'neither proved nor disproved'¹⁰¹. Circumstantial evidence such as the fire inside the room, the recovery of teargas shells, the unconscious nature of the gatekeeper, the injuries on the students—all strong evidence of the police attack—was discarded by the NHRC to uphold the police version.

95 P. 192 of the NHRC report, on the question "(E) Whether the police had targeted Room no 46 of the Morrison Court hostel, AMU by firing tear gas shells inside the room due to which three students became semiconscious? If yes, whether the police action was warranted?"

96 *Ibid.*

97 P. 191 of the NHRC report, under the heading "Version of the police".

98 "After viewing the footage of Morrison Court Hostel, it appears that the police personnel went inside the main gate of the Morrison Court Hostel campus and were also seen carrying tear gas guns and other kits." (P. 192 of the NHRC report)

99 P. 193 of the NHRC report.

100 *Ibid.*

101 *Ibid.*

- v. The NHRC report contains testimonies of detained students who alleged that they were physically assaulted and verbally abused while being detained, and a majority of the students have said they were verbally abused with communal slurs in the police station.¹⁰² Students detained at Akkrabad Police Station have testified that they were not only verbally abused but also physically tortured in custody.¹⁰³
- a) Regarding physical and verbal abuse while detaining students the report concedes that there were some incidents of 'hitting of detainee with sticks' and refers to it as 'unprofessional behaviour of police staff'¹⁰⁴, treating them as isolated incidents. It does not respond to allegations of verbal abuse at all. However, in light of the large number of student testimonies, the limited video evidence of disproportionate use of force by the police (which already contradicts the police claim that only minimum force was used in all instances) rather indicates that it was part of a larger pattern and only a few instances were caught on camera. The report fails to connect medical records of injuries, and the fact that 26 detained students had to be taken to Malkhan Singh hospital for treatment,¹⁰⁵ with testimonies stating that students were brutally beaten up while being detained.
- b) Regarding allegations of torture and verbal abuse at police stations on 15th December, the report states that the NHRC team tried to obtain CCTV footage of the respective police stations, but was informed by the SSP of Aligarh that it was not available. Due to the absence of CCTV footage or any 'independent source' to verify the allegations of torture and verbal abuse it concludes that these allegations are 'neither proved nor disproved'.¹⁰⁶ It is surprising to note that the NHRC has dismissed serious allegations of custodial torture for want of CCTV footage. The very fact that footage of that day wasn't available should raise a red flag, and at the very least merit further inquiry, if not registration of FIR and a full investigation based on the testimonies.
- vi. The recommendations made by the team in the AMU report are very similar to the ones made in the case of JMI, including compensation for grievously injured students and departmental action against erring police officers. The recommendations were submitted before the Allahabad High Court on 24th

102 P. 198 of the NHRC report, on the question "(I) Whether any of the students was physically assaulted and verbally abused during custody of police at various police stations on 15-16/12/2019?".

103 *Ibid.*

104 P. 199 of the NHRC report.

105 P. 196 of the NHRC report.

106 P. 200 of the NHRC report.

February 2020,¹⁰⁷ with the court directing the respondents to carry them out.

- vii. The NHRC has recommended departmental action against police personnel who were involved in acts of vandalism and caning of detained students.¹⁰⁸ It also recommends that the police force needs to be 'sensitised' through 'special training modules' in order to 'inculcate professionalism'.¹⁰⁹ The report discounts most testimonies and only imputes a diminished culpability on the police. But the fact that acts of unnecessary use of force were carried out by the police is still established.

107 Rajesh Kumar Pandey "Allahabad HC to UP DGP: Act against cops who assaulted AMU students" *The Times of India* (Feb. 25, 2020) available at: <https://timesofindia.indiatimes.com/city/lucknow/high-court-tells-dgp-take-action-against-cops-for-excesses-in-amu/articleshow/74291915.cms> (last visited on March 23, 2020).

108 P. 215 of the NHRC report, Point 'b' in the section on Recommendations.

109 *Ibid.*

THE PRINCIPLES OF USE OF FORCE

Procedural laws in India that govern the maintenance of law and order empower law enforcement agencies to use force in discharge of their duties. However, the use of force is subject to restrictions within the law, and the laws themselves are subject to constitutional limitations. State violence against peacefully protesting unarmed students—physical assault, the use of tear-gas shells, lathi-charge, and forceful entry into University premises—can not only amount to disproportionate use of force, but also an attack on the autonomy of Universities as autonomous spaces for freedom of thought and expression.

Indian Legal Framework Regarding Police Action Against Students

Emerging from the Code of Criminal Procedure (Cr.P.C.), law enforcement agencies have powers to use force to effect arrest of suspects and to disperse unlawful assembly. Both powers are subject to restrictions of police and judicial guidelines pertaining to 'proportionate' use.

To Affect Arrests: Under Cr.P.C., the police have wide powers, including the power to pursue individuals without warrants into places that are not within their territorial jurisdiction—provided they are 'authorised' to carry out such arrests (section 48 Cr.P.C).¹¹⁰ While the police is authorised to enter any place,¹¹¹ or upon any jurisdiction,¹¹² to make an arrest, the reasonableness in the use of force to be employed by the police in doing so, is implicit in the Cr.P.C. provisions dealing with powers of police officers to effect an arrest,¹¹³ according to which a person arrested shall not be subjected to arbitrary restraint.¹¹⁴

110 See, LCI 177 th Report on Law Relating To Arrests (2001). "Authority" to effectuate arrests arises from whether or not the offence committed was cognizable. Cognizability itself is related to the gravity of the offense and the need to prevent commission of further offences to secure the society (or to prevent him from evading, or where such person is given to violent behaviours or is a habitual offender). Where there are arrests without warrants, they rely on the subjective satisfaction of the officials and hence must be subject to greater protection through an analysis of whether or not there existed a "necessity" to arrest (i.e. there existed no other means through which it could have been prevented). "An arrest cannot be made simply because it is lawful for a police officer to do so". Previously, the LCI has been of the opinion that where the offence is non-cognizable – no arrests should be made without warrant or at least the order of the Magistrate.

111 The Code of Criminal Procedure, 1973 (Act No. 2 of 1974), ss. 165, 166.

112 The Code of Criminal Procedure, 1973 (Act No. 2 of 1974), s. 48.

113 The Code of Criminal Procedure, 1973 (Act No. 2 of 1974), ss. 46, 47, 49.

114 The Code of Criminal Procedure, 1973 (Act No. 2 of 1974), s. 49.

Arrests in Universities: Customarily, Universities as nurturing safe spaces have enjoyed immunity from unfettered police action. The norm has found iteration in the guidelines of the Bureau of Police Research and Development, a government body addressing the functioning and methods of police, which mandates that the police 'keep the head of the institution informed of visits to the campus as far as possible'.¹¹⁵ Moreover, the Kerala High Court in a 2003 Judgement has stated that 'students indulging in criminal activities inside the college campus are liable to be dealt with just like any other offender', while cautioning that a college is a 'temple of learning' and any police action inside its premises be, as far as possible, with the knowledge of the principle.¹¹⁶

To Disperse an Unlawful Assembly: Sections 129 and 130-131 Cr.P.C., within the larger guidelines for the 'maintenance of public order and tranquility', empower the police and armed forces to use force to disperse an unlawful assembly. The use of force to 'disperse' an unlawful assembly is not a rule, and is to be exercised only if the object of the assembly is the cause of 'disturbance of peace', amounting to a 'threat to public order'.¹¹⁷ The assessment of the threat to public order, according to Supreme Court pronouncements, needs to take into account the extent and degree of violation, and not just the nature and quality of it as covered under 'threat to law and order'.¹¹⁸ Hence, to use force to disperse an unlawful assembly, it is necessary that the assembly was not just indulging in any infraction of the law, but initiated a public disorder in the locality or the area.

Permissible Amount of Force: If an unlawful assembly poses a threat to public order, the police are empowered only to use 'as little force as possible' and only to 'disperse' the assembly.¹¹⁹ The Supreme Court, on several counts, has noted that the police's use of force in response to an unlawful assembly has to be 'reasonable' and cannot be in excess or over the limit required to control or disperse the crowd.¹²⁰ Even in cases where the protesters have pelted stones at the police,¹²¹ excessive use of force—particularly excessive tear gas shelling and baton charging—by the police has been held as a violation of human rights and dignity, leading the SC to conclude that disciplinary action along with a criminal prosecution must be initiated against the erring officers.¹²²

115 See, Section titled "Campus Violence and Student Unrest" on page 193 of the BPRD Compiled Instructions on Functions, Roles and Duties of Police in General, www.bprd.nic.in/WriteReadData/userfiles/file/6798203243-Vol-ume%202.pdf

116 *Vijayakumar v. State Of Kerala* 2004 (2) KLT 627, para 9.

117 *Karam Singh v. Hardayal Singh* 1979 CriLJ 1211 para 4; Section 129 of Cr.P.C.

118 *Dr. Ram Manohar Lohia v. State Of Bihar* 1966 SCR (1) 709, para. 55.

119 See, *Anita Thakur v. Govt. of J&K* 2016 SCCOnLine SC 814, para 12-14.

120 *P.V. Kapoor v. Union Of India* 1992 CriLJ 128, paras. 34-35 (also relying upon the Model Conduct Code for the Police of 1961 and the Model Rules on the Use of Force by Police against Unlawful Crowds of 1964); *Anita Thakur v. Govt. of J&K* 2016 SCCOnLine SC 814 para 12-14.

121 *Anita Thakur v. Govt. of J&K* 2016 SCCOnLine SC 814 para. 14-15.

122 *Ramlila Maidan Incident v. Home Secretary, Union of India* 2012 (5) SCC 1, para 16(a).

In JMI & AMU: The police violated its internal guidelines when it entered the University without consultation with University authorities. The vast number of police forces, the excessive and indiscriminate use of force through firearms and other weapons against students, the gendered and racialised targeting of Muslim students, is difficult to encapsulate within the term 'proportionate' use of force, even by a stretch of imagination.

International Legal Framework On The Use Of Force Against Demonstrators

In the absence of a law on torture as well as specific rules on the use of force by police officials, Indian laws operating within constitutionally protected fundamental rights and due process leave out several gaps in the identification and accountability of specific violations. This section outlines international norms and laws on the subject and argues that the disproportionate use of force in JMI and AMU was violative of procedures governing police powers, qualifies as cruel, inhuman and degrading treatment (CIDT), and can be viewed as extra-custodial torture.

The Convention Against Torture & International Covenants: The UN Convention against Torture, 1986, (UN CAT) to which India is a signatory,¹²³ sets out torture as a punishable criminal act, and lays down legal obligations for states to investigate, prosecute and punish the use of torture by state agents, as well as redressal mechanisms for victims. Under the UN CAT torture is defined as the infliction of severe pain or suffering—whether bodily or mentally inflicted—for a certain 'purpose' (obtaining information, eliciting a confession, or for punitive reasons. It can also be inflicted as a method of coercion or intimidation or in a discriminatory manner).¹²⁴

Under India's dualist legal system, international agreements are not directly enforceable due to the primacy attached to State sovereignty. International treaties like UN CAT become legally enforceable when the States enact a specific domestic legislation.¹²⁵ While India has not ratified the UN CAT, the Indian judiciary has the power to, and has on previous occasions, taken cognisance of such offences, and has also used international law in the interpretation of domestic laws.¹²⁶ In India, in the absence of a domestic anti-torture law, crimes of torture are subsumed within

123 Law Commission Report Summary: Implementation of United Nations Convention Against Torture available at: <https://www.prsindia.org/report-summaries/implementation-united-nations-convention-against-torture-0> (last visited on August 18, 2020).

124 The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (UN CAT), art. 1.

125 This principle is referred to as "*pacta sunt servanda*" under international law. For more, see, Jianming Shen, "The Basis of International Law: Why Nations Observe", 17(2) *Penn State International Law Review* (1999).

126 See, *Francis Coralie Mullin v. Administrator, U.T. of Delhi* A.I.R. 1981 SC 608; *Nilabati Behara v. State of Orissa* A.I.R. 1993 SC 1960.

broader offences such as 'assault', 'grievous bodily harm' or 'abuse of power', often leading to difficulties in establishing an act as an act of torture and consequently leading to difficulties in responding to it.¹²⁷

Outside of UN CAT, India remains a party to other human rights treaties and conventions—including the 1966 ICCPR (Articles 7 and 10), which absolutely prohibit torture, and 'Cruel, Inhuman and Degrading Treatment' (CIDT), even during public emergencies.¹²⁸ In the absence of any definition, CIDT has often been considered as an act causing pain or suffering below the threshold of 'torture'—whether it is legally so or not being a moot point. International treaties (such as the European Convention on Human Rights) consider torture as an 'aggravated' form of CIDT.¹²⁹ The ICCPR points out that the grounds for an act to be considered CIDT (or torture) depend upon individual circumstances such as the nature of the act, its duration and the manner of infliction, the personality of the accused and the victim (age, sex and state of health).¹³⁰ India being a party to these treaties, is required to ensure that its domestic laws comply with the treaty obligations.¹³¹ An obvious corollary to this is to see that legal institutions (law enforcement bodies, courts) in India also uphold such treaties *in practice*¹³² — through preventive measures and by ensuring criminal accountability.

Police violence as prohibited ill-treatment (CIDT): Several States drawing from UN CAT, have outlawed both physical and mental/psychological violence,¹³³ as acts that tantamount to torture. Recent jurisprudence shows that CIDT and Torture need not be limited to custodial settings, but can extend into situations where excessive use of force is applied in crowd control operations. The first section below argues *when* excessive use of force outside custodial settings can amount to torture or CIDT, while the second section deals with CIDT and/or torture of AMU-JMI students under custody.

127 To seek adequate redress, see that the acts are stigmatised and the authorities are sensitised and trained for future responses.

128 The International Covenant on Civil and Political Rights, 1966 (ICCPR), art. 4.

129 *Ireland v. United Kingdom*, (5310/71) [1978] ECHR 1 (January 18, 1978) paras. 162-3, footnote 25; Human Rights Committee, *General Comment No. 20, Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment*, UN Doc. HRI/GEN/1/Rev.7 (1992) para. 2.

130 See, Human Rights Committee, *Vuolanne v Finland Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights -thirty fifth session concerning Communication No. 265/1987*, CPR/C/35/D/265/1987 (April 7, 1989), para. 9.2.

131 The Vienna Convention on the Law of Treaties, 1969 (VCLT), art. 26; Human Rights Committee, *General Comment 31: Nature of the General Legal Obligation on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 13.

132 Human Rights Committee, *General Comment 31: Nature of the General Legal Obligation on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 4.

133 For instance, Greece's Constitution, 2008, art. 7 (including "bodily maltreatment", "impairment of health" and "offences against human dignity") or Algeria's Constitution, art. 34 (guaranteeing against all forms of "physical inviolability").

1. Extra or Non-Custodial CIDT and Torture

International courts¹³⁴ like the European Court of Human Rights have found that violent beatings, systematic and indiscriminate use of less-lethal modes of weaponry (lathis, batons, chemical irritants)¹³⁵ against unarmed demonstrators or force inflicted as a means of retaliation or humiliation could amount to torture, especially where they result in death and grievous injuries¹³⁶ (eg. fractures, blindness).¹³⁷ Even if the legal threshold for proving torture is taken higher, as several jurisdictions are prone to doing,¹³⁸ police brutality can nevertheless amount to CIDT—which under the UN CAT definition¹³⁹ does not require a purpose, unlike torture.¹⁴⁰

In 2020, the United Nations Special Rapporteur on Torture, specifically dealing with the subject of the use of force against demonstrations, has held that hundreds of demonstrators ending in hospitals (or requiring emergency care) is indicative of CIDT. If the demonstrators are defenceless, as in the case with JMI and AMU, inflicting such

134 The Reference to regional courts such as European Court of Human Rights and Inter-American Court of Human Rights is for purposes of comparative analysis, since public international law is formulated through state practices and customs (see, the Statute of the International Court of Justice, art. 38(1)(d)).

135 UN Guidance explains that since every weaponry could have lethal effects if used in such manner or by untrained personnel, the preferred nomenclature is "*less-lethal*". Less-lethal weaponries also have the potential to cause serious injuries at the least.

136 Grievous injuries under I.P.C. include fractures, disfigurements, emasculation, permanent destruction of ability of sensory organs or joints, and all other injuries which could result in severe bodily pain for a period above 20 days or inability to carry out normal activities (see, I.P.C. 1860, s. 320).

137 See, *Cestaro v. Italy* (2015) ECtHR, 6884/11. The case involved a 62-year-old demonstrator, who was being compliant and surrendering, by an Italian police officer who beat him with a hand-held baton to the point where he suffered fractures and other injuries amounting to torture; See, *Bartesaghi Gallo v. Italy* (2017), ECtHR 12131/13 and 43390/13. Although none of the victims showed violence or resistance, and although all of them were manifestly unarmed, asleep or sitting with their hands raised above their heads, the police systematically and indiscriminately subjected each of them to violent beatings, intentionally inflicting severe physical and psychological suffering for the purposes of retaliation and humiliation through the use of excessive, indiscriminate and manifestly disproportionate force.

138 The IACtHR has taken a narrower approach - timing these and even more serious abuse, as merely CIDT (See, *Finca La Exacta vs Guatemala* (2002) Informe No 57/02 [1], Caso 11.382.). The operation to detain three persons ordered by the local court involved 200 special agents with the use of tear gas and support by helicopters. It ended with three peasants dead and 11 severely beaten. The Court considered that the intervention was legitimate but disproportionate and amounted to CIDT.

139 Torture definition as under CAT has been accepted as a principal of CIL and its prohibition itself has been elevated to the standard of a peremptory norm. The consequences of being declared as a peremptory norm is that, any State (irrespective of jurisdiction) which wishes can investigate, prosecute and punish such acts, and individuals who have perpetrated torture must not be subject to immunities; they also cannot claim exemptions under the extradition agreements. See, Erika De Wet, "The Prohibition of Torture as an International Norm of Jus Cogens and Its Implications For National and Customary Law", 15 *European Journal of International Law* (2004).

140 Irfan Neziroglu, "A Comparative Analysis of Mental and Psychological Suffering as Torture, Inhuman or Degrading Treatment or Punishment under International Human Rights Treaty Law", 4(1) *Essex Human Rights Review* (2007); RB Felson & JT Tedeschi, "A social interactionist approach to violence: Cross-cultural applications", 8 *Violence and Victims* (1993), pp. 295-310 (purpose of humiliation or punishment can also be meted out, as a form of sanction against perceived "disrespect").

brutality could potentially turn CIDT into torture.¹⁴¹

Certain provisions under the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF), and Code of Conduct for Law Enforcement Officials (CCLEO) embody customary international law,¹⁴² and thus are authoritative¹⁴³ standards regarding the use of force by law enforcement agencies. Like Indian domestic guidelines, the principles state that the exercise of force should be in *proportion to the seriousness of offence* (Principle 5); *to the minimum extent possible* to disperse an unlawful assembly (Principle 13) and that the use of firearms should be resorted to only when less dangerous means are not practicable, and *to the minimum extent necessary* (Principle 14). These are also termed as the principles of legality, necessity, proportionality and precaution.

Lawful powers of restraint entrusted in state forces cannot be an excuse to interfere with the demonstrations in their entirety nor can they be used indiscriminately, i.e., without differentiating between those who engage in violent activities and those who do not. Use of force also cannot be punitive or reprehensive. Additionally, law enforcement officials must discharge their duties without discrimination on the basis of religion and political affiliations,¹⁴⁴ which could otherwise amount to 'arbitrary¹⁴⁵ or abusive use' of force.¹⁴⁶ Such religiously motivated attacks—physical or verbal, also assume the form of humiliating and degrading treatment (CIDT).¹⁴⁷

141 Juan E. Mendez, "Crossing the Line from use of force to torture in response to peaceful demonstrations", *Just Security* (Feb. 6, 2020), available at: <https://www.justsecurity.org/68521/crossing-the-line-from-use-of-force-to-torture-in-response-to-peaceful-demonstrations/> (last visited on August 18, 2020); See, UN General Assembly, *Extra-Custodial Use of Force and the prohibition of torture and other cruel, inhuman and degrading treatment or punishment*, A/72/178 (July, 2017) available at: <https://digitallibrary.un.org/record/1302624?ln=en> (last visited on August 18, 2020).

142 To say that a Principle is a provision of CIL implies that States widely through their practice (acts or omissions) and as a matter of opinion consider them to be legally binding upon themselves. See, ICJ, *Continental Shelf case (Libyan Arab Jamahiriya v. Malta)* (Judgement), [1985] ICJ Rep pp. 29–30, para. 27.

143 Geneva Academy, "Use of Force in Law Enforcement and the Right to Life: The Role of the Human Rights Council", Geneva Academy In-Brief No. 6. (November 2016), pp. 5-6; *Benzer v. Turkey* (Former Second Section, Judgment) ECtHR App. no 23502/06 (November 12, 2013, as rendered final on March 24, 2014), para. 90.

144 See, ICCPR, arts. 2(1) and 26 which mandate States to follow principles of non-discrimination in the application of the Convention provisions and in the enactment and application of domestic laws over those within its territory. See also, the Working Group on Discrimination against Women, available at: <http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/SubmissionInformation.aspx> (last visited on August 18, 2020) (which explains that both direct and indirect discrimination is prohibited. Indirect discrimination is inferable through the practices).

145 The word "arbitrary" must be interpreted broadly to include elements of appropriateness, injustice, lack of predictability and due process of law. See, *Mukong v. Cameroon* (1995) 2 IHRR 131, para. 9.8.

146 Basic Principle 7; See, for instance, Republic of Korea, Criminal Code 1953, art. 125 that discusses aggravated offences in cases where public officials, taking advantage of their authority commits crimes or abuses their authority.

147 See, Webster, "Interpretation of the Prohibition of Torture: Making Sense of 'Dignity' Talk", 17 *Human Rights Review* (2016) pp. 371–390 (referring to *Yankov v. Bulgaria*, 39084/97, (December 11, 2003) and *Members Of The Gldani Congregation Of Jehovah's Witnesses v. Georgia*, 71156/01 (May 3 2007), para. 18.

2. Application Of Legal Rules To AMU And JMI

On 15th December 2019, the protest was organised by the JMI body in response to the excessive use of force against protesters by the police on 13th December. This crowd crossed to the JMI campus and started walking toward Mathura road from the Mata Mandir road. It was at this point that the police started lathi charging and used tear gas, and as a result, the crowd started dispersing and running towards the campus.

Initially there was an arbitrary withdrawal of the protesters' right to assemble through imposition of prohibitory orders under Section 144 Cr.P.C.. There does not seem to be any basis for such imposition as even by the police version in the NHRC report, there are no allegations over use of arms by the students, thus making any incidence of violence or breach of peace, unlikely. Section 129 which empowers use of force could not be lawfully invoked in the absence of such likelihood. Even assuming that the first use of force was lawful, there was no necessity to use further force, once the crowd had dispersed and started heading back into the campus.

The dispersal of assembly or causing an arrest under section 129 could be lawful only if two conditions are met:

(i) The magistrate or police officer commanding the dispersal of assembly is of the firm opinion—rather than acting on mere suspicion—that it would lead to a breach of peace (ii) the same should also be discernible from the surrounding circumstances.¹⁴⁸

Students hiding inside the campus buildings to protect themselves from police force is a far cry from acts that warrant action under this provision.

The hateful targeting of students in JMI by the police, especially those running to take shelter, hiding from violence, or begging to be spared, as well as those who were studying or in their rooms, is a criminal act for which the NHRC has also recommended penalisation. Similarly in AMU, after the students had dispersed, the police and RAF entered the 'nearby buildings such as Guesthouse No. 2 and 3', 'raided the mosques' and all the 'unarmed students (estimated 12-15) were heavily lathi-charged'. In the Morrison Hostel at AMU, the personnel beat up guards and fired tear gas into the rooms of the students to smoke them out. Doctors from the university medical college rushed more than ten ambulances to pick up the injured students, but the personnel refused to allow them to pass, and even broke the bones of one ambulance driver- all criminal acts.

In JMI, there were reports of gendered sexual violence.¹⁴⁹ While the Cr.P.C. is silent on the standard of care to be adopted by the police in dealing with women for

148 J. K Mathur, *P. Ramanatha Aiyar's Code of Criminal Procedure (Act No. 2 of 1974)* (Modern Publishers, vol. 1, 7th edn., 2003).

149 A petition with respect to the incident dated 10.02.2020 alleging attack by police personnel on 90 students of JMI is pending before the Supreme Court as on the date of publication of this report.

crowd control, the same is implicit in the proviso to Section 46, which deals with the procedure of arrest. The proviso states that unless the circumstances require, a male police officer shall not touch the person of a woman for making her arrest. Moreover, clause (4) also mandates that prior permission be taken from a judicial magistrate before making an arrest after sunset and before sunrise, and that too by a woman police officer. Section 354 of I.P.C. makes assault on a woman with the intent to outrage her modesty a punishable offence. Provision such as I.P.C. Section 375 also provide for aggravated punishment for police officials who engage in acts of sexual violence (rape, under this section) or use communal or sectarian violence as a pretext to the commission of such acts—illustrating the gravity of the offence committed by a uniformed personnel.

Custodial Torture

'Custody' of a person commences at the point of arrest or detention—whether legal or illegal, in words or through action—when an individual no longer possesses her personal liberty and is under the exclusive control of the personnel.¹⁵⁰ Arrest and custody are not synonymous terms. Custody may amount to arrest in certain circumstances but not all. Arrest is a formal mode of taking a person in custody, but a person may be in custody in other ways also. Since custody does not extend to the four-walls of a police station, *any violence* meted out to students *on the way to the police station*, also qualifies as custodial violence.

Although there exists no substantive legislation criminalising torture, under the I.P.C., any treatment in custody that causes hurt (or grievous hurt) is penalised.¹⁵¹ However, these acts are punishable only if carried out with the intent to obtain a confession. Apart from this, death due to CIDT or torture in custody can also invoke provisions related to offences against body (eg. murder, punishable with maximum penalty of death). As a regulatory measure, any 'unwarrantable personal violence' caused to an individual in custody is also dealt with under section 29 of the Police Act, 1861.¹⁵²

The UN CAT and Indian domestic law provides custodial safeguards such as the right to access a lawyer, the right to inform one's family members, the right to see a doctor and thereafter constant review of medical conditions, and the right to habeas corpus.¹⁵³ These safeguards also form a part of the rights to liberty and security, and the right

150 See, Law Commission of India, "152nd Report on Custodial Crimes" (1994). More recently observed in LCI, "Report No. 273 Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation" (October 2017) (referring to *Harbans Singh v. State, Directorate of Enforcement v. Deepak Mahajan*).

151 The Indian Penal Code, 1860 (Act 45 of 1860), ss. 330, 331

152 If convicted, such official will be liable for penalty not exceeding three months' pay, or to imprisonment with or without hard labour, for a period not exceeding three months, or to both.

153 Habeas Corpus serves as a judicial remedy to protect the personal freedom and physical integrity of individuals from arbitrary detentions. See Human Rights Committee, *General Comment 35, Article 9: Liberty and Security of Person* (2014), para. 58.

to a fair trial.¹⁵⁴ Chapter V of the Cr.P.C. provides for similar preventative safeguards against arbitrary arrest and custodial violence in pursuance of the Guidelines issued by the SC in *DK Basu*¹⁵⁵ and *Joginder Kumar*.¹⁵⁶ Other provisions such as medical examination of the individual (section 54 Cr.P.C.), production of the detained individual before a Magistrate within 24 hours of arrest (section 76 Cr.P.C.), are meant to offer independent oversight over arrests.

International courts have previously held that factors such as cell size, availability of sanitary conditions and medical treatment as well as incommunicado detentions, could themselves rise to the level of CIDT.¹⁵⁷

Further, any treatment that debases an individual or subjects such a person to feelings of anxiety or inferiority or which grossly humiliates a victim before others or drives him to act against his will or conscience, would all fall under CIDT (as humiliating treatment).¹⁵⁸ When inflicted collectively, they may also assume the level of torture.¹⁵⁹

Students Tortured On The Way To Police Station

Testimonies recorded in this report show that students were beaten on their way to the police stations inside police trucks, and even within medical premises—to the point where several of them complained of severe bleeding (including on the head, chest and abdomen). They were either refused treatment or deliberately taken to facilities at considerable distances. Some testimonies have also claimed that police personnel interfered with the preparation of MLCs, ensuring that the MLCs did not record student's injuries as having been caused by police. Despite severe injuries,¹⁶⁰ students were directly transferred to police stations and confined in cells with insufficient space to accommodate multiple detainees, without access to sanitary facilities. Students were denied any contact with family, friends or lawyers. Throughout the period of their custody, they were abused verbally. Additionally, once inside the police station, some of them have also reported being stripped and whipped—thus, amounting at the very least, to instances of CIDT. In several instances, the worsening health of students is directly attributable to their manner of detention.¹⁶¹

154 See, ICCPR, art. 9 and art. 14.

155 AIR 1997 SC 610.

156 AIR 1994 SC 1349.

157 *Assenov and Others v. Bulgaria* (Judgment) ECtHR No. 90/1997/874/1086 (October 28, 1998); IACtHR, *Velasquez Rodriguez Case* (Judgment) IACtHR Series C, No. 4, (July 29, 1988) para. 156; *Godinez Cruz* (Judgment) IACtHR, Series C, No. 5 (January 28, 1989) paras. 164.

158 *Kudla v. Poland* (2002) 35 EHRR 11, paras 92–94; *V and T v. United Kingdom* (1999) 30 EHRR 121, para 71; *Loayza Tamayo* (Judgment) IACtHR, series C No. 33, (September 17, 1997) para. 57.

159 *Tibi v. Ecuador*, (Judgment Preliminary Objections, Merits, Reparations and Cost) IACtHR Series C No. 114 (September 7, 2004) paras. 148, 162.

160 See also, *Challa Ramkonda Reddy v. State of A.P.* affirmed by the Supreme Court in AIR 2000 SC 2083 about reasonably prompt measures being taken for an injured person who is to be taken, or has been taken into custody.

161 For instance, refer to the Testimony where the student complains of how his entire body had turned blue and he had to be admitted for multiple x-rays attributable to multiple fractures sustained.

FAILURE OF INSTITUTIONAL MECHANISMS

The National Human Rights Commission is a complementary official mechanism that is tasked with the promotion and protection of human rights.¹⁶² Other mechanisms such as Police Complaints Authority (PCA) also investigate complaints of crimes committed by police officials. The Basic Principles on the Right to a Remedy and Reparation for Victims,¹⁶³ provides special care and consideration to prevent re-traumatisation—including acts such as intimidation and retaliation against victims, witnesses or family members, at any stage of proceedings, i.e., before, after and during.¹⁶⁴ The state authorities through their conduct and acts of reprisals—re-arrests, second FIRs, invoking stringent provisions (UAPA, Goonda Acts, etc.), have managed to flout all these principles.

National Human Rights Commission (NHRC): The investigations into JMI and AMU were led by SSP Manzil Saini, UP Police IPS Cadre 2005, accused of multiple police 'extra-judicial killings'¹⁶⁵(encounters). This raises concerns over the impartiality, independence and credibility of the inquiry.¹⁶⁶

Judicial rules concerning investigations of torture of police crimes point out how direct ocular evidence of police torture or custodial crimes is a rarity, and hence particular

162 They must observe whether fundamental rights, including those of equality and protection of members of vulnerable groups from abuse of power, are carried out in practice. They should be able to express their views and propose recommendations over any violation, report on them, refer them to legal authorities and conduct timely follow-ups.

163 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law : resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: <https://www.ref-world.org/docid/4721cb942.html> (last visited on August 18, 2020)

164 See, Basic Principles, Principle no. 10 and 12.

165 Namrata Ahuja, "Justice by the Gun" *The Week* (Sept. 7, 2019) available at: <https://www.theweek.in/theweek/cover/2019/09/06/justice-by-the-gun.html> (last visited on August 18, 2020) .

166 See, *State of M.P v. Shyam Sundar Trivedi* (1995) 4 SCC 262, para. 16. See also, *Judicial guarantees in States of Emergency* (Advisory Opinion) (October 6, 1987) IACtHR, OC-9/87, Series A, No. 9, para. 2. For such a remedy to exist it is not sufficient that it be provided for or formally recognised, but it must be truly effective in establishing whether there has been a violation and in providing redress. Unjustified delay or lack of necessary independence make a "remedy" illusory.

sensitivity must be shown while appreciating evidence.¹⁶⁷ Despite strong proof of the law-enforcement's complicity in the events, the NHRC¹⁶⁸ chose to denounce the students' version of the events by attributing to them violent intentions and behaviour, therefore suggesting them to be deserving of ill treatment. In relying solely on the narrative of the law enforcement agencies, which was also the narrative of the ruling party giving orders to the police, it missed an opportunity at addressing impunity.¹⁶⁹

Police Complaints Authority (PCA): While the Delhi PCA's performance has been dismissed as ineffective,¹⁷⁰ Uttar Pradesh has not yet set up a PCA despite a 2006 Supreme Court order. This puts victims of torture at the hands of police officials in a precarious position, leaving them with no other option but to turn to the officials themselves.¹⁷¹

The 2015 guidelines for prevention of torture in D.K. Basu¹⁷² emphasise upon the need for the installation of CCTV cameras. These guidelines refer to the confinements of the prisons and police stations. However, since the purpose of installing cameras is to deter policemen from committing custodial violence, the application of these guidelines cannot be limited to just police stations and prisons. Footage recorded in the JMI library reveals that the police made an attempt to destroy the CCTV cameras. While this act cannot be seen in isolation from the entire sequence of events on 15th December, the act in itself can be said to constitute a violation of guidelines for prevention of torture.

167 See, *Munshi Gautam v. State of M.P* (2005) 9 SCC 631; Also, recommended under the Law Commission of India, "113th Report on Injuries in Police Custody" (July 29, 1985); LCI, "273rd Report on Implementation of United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment through Legislation"(2017); Also, an amendment proposed to the Indian Evidence Act, 1872, as s. 114B.

168 The NHRC possesses the power to initiate inquiry on its own. See, the Protection of Human Rights Act, 1993, art. 12, available at: <https://nhrc.nic.in/acts-&-rules/protection-human-rights-act-1993-1> (last visited on August 18, 2020); Earlier however, it has itself admitted (in respect of encounter killings), that it is a "toothless tiger. See, "Granted the National Human Rights Commission is a 'toothless tiger', but can't it even growl?" *Scroll.in* (Aug. 7, 2017), available at: <https://scroll.in/article/845857/granted-the-national-human-rights-commission-is-a-toothless-tiger-but-cant-it-even-growl> (last visited on August 18, 2020).

169 Lord William MacPherson in his Report dated 15 February 1999 titled "The Inquiry into the matters arising from the death of Stephen Lawrence" defined institutional racism as, "*The collective failure of an organisation to provide an appropriate and professional service to people because of their color, culture, or ethnic origin. It can be seen or detected in processes, attitudes, and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and stereotyping which disadvantage minority ethnic people*", available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf (last visited on August 18, 2020); *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions Christof Heyns, Mission to India*, 13 A/HRC/23/47/Add. 1 (April 26, 2013) para. 108 ("*India should put in place a mechanism of regular review and monitoring of the status of implementation of the directives of the Supreme Court and the NHRC guidelines on arrest, encounter killings, and custodial violence and death*").

170 Also note that the Delhi PCA investigates such complaints under the broader term "serious misconduct" under the Notification establishing and enlisting its mandate, F. No.28/1/2017/HP-I/Estt./Part file 635-641.

171 UN Committee Against Torture, *UN Committee against Torture: Conclusions and Recommendations, Cambodia*, UN Doc. CAT/C/CR/31/7 (February 2004); *Concluding Observations of the CAT, Latvia*, UN Doc. CAT/C/CR/31/3 (February 5, 2004) para. 6(b); See, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Istanbul Protocol) (1999) paras. 85-87.

172 (2015) 8 SCC 744.

REPARATIONS FOR VICTIMS

States have an obligation to investigate, prosecute and punish acts of CIDT and torture,¹⁷³ and the courts in India, have previously imposed pecuniary liability upon the States over such treatment as well as over the indiscriminate use of force. Criminal prosecution cannot be barred by immunities, amnesties or limitation statutes.¹⁷⁴ Victims are entitled to reparations,¹⁷⁵ including the procedural right of access to justice and the substantive right to adequate forms of reparations—compensation, restitution, rehabilitation, and the guarantee of non-repetition. Proceedings must be accessible and foster victim participation.¹⁷⁶ The purpose of referring human rights violations to independent human rights commissions (such as the NHRC), is to assure that investigations are not compromised by being subject to the same chain of command as the alleged offensive act.

While there is no statutory provision for the mandatory disbursal of compensation to torture victims, the courts have directed payment of compensation in cases involving custodial torture¹⁷⁷ including in some instances of injuries resulting from arbitrary use of force.¹⁷⁸

Compensation under Civil Liability: Article 300 of the Constitution, read with Article 294, and a fair amount of judicial pronouncements by Constitutional courts in the past, have shown that the State cannot claim immunity in circumstances where its officials

173 See, UN CAT, art. 12 and 13.

174 Amnesty laws protect perpetrators of serious human rights violations from legal proceedings. Introduction of limitation of actions and rules exonerating perpetrators of all responsibility so as to avoid investigations into and punishment of gross HR violations are prohibited as a matter of international law. See Committee Against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, CAT/C/GC/2, para 5 and 11 (January 24, 2008); Committee Against Torture, *General Comment No. 3, 2012 : Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : implementation of article 14 by States parties*, para. 38 (December 13, 2012). See the stance of SC in *Niranjan Singh v. Prabhakar Rajaram Kharote* (1980) 2 SCC 559, paras. 12 and 13.

175 Report of the Human Rights Committee, *El Hassy v Libyan Arab Jamahiriya*, UN Doc. CCPR/C/91/D/1422/2005 (October 24, 2007) para. 6.3.

176 UN Committee Against Torture, *General Comment No. 3, 2012 : Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : implementation of article 14 by States parties* (December 13, 2012) paras. 29-30. Also a part of UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law (Basic Principles), GA Res 60/147 of December 16, 2005.

177 *State of Maharashtra v Respondent: Christian Community Welfare Council of India* AIR 2004 SC 7; *Sheela S. Yerpude v. Respondent: Home Department* 2005(107(3)) BomLR 415.

178 *Anita Thakur and Ors. v. Govt. of J and K*. AIR 2016 SC 3803.

act unlawfully.¹⁷⁹ While initially digressing¹⁸⁰ from awarding compensation in cases covered under the ambit of 'sovereign acts' (of which maintenance of law and order would be a part), the Constitutional Courts soon settled in cases such as Rudul Shah v. State of Bihar MANU/SC/0380/1983; Chairman, Railway Board v. Chandrima Das, that the breach of fundamental rights is in no manner excusable—it is imposed as an extension of the principle of strict liability and the doctrine of restitution. Post such formulation, the Court has held in favour of Petitioners in cases where individuals have been assaulted, wrongfully confined in custody, tortured, killed in custody (in which case, compensation is awarded to the relatives), or suffered injuries as a result of negligence.¹⁸¹

In the AMU violence case, the Allahabad HC vide order dated 24.02.2020 directed the UP Government to provide suitable compensation to the six AMU students who had been grievously injured commensurate with their injuries, on humanitarian grounds.¹⁸²

179 The Law Commission of India had proposed the introduction of a Bill on tortious liabilities of States, as a reform measure back in 1956. But the Government (Liability in Tort Bill), introduced in 1967, failed to be enacted into a law. In absence of a law, the power to grant or refuse compensation resides with the judiciary and depending on their variable interpretation can favour either the State or the individual.

180 Nobin Chunder Dey v Secretary of State, (1876) ILR 1 Cal. 12; Gurucharan v State of Madras, AIR 1942 Mad 539. Other decisions such as State of Rajasthan v Vidhyawati, AIR 1962 SC 933, did not deal with the distinction, although they relied on precedents which themselves evoked the distinction. In other recent decisions like, N. Nagendra Rao & Co. v State of Andhra Pradesh, AIR 1994 SC 2663; State of Maharashtra v Kanchanmala Vijaysing Shirke, AIR 1995 SC 2499; Achutrao Haribhau Khodwa v State of Maharashtra, AIR 1996 SC 2377, it has sought to reduce the scope of sovereign functions.

181 Chandrima Das v. Chairman, Railway Board, 2000 2 SCC 465; Mahavir Singh v. State of Rajasthan, 1987 2 SCC 342 – granting compensation of Rs. 1 lakh to the family of a boy who was the victim of custodial death; Nilabati Behera v. State of Orissa, AIR 1993 SC 1960 – holding that violation of Fundamental Rights is a wrongdoing under public law, where the state cannot have a resort to sovereign immunity; Sebastien Hongray v. UOI, AIR 1984 SC 1026 – where a Writ of Habeas Corpus had been issued against the government for production of two individuals, who faced torture and mental agony at a military camp in Manipur. On failure of the government to produce the individuals, the SC awarded a compensation of Rs. 1 lac each in favour of the relatives of the victims; Rudul Shah v. State of Bihar, AIR 1983 SC 1086 – awarding damages of Rs. 35,000 in favour of the petitioner for keeping him unlawfully in prison despite his order of release, for 14 years. The Court described the compensation as a form of "palliative care" for the unlawful acts of state instrumentalities; PUCL v. UOI, AIR 1997 SC 1203

182 Akshita Saxena, "[AMU Violence] Allahabad HC Directs UP Govt. To Take Action Against Policemen. Orders Compensation For 6 Students" *Live Law* (Feb. 24, 2020) available at: <https://www.livelaw.in/news-updates/breaking-amu-violence-allahabad-hc-directs-up-govt-to-take-action-against-policemen-orders-compensation-for-6-students-153100> (last visited on August 18, 2020).

FINDINGS

Jamia Millia Islamia

Forceful Entry into the Campus

1. The protests organised by the students of JMI were peaceful and democratic in nature.
2. Delhi Police and the RAF officials did not take permission from the University administration; they entered the University premises with an overwhelming number of officials.

Disproportionate Use of Force

3. Student protesters had dispersed and gone inside the campus. The police and RAF officials still indulged in disproportionate use of force against students. Despite sustaining primary injuries, the students were further beaten. Amongst other weapons, there were tear gas shells and sound bombs detonated in confined spaces, pellets and rubber bullets fired and in certain instances, live ammunition was fired as well.
4. Police and RAF officials caused grievous injuries to students. One student was blinded owing to lathi-charge by the police, while several others suffered from multiple fractures and head injuries. The police also beat up students with disabilities.
5. On 15th December 2019, the number of women police officials deployed was inadequate. Women students were dragged and beaten by male police officials. Some of them suffered from grievous injuries. On 10th February 2020, women students were attacked based on their religious identity and their hijabs were pulled off. Police used misogynistic and communal language at them. Several women students were sexually assaulted—their breasts were pinched and lathis used to specifically assault women. They were beaten over their genitals and suffered vaginal injuries—a claim also confirmed by medical officers. The police pushed several women on the ground and used their boots to stomp on women's bodies. Meanwhile, the few women officials who were present there were engaged in justifying the actions of their male counterparts.
6. Tear gas shells were thrown inside the mosque. The police forces broke open

the gates and entered inside. The Imam of the mosque and a few others—including the security guard and few students—who had locked themselves inside the mosque post that evening's prayers, were also attacked. This was despite the fact that no protests were taking place in that area.

7. Tear gas shells were thrown inside the old reading hall and the Dr Zakir Hussain library. Police broke open the doors and lathi-charged students indiscriminately, without paying attention to their pleas that they were not part of the protests. Since it was the MPhil reading hall, many students lost their research work.
8. Police damaged public property and private property on campus. Officials also destroyed CCTVs and in at least one instance, the phone of a student who tried to document the attack.

Communal Abuse

9. Police used communal slurs and verbal abuse specifically attacking the students' Muslim identity. Those bearing visible religious markers were particularly targeted, along with Kashmiris. In at least one instance, a non-Muslim student was asked for his name, and told that he had come under the 'influence of anti-nationals'.

Illegal Detention

10. None of the students taken into police custody were armed, had any criminal antecedents, or could have otherwise been said to act in a manner justifying detention. The officials paraded the students with their hands up in the air. They were treated as criminals, verbally assaulted, referred to as 'terrorists'.
11. There was delay in providing medical assistance to injured students, while in other instances medical access was denied. Injured students were detained from the hospital. In several cases, the medico-legal certificates did not reflect the true nature and cause of injuries. Many students did not seek medical treatment due to fear of reprisal from police authorities.
12. Right to legal aid is not a conditional right, and should be facilitated by the executive. However, testimonies reflect that the students in custody and the lawyers outside had to plead with the police officials before they were finally allowed to meet with a counsel. Students with grievous injuries were not given first aid for the first two hours. Others were kept overnight without access to basic facilities.
13. The harassment of students including arrests and criminalisation have continued beyond the events of 15th December 2019 and 10th February 2020.

Aligarh Muslim University

Forced Entry into the Campus

1. On 15th December 2019, a peaceful march was held from the Library Canteen to Bab-e-Syed, following days of sit-ins to revoke the CAA and the mass registration of FIRs against peaceful dissenters. There was a provocation from the police forces stationed outside the campus, who used abusive language and communal slurs against the students.
2. The police and RAF officials entered the campus and fired tear gas shells, rubber bullets and stun grenades indiscriminately thereby causing grievous injuries to the students.

Disproportionate and Excessive Use of Force

3. Right after the first round of lathi-charge and firing of tear gas, rubber bullets and pellets, the protest had dispersed and students repeatedly asked the forces to step outside the University Campus. The incidents following the entry of police and armed personnel inside the campus exhibit disproportionate and extraordinary use of force. Additionally, the violence was perpetrated for at least three hours inside the campus.
4. The police forces entered buildings (Guest house no. 2 and 3, the mosque) within the University where the students had taken shelter. These buildings were also bombarded with multiple tear gas shells, which several students were forced to inhale, as a result of which they lost consciousness.
5. In order to protect themselves from the indiscriminate firing and tear gas shells, the students tried to throw away the shells as soon as possible. However, some of these shells also blew up in the hands of students resulting in the amputation of one student's arm. In one instance, a student suffered such severe fractures due to lathi-charge, which required surgery. Some also suffered head injuries.
6. The clearest evidence of brute force is observable over the Morrison Court Hostel (Room no. 46) incident, where the room caught fire after the forces physically assaulted the security guard, broke open the gates and threw tear gas shells inside, asphyxiating three students. Despite being in a semi-conscious state, they were dragged from the Hostel to Bab-e-Syed and beaten.
7. The police and RAF vandalised students' vehicles as well as University property.

8. The police assaulted the ambulance drivers to prevent them from taking injured students to the hospital.
9. Around 60 students suffered varying degrees of injuries and trauma and were rushed to the emergency ward of the JLNH Hospital of AMU. Many students did not seek medical attention due to fear of reprisal. Several others who sustained serious injuries were turned away due to the large number of injured students being brought in, and the limited capacity of the hospital.
10. Three students were critically injured including the one who lost his hand, which was amputated. Another student had repeated seizures due to head injuries. This was confirmed by medical officers attending to them.
11. There was no proper medical treatment given to students with grievous injuries. Other students were either prevented from accessing medical aid, or taken to hospitals at a considerable distance from campus, which delayed their access to aid.

Illegal Detention and Custodial Torture

12. Several students were detained despite their injuries. At least three students were physically and mentally tortured in custody. They were stripped, beaten, deprived of food, water and access to medical aid—despite heavy bleeding and cases of fractures—all the while being subjected to racial and verbal abuse. None of them were allowed to contact their parents or relatives to inform them of their whereabouts.

Continuing Criminalisation

13. After the peaceful protests on 10th December 2019, the Aligarh police had registered FIRs against 21 AMU students along with 500 unnamed persons. On the night of 15th December 2019, two separate FIRs were filed against 56 individuals and 1200-1300 unnamed persons.
14. The harassment of students, including arrests and criminalisation, have continued beyond the events of 15th December 2019.

RECOMMENDATIONS

For the State Government of NCT of Delhi

The following recommendations are directed towards the Government of NCT of Delhi to enable them to conduct an independent inquiry into the use of excessive force by police in JMI and to ensure that the concerned officials are held accountable for their actions and take reparative action towards the injuries caused by their actions.

Commission of Inquiry

1. To immediately constitute a Commission of Inquiry chaired by a retired judge of the Supreme Court or High Court to conduct a judicial inquiry into the entire incident that occurred at JMI on 15th December 2019 and ensure accountability of the police as well as reparative action towards the injuries caused by police action.
2. The commission should be composed of members with a proven record of commitment towards human rights and of personal integrity. The commission should have at least one member who has been the head of an academic institution and at least one woman member.

Award Compensation

3. To ensure payment of compensation to those students who sustained injuries as a result of use of force.

Registration of FIRs Against Erring Police Officials

4. To ensure that FIRs are registered against offending police personnel for physical harassment and assault, sexual assault and communally motivated abuse of students on the basis of the testimonies that were submitted to the NHRC and contained in its investigation report.

For the Delhi Commission of Women

To investigate into the allegations of sexual assault by the police officers on women students .

For Jamia Millia Islamia

To provide counselling and assistance to students willing to seek support in the aftermath of the incident on campus dated 15th December 2019.

For the State Government of UP

Commission of Inquiry

1. To immediately constitute a Commission of Inquiry chaired by a retired judge of the Supreme Court or High Court to conduct a judicial inquiry into the entire incident that occurred at AMU on 15th December 2019 and to ensure accountability of the police and reparative action towards the injuries caused by police action.
2. The commission should be composed of members with a proven record of commitment towards human rights and of personal integrity. The commission should have at least one member who has been the head of an academic institution and at least one woman member.

Registration of FIRs Against Erring Police Officials

3. To register FIRs, on the basis of testimonies submitted to the NHRC and contained in its investigation report, against offending police personnel for physical harassment, assault, communally motivated abuse and custodial torture of students.

Award Compensation

4. To ensure payment of compensation to students who sustained injuries as a result of use of force.
5. To ensure that until a fair and impartial investigation is completed, the arrest and criminalisation of students who participated in protests is suspended.

For Aligarh Muslim University

To provide counselling and assistance to students willing to seek support in the aftermath of the incident on campus dated 15th December 2019.

For the Central Government

1. To ensure that until a fair and impartial investigation is completed, the arrest and criminalisation of students who participated in protests is suspended.
2. To formulate proper guidelines and Standard Operating Procedures for police and other forces that are under the ambit of the Ministry of Home Affairs, regarding the conduct of police in dealing with protesting students inside educational institutions.
3. To enact an amendment along the lines of Section 114B of the Indian Evidence (Amendment) Bill, 2016 for the proper collection of evidence and prosecution of offences related to violence in police custody.
4. To enact an amendment to the provisions dealing with punishment for offences pertaining to outraging of modesty of women i.e., Sections 354 and 509 I.P.C., along the lines of punishment for aggravated offences under Section 376 (2) of I.P.C.
5. To ensure that prohibitory orders under Section 144 of Cr.P.C. are applied in accordance with the guidelines laid down by the Supreme Court in the case of *Anuradha Bhasin v. Union of India*,¹⁸³ especially that orders are widely published, along with reasons and are imposed only when the danger apprehended is in the nature of an emergency and not to suppress the legitimate exercise of fundamental rights.
6. To ratify the Convention Against Torture, to which India is a signatory since 1998, and ensure that a comprehensive legislation to prevent, prosecute and punish torture is enacted in line with India's international obligations and best practices around the world.
7. To ensure that the 2015 DK Basu Guidelines for prevention of torture are implemented, and action is taken against erring officials for violation of the same.

¹⁸³ See, Writ Petition (Civil) No. 1031 of 2019.

ANNEXURE I

Minority Institutions Under The Indian Constitution

The question of constitutionally guaranteed rights of minorities is inextricably linked to both AMU and JMI. Both institutions predate the Constitution, and their future—as well as that of scores of other institutions that were explicitly set up for the educational upliftment of a particular community—was an important question before the constituent assembly. Among the Fundamental Rights guaranteed by the Constitution, only one related explicitly to religious minorities¹⁸⁴. Article 30 was specifically included to recognise the right of linguistic, religious and cultural minorities to establish and administer educational institutions 'of their choice'¹⁸⁵.

Articles 30(1)

Article 30(1) envisions that minorities in India should be able to provide general education to their children in an atmosphere that also preserves their cultural heritage and historical learning.¹⁸⁶ In order to achieve this, the right enables members of the community to not only establish or set up their education institutions but also administer them in a manner best suited to the interests of the community.¹⁸⁷

The protection of Article 30(1), popularly referred to as the 'minority status' of an institution, allows a fair degree of autonomy in management of the affairs of the institution.¹⁸⁸ This includes matters such as appointments, admissions, governing structures, fees as well as any benefits or concessions—such as reservation, that may be made for members of the particular religious or linguistic minority.¹⁸⁹

In order to claim the benefits of Article 30(1), a community must show: '*(a) that it is a*

184 Article 29 and 30 both apply to minorities, but Article 29 is limited to linguistic and cultural minorities, providing that any section of citizens having "... a distinct language or script or culture of its own, shall have the right to conserve the same."

185 Article 30(1)

186 Ahmedabad St. Xaviers College v. State of Gujarat, AIR 1974 SC 1389

187 St. Stephen's College and Ors. vs. The University of Delhi and Ors., AIR 1992 SC 1630

188 Ibid.

189 TMA Pai Foundation v. State of Karnataka, (2002) 8 SCC 481. See also P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537

religious/linguistic minority, (b) that the institution was established by it.¹⁹⁰ Both these conditions have raised important questions before the Supreme Court; who is a minority in India, and what does it mean for a minority community to 'establish' an educational institution?

Who is a Minority

The word 'minority' features in the marginal note for Article 29 and the text of Article 30, although it has not been defined in the text of the Indian Constitution. The judicial interpretation of the term minority as used in Article 30 has changed over a course of court pronouncements.

In *The Kerala Education Bill* [AIR 1958 SC 956] 'minority' was understood to be determined in relation to a particular legislation which was being challenged. The court opined that while it is easy to say that minority means a community which is numerically less than 50 percent, the important question is—50 percent of what? A community may be concentrated in a part of a State and may thus be in majority there, though it may be a minority in the State as a whole. Thus, if a State law extending to the whole of a State was in question, the minority must be determined with reference to the entire State population. If it related to only a district or other part of the state, it would depend on the community's position in that part of the state.

This view, according to which minority was to be determined in relation to the legislation under challenge, changed in *T.M.A Pai's*¹⁹¹ case in which the Supreme Court held that the term minority for the purpose of Article 30 cannot be determined on the basis of the legislating body. Thus, the current legal position is that a minority, whether linguistic or religious, will be determined with respect to their position in the State in which the educational institute is sought to be established.

Establishment of a Minority Institution: The Case of AMU

In the case of *Azeez Basha v Union of India*¹⁹², the apex court held that since the AMU had come into being by an Act of Parliament, it could not be said to have been established by the Muslim community. Thus, it rejected the contention that AMU was a minority institution under Article 30(1) of the Constitution and therefore could not claim the right to be administered by Muslims.

The Supreme Court's interpretation of the establishment of AMU was—and continues to be—perplexing for those who were familiar with the history of its formation, from the foundation of the M.A.O School and College and the many efforts and campaigns leading up to the formation of the university. The judgment itself acknowledges that 'M.A.O College was made the basis of the University and was made over to

190 SP Mittal v Union of India, AIR 1983 SC 1

191 (2002) 8 SCC 481

192 AIR 1968 SC 662

the authorities established by the 1920 Act for the administration of the university along with the properties and funds attached to the college, the major part of which had been contributed by Muslims though some contributions were made by other communities as well.'

Section 4 of the Act specifically provides for the dissolution of M.A.O College and Muslim University Association and the transfer of its funds and properties to the University. The Supreme Court in its judgement acknowledged the fact that the M.A.O College was the nucleus of AMU, and that it was only because of the foundation of the M.A.O College and the subsequent movement to convert it into a university that the AMU Act was eventually passed.

But the court reached its conclusion on the basis that no matter what the background or cause, the university still came into being by an Act of Parliament.

The judgment principally deals with the interpretation of the word 'establish' in Article 30(1). The court after referring to several legal dictionaries for finding out the meaning of 'establish' held that 'to be found' was not the only meaning which could be given to the term establish. It was held that '*...for the purpose of Art. 30(1) the word means 'to bring into existence'...*'. Therefore, while it may have been 'founded' by the Muslim community, it was 'established' by an Act of Parliament.

If the Supreme Court's view in this case is correct then it would mean that a linguistic or religious minority is debarred from establishing a university in as much as a university can only be established by an act of the central or state legislature. Moreover, the finding of the court fails to take into consideration the transfer of all rights from the Societies and Muslim University Foundation Committee, recognised in the Preamble of the 1920 Act itself, to the University.

In 2004, the National Commission for Minority Education Institutions (NCMEI) was established by the NCMEI Act, 2004. Section 2(ca) of the Act makes NCMEI the competent authority to determine which institution shall be a minority educational institution, and thus be covered under Article 30(1) of the Constitution

ANNEXURE II

Attacks On Other Campuses

Across India, students from several colleges, Universities and educational institutions joined the Anti-CAA and following protests. Apart from Jamia Millia Islamia (JMI) in New Delhi and Aligarh Muslim University (AMU) in Aligarh, Uttar Pradesh, students from Benaras Hindu University (BHU), Jawaharlal Nehru University (JNU), Srishti School of Design, Tata Institute of Social Sciences, Gauhati University, Dibrugarh University, Tezpur University, Assam Women's University, Agricultural University of Assam, North Eastern Hill University (NEHU) of Meghalaya, Nagaland University, Rajiv Gandhi University in Arunachal Pradesh,¹⁹³ Maulana Azad National Urdu University, University of Hyderabad, Patna University, Jadavpur University, Pondicherry University, Darul Uloom Nadwatul Ulama, IIT Bombay,¹⁹⁴ Central University of Kerala, Sree Sankaracharya University of Sanskrit, Kalady, Ernakulam Law College¹⁹⁵ and several other educational institutions in India have also been involved.

A remarkable feature of the anti-NPR-CAA-NRC protests has been its diversity of protestors and the nuanced articulation of the discriminatory nature of the law. Contrary to what the national media often tried to portray, the protests were not just held by Muslims, but also by feminist, queer, trans, sex workers, Dalit groups, workers' groups as well as groups who may be disparately impacted by the law who joined the movement on the streets.¹⁹⁶

Banaras Hindu University (BHU): At BHU, opposition to the CAA started before the Act was passed in Parliament. In BHU, students had begun protesting the CAB and the NRC on 10th December 2019 and continued to protest every third day till the 19th

193 "CAA-NRC: Universities and Other Institutions in North-East to Observe 'Shut Down' on Jan 22." *NewsClick* (Jan. 21, 2020) available at: <https://www.newscliNck.in/CAA-NRC-universities-institutions-northeast-ob-serve-shut-down-Jan-22> (last visited on August 18, 2020).

194 "Sparked by police violence in Delhi's Jamia University, students across India erupt in protest." *Scroll.in* (Dec. 16, 2019) available at: <https://scroll.in/latest/946939/sparked-by-police-violence-in-delhi-s-jamia-university-students-across-india-erupt-in-protest> (last visited on August 18, 2020).

195 Parvathi Benu, "Viva la Kerala: Students from over 40 Kerala colleges march against CAA, violence in JNU, AMU, Jamia" *The New Indian Express* (Dec. 18, 2019) available at: <https://www.edexlive.com/news/2019/dec/18/viva-la-kerala-students-from-over-40-kerala-colleges-march-against-caa-violence-in-jnu-amu-jamia-9637.html> (last visited on August 18, 2020).

196 Kainat Sarfaraz, "Transgender, Queer groups march against CAA, NRC" *Hindustan Times* (Jan. 4, 2020) available at: <https://www.hindustantimes.com/cities/transgender-queer-groups-march-against-caa-nrc/story-MU5PFAPVbhdLIUT4Q2y2IO.html> (last visited on August 19, 2020).

of December.¹⁹⁷ Peaceful protesters, including students from BHU, who had taken a stand against the CAA and the NRC were arrested and jailed on the 19th of December from Benia Bagh,¹⁹⁸ Chetganj and Badgaon.¹⁹⁹ Along with arresting peaceful protesters, a report by Amnesty International India (All) alleged that permissions were being denied to conduct peaceful Anti-CAA protests and demonstrations in Banaras, which is Narendra Modi's constituency, and that police personnel were using excessive force to threaten and intimidate protesters.²⁰⁰ On the 15th of December, BHU also issued a warning to its students in a circular, asking them to resist any anti-CAA protests, stating that, 'Others could join these marches and *dharnas* with the intention of spoiling the communal atmosphere and could commit any serious criminal incident.'²⁰¹

On 25th December 2019, in a signature campaign against the CAA and the NRC, 51 professors from the University, including the dean of the Faculty of Social Sciences, stated that the CAA was 'clearly an attempt to divide the society on communal lines, so that real issues of day to day living of common man are relegated to background. This is unacceptable that a modern nation, which claims to be a torch bearer of progressive value in the community of nations and aims to be *Vishwa Guru*, resorts to such a retrogressive and ill-informed policy, devoid of historical and social understanding. This is against Indian tradition of inclusiveness as advocated by Indian philosophy.'²⁰²

The signature petition iterated that the CAA and the NRC would lead to a situation where 'our own brethren are de-citizenised in their own country' and strongly condemned police brutality on the students of Universities like JMI. Professors and students who were signatories in this petition were referred to as 'Urban Naxals'.²⁰³ Priyesh Pandey of the Joint Action Committee from BHU, which organised a protest against the arrest of protesters, which included BHU students, spoke to *The Hindu* and shared that, "The ABVP (students' wing of the BJP) members in cahoots with the University and local administration go to any extent to intimidate us and suppress our

197 Amarnath Tewary, "Arrests stifle CAA protests in Benaras Hindu University" *The Hindu* (Dec. 30, 2019) available at: <https://www.thehindu.com/news/national/other-states/arrests-stifle-caa-protests-in-banaras-hindu-university/article30435949.ece> (last Visited on August 19, 2020).

198 "57 arrested anti CAA protesters released on bail in Varanasi" *India Today* (Jan. 2, 2020) available at: <https://www.indiatoday.in/india/story/varanasi-57-arrested-anti-cao-protesters-released-on-bail-1633194-2020-01-02> (last visited on August 19, 2020).

199 *Ibid.*

200 Shemim Joy, "Anti-CAA protests not allowed in PM Modi's Varanasi" *Deccan Herald* (Jan. 17, 2020) available at: <https://www.deccanherald.com/national/national-politics/anti-cao-protests-not-allowed-in-pm-modis-varanasi-amnesty-795442.html> (last visited on August 10, 2020).

201 Amarnath Tewary, "Arrests stifle CAA protests in Benaras Hindu University" *The Hindu* (Dec. 30, 2019) available at: <https://www.thehindu.com/news/national/other-states/arrests-stifle-cao-protests-in-banaras-hindu-university/article30435949.ece> (last Visited on August 19, 2020).

202 Rajeev Dikshit, "51 BHU professors started signature campaign against CAA" *The Times of India* (Dec. 26, 2019) available at: <https://timesofindia.indiatimes.com/city/varanasi/51-bhu-professors-started-signature-campaign-against-cao/articleshow/72975468.cms> (last visited on August 10, 2020).

203 Amarnath Tewary, "Arrests stifle CAA protests in Benaras Hindu University" *The Hindu* (Dec. 30, 2019) available at: <https://www.thehindu.com/news/national/other-states/arrests-stifle-cao-protests-in-banaras-hindu-university/article30435949.ece> (last visited on August 19, 2020).

voice. Despite being an ideological minority, we'll keep raising our voice against the divisive policies of the University and the country."²⁰⁴ Students from BHU also staged a demonstration demanding the release of their fellow students, a day after the 101st Convocation of the BHU. Some students refused to take their degrees, upset with the passage of the discriminatory CAA and their own administration's lack of efforts towards ensuring the release of the students.

Guwahati University (GU): Students from Tezpur University, Cotton University, Dibrugarh University, NEHU, Assam Agriculture University, North Eastern Regional Institute of Science and Technology and others called for a complete boycott of classes on 22nd January 2020, when the Supreme Court listed the preliminary hearing of a batch of at least 75 petitions which challenged the constitutional validity of CAA. Assamese students hoped that the Supreme Court would take cognisance of their special status due to the Assam Accord, which the students fear dilution of, through 'illegal immigration'. In a clear pattern of criminalisation of student protests across the country, the National Investigation Agency, controlled by the Centre to usually prosecute terror-related offences, has summoned several Assamese students to investigate them for organising anti-CAA protests.²⁰⁵

Jawaharlal Nehru University (JNU), Delhi: Prior to the passing of the CAA in the Parliament, in November, protests broke out because of the massive fee hike proposed by the administration. The proposed fee hike forecast nearly a 150% surge in fees, making JNU one of the most expensive Central Universities in India.²⁰⁶ In December, along with protesting the fee hike increase, students from JNU also joined the Anti CAA-NRC protests. On the 4th of January, JNU administration alleged that masked students hampered the registration process by switching off the power supply.²⁰⁷ Students on the other hand, alleged attacks by the security guards at the Centre for Information System.

On the 5th of January, masked goons entered the JNU campus and beat up students and teachers, leaving many severely injured. This mob that entered the campus was armed with sticks and stones and attacked students and teachers, leading to the hospitalisation of several students and five teachers.²⁰⁸ A video of a severely

204 *Ibid.*

205 "Guwahati Violence: NIA summons former GS of Cotton University" *News Live* (Feb 06, 2020) available at: <https://newslivetv.com/guwahati-violence-nia-summons-former-gs-of-cotton-university/> (last visited on August 19, 2020).

206 Arvind Gunasekar & Sukriti Dwivedi, "As JNU Student Leader was Bleeding, 2 Cases Against her within 4 Minutes" (Jan. 07, 2020) available at: <https://www.ndtv.com/india-news/3-police-cases-for-jnu-none-lists-those-responsible-for-mob-violence-2159937> (last visited on August 18, 2020).

207 "JNU students switched off power supply to hamper semester exam registration process: Admin" *Hindustan Times* (Jan. 04, 2020) available at: <https://www.hindustantimes.com/education/jnu-students-switched-off-power-supply-to-hamper-semester-exam-registration-process-admin/story-YMqPjGPJTDDDAfvxagosfJ.html> (last visited on August 17, 2020).

208 "JNU students, teachers attacked by mob, at least 23 injured" *Hindustan Times* (Jan. 06, 2020) available at: www.hindustantimes.com/india-news/jnu-students-teachers-attacked-by-mob-at-least-23-injured/story-wQivmhyQTK3sEDHiwlpBwl.html (last visited on August 18, 2020).

injured Aishe Ghosh, JNU Student Union President, was posted on Twitter the same evening. The attackers were heard shouting Jai Shri Ram and walked around the campus without being stopped by the police.²⁰⁹ The attackers also stopped medical assistance from reaching injured persons inside the campus by attacking medical vans trying to enter the campus.

Later the same evening, as protesters gathered at JNU, to offer solidarity to the students and protest the heinous attacks on students and faculty, Hindu right wing goons attacked protesters shouting "*desh ke gaddaro ko goli maro saalon ko*" (shoot the traitors), manhandling and physically assaulting protestors who had gathered, including Yogendra Yadav, leader of Swaraj India and D Raja, National Secretary of the Communist Party of India.²¹⁰ Investigations revealed communication and coordination on WhatsApp groups of ABVP members, planning the attack on JNU campus.²¹¹ News reports also showed that the attack was carried out by members of the ABVP. A sting operation by India Today, caught ABVP member Akshat Awasthi, confessing to having mobilised the attack in JNU, and also acknowledging that the police helped ABVP members attack other students on campus, by helping shut off the lights on campus.²¹² Despite media reports clearly presenting the role of the ABVP and its cadre in orchestrating the violence in JNU, FIRs were subsequently filed against Aishe Ghosh for indulging in physical violence in a bid to stop the registration process.

On the other hand, Komal Sharma, who was identified on social media for carrying weapons and being part of the violence in JNU has not faced any consequences.

Darul Uloom Nadwatul Ulama, Lucknow: Over 200 students of the seminary who had gathered on 17th December 2019 to protest the passing of the CAA in Parliament, were humiliated and provoked by the police who jabbed at the students with their batons and used it on them, later dragging students back into their campus. When students responded with stone-pelting at the police, the State used this as an excuse to further impose restrictions on civil liberties in terms of arbitrarily blocking the internet in several districts, prohibiting public gatherings and shutting down Universities.²¹³

209 Jimmy Jacob, "JNU Attackers Yelled 'Jai Shri Ram'", Witnesses Tell New York Times" *NDTV* (Jan. 07, 2020) available at: <<https://www.ndtv.com/india-news/jnu-attackers-yelled-jai-shri-ram-witnesses-tell-new-york-times-2159698>> (last visited on August 18, 2020).

210 Shylaja Varma, "'Fell On My Back On Road Divider, Police Watched,' Says Yogendra Yadav After JNU Violence" *NDTV* (Jan. 06, 2020) available at: <<https://www.ndtv.com/india-news/jnu-violence-yogendra-yadav-after-jnu-violence-fell-on-my-back-on-road-divider-police-watched-215931>> (last visited on August 18, 2020).

211 "JNU violence: ABVP member admitted on camera that he planned attack, claims India Today sting" *Scroll.in* (Jan. 10, 2020) available at: <<https://scroll.in/latest/949464/jnu-violence-abvp-member-admitted-on-camera-that-he-planned-attack-claims-india-today-sting>> (last visited on August 18, 2020).

212 Meghnad S, Prateek Goyal & Anukriti Malik, "JNU violence: Inside the WhatsApp group that 'coordinated' the mayhem" *NewsLaundry* (Jan. 06, 2020) available at: <<https://www.newsLaundry.com/2020/01/06/jnu-violence-whatsapp-group>> (last visited on August 18, 2020).

213 Piyush Srivastava, "At Darul-Uloom, cop baton jab" *The Telegraph* (Dec. 16, 2020) available at: <<https://www.telegraphindia.com/india/at-darul-uloom-cop-baton-jab/cid/1727739>> (last visited on August 18, 2020).

Silencing of dissent

In several institutions, the nature of attack carried out was by silencing students from voicing their opinions, and the administrations tried to curb any protest, or CAA related discussions amongst students. The administration did not support the students and used procedures to curb their freedoms.

Srishti School of Design, Bengaluru: Students painted graffiti on their campus walls, showing PM Narendra Modi, with the caption, 'Sab Changa Si'²¹⁴BJP MLA, S.R Vishwanath, visited the site with his supporters and is said to have threatened students regarding the artwork. BJP workers later covered the artwork with saffron paint and warned the principal of the institute against allowing students to join the peaceful anti CAA-NRC protests. BJP workers along with S.R Vishvanath, are also said to have heckled students regarding their choice of clothing and smoking, labelling their habits and behavior 'Anti-Indian'.

Tata Institute of Social Sciences (TISS), Mumbai: The students joined the Anti CAA-NRC protests, by announcing a solidarity strike on the 19th of December; a circular was issued by the registrar of the institution asking staff and faculty to abstain from any form of protest while on duty. A TISS student shared with Caravan that, 'Even for sloganeering they threaten us with issuing show-cause notices. In the past, what we have seen is that if fifty students participate in a demonstration, they single out a few students and send show-cause notices, in an attempt to divide the students.'²¹⁵

English and Foreign Languages University (EFLU), Hyderabad: On 25th December 2019, The Vice Chancellor E Suresh Kumar wrote an op-ed in a national newspaper in defence of the CAA, and in fact, with no hint of irony, characterised the legal policy as reflective of India's commitment to secularism. The EFLU students union issued a statement to condemn his article and organised protests. Immediately, the EFLU administration extended the winter vacation break up to the third week of January 2020, which students criticised as an attempt to prevent seminars, meetings and protests to critique the CAA-NRC on campus.²¹⁶ Students also complained of heightened surveillance of their social media activity as well as of physical meetings on campus by administration officials and guards.

Indian Institute of Technology, Kanpur (IIT-K): Students protested against the police brutalities on JMI and AMU students, and their administration retaliated by forming

214 Rohini Swamy, "Bengaluru's Shrishti Institute campus tense after Modi graffiti offends BJP MLA, supporters" *The Print* (Jan. 15, 2020) available at: <https://theprint.in/india/bengalurus-srishti-institute-campus-tense-after-modi-graffiti-offends-bjp-mla-supporters/350126/> (last visited on August 18, 2020).

215 Nileena MS, "How university administrations are silencing anti-CAA protests on campuses" *The Caravan* (Jan. 31, 2020) available at: <https://caravanmagazine.in/education/anti-cao-student-protests-universities-ban-srcc-ijit> (last Visited on August 19, 2020).

216 *Ibid.*

a six-member committee to enquire into the protests, particularly an incident of protestors reciting Pakistani poet Faiz Ahmed Faiz's *Hum Dekhenge*, on a complaint by a professor. The 'offending' student was coerced into signing a statement to apologise for his conduct as the poem was reportedly deemed to be "inflammatory, abusive and intimidating", as well as hurting 'Hindu sentiments'.²¹⁷

²¹⁷ "CAA: IIT Kanpur says recitation of Faiz's poem 'Hum Dekhenge' during protest was unsuitable" *Scroll.in* (Mar. 16, 2020) available at: <https://scroll.in/latest/956306/caa-iit-kanpur-says-recitation-of-faizs-poem-hum-dekhenge-during-protest-was-unsuitable> (last visited on August 19, 2020).

ANNEXURE III

Other reports on police violence in AMU & JMI

Fact Finding Reports on Police Violence in Jamia Millia Islamia and Aligarh Muslim University:

1. The Night of The Broken Glass: Testimonies from Jamia Millia Islamia (Campaign Against Witch Hunt)
2. Unafraid: The Day Young Women Took the Battle to the Streets (Independent Women's Initiative)
3. Targeted Violence in Jamia (The National Federation of Indian Women)
4. Preliminary Fact Finding Report into the events of 15th and 16th December 2019 at AMU (Human Rights Law Network and Quill Foundation)
5. Aligarh Muslim University Students Union Report (AMU Students Union)
6. The Siege of Aligarh Muslim University (Karwan-E-Mohabbat and India Cultural Forum)

THE DISMANTLING OF MINORITY EDUCATION

Report Compiled by :
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