

# 11. Using an Iron Fist to Silence: Excessive force against anti-CAA 2019 protesters in Uttar Pradesh

31<sup>st</sup> December 2019

## 1. CAA 2019 and Country-wide protests

The controversial Citizenship (Amendment) Act - CAA - 2019 was signed into law on 12<sup>th</sup> December 2019, creating a patently discriminatory legislation which, on the face of the law, disadvantages Muslims and which also falls foul of India's secular Constitution. Country-wide protests erupted immediately, first in Assam<sup>337</sup>, then in university campuses in Delhi<sup>338</sup> and Uttar Pradesh<sup>339</sup>, followed by Karnataka<sup>340</sup>, before spreading across the country. Protesters have faced restrictions to their freedom of assembly, as well as heavy-handed police response resulting in numerous injuries and deaths. 26 protesters have been reported killed in police action<sup>341</sup>, all in states presently governed by the Hindu-nationalist Bharatiya Janata Party (BJP)<sup>342</sup>. 23 of these are Muslims. Evidence and investigation shows in many cases that these casualties have been the result of excessive use of force on the part of the police against protesters (and others caught up in events).<sup>343</sup> Among those killed was an 8-year-old in Varanasi, PM Narendra Modi's parliamentary constituency.<sup>344</sup> Police have been particularly aggressive in Uttar Pradesh (UP),

337 <https://www.indiatoday.in/india/story/anti-caa-protests-393-people-arrested-244-cases-registered-in-assam-violence-1631001-2019-12-23>

338 <https://gulfnnews.com/world/asia/india/jamia-millia-staff-shares-her-experience-protecting-students-during-violence-at-university-1.1576489305578>  
<https://www.youtube.com/watch?v=4a2542l9hK0&feature=youtu.be>

339 <https://www.indiatoday.in/india/story/cab-protest-amu-students-teachers-hold-protests-campus-1628112-2019-12-13>

340 <https://economictimes.indiatimes.com/news/politics-and-nation/two-killed-in-firing-during-anti-caa-protest-in-mangaluru-police/articleshow/72891008.cms>

341 <https://www.indiatoday.in/india/story/citizenship-amendment-bill-protest-deaths-india-comparison-hong-kong-pro-democracy-agitation-1630582-2019-12-22>

Since this report, another person has been reported to have succumbed to injuries in Uttar Pradesh, where the toll now is 19. (and 5 in Assam, 2 in Karnataka). Other accounts speak of 21 deaths in UP alone.

342 <https://www.aljazeera.com/news/2019/12/modi-summons-ministers-india-protests-death-toll-increases-191221063611978.html>

343 <https://scroll.in/article/947239/police-attacked-first-delhis-seelampur-residents-describe-an-afternoon-of-protest-and-chaos>

344 <https://www.news18.com/news/india/8-year-old-among-12-killed-as-anti-caa-protests-worsen-in-up-internet-suspended-in-21-districts-2431869.html>

engaging in what Human Rights Watch has called “Deadly Use of Force against Protesters”.<sup>345</sup> This briefing by the human rights group Citizens Against Hate, provides an overview of the police crackdown against protesters in UP based on media accounts and some interviews with community members.

## 2. Stifling dissent

Large parts of UP, especially its Muslim concentrations in western and central districts of Muzaffarnagar, Bijnore, Meerut, Bulandshahar, Rampur, Kanpur and capital Lucknow, were put under lockdown with freedom of movement and assembly restricted by authorities since 10<sup>th</sup> Dec. 2019, having invoked Section 144 of the Criminal Procedure Code (CrPC), a colonial-era provision banning ‘unlawful assembly’ which prohibits the assembly of four or more persons as a preventive measure.<sup>346</sup> This followed protests by students at the Aligarh Muslim University (AMU), in the west of the state with large Muslim majority. With fresh round of protests at AMU on 15<sup>th</sup> December – and police’s violent crackdown that left a trail of injuries and destruction<sup>347</sup> – these restrictions were beefed up the following day. On 17<sup>th</sup> Dec. 2019, State authorities targeted community leaders and human rights defenders in capital Lucknow and other districts, placing several under ‘house arrest’.<sup>348</sup> (See Annex I). The next day police escalated this to issuing notices to more than 3,000 persons across the state, warning them not to participate in protests against the CAA planned for Friday, 19<sup>th</sup> December, 2019.<sup>349</sup> On 16<sup>th</sup> December, Internet access on mobile phones had already been suspended in 21 districts of UP.<sup>350</sup> In Muzaffarnagar district - site of the 2013 mass violence against Muslims that left 57 dead and over 50,000 displaced – community leaders said mobile service was suspended only in Muslim localities, whilst they were restored in the rest of the district. Broadband internet services were also terminated in entire cities within the state, including in Ghaziabad and Lucknow, the state capital. They were only restored on 28<sup>th</sup> December 2019.<sup>351</sup>

---

345 <https://www.hrw.org/news/2019/12/23/india-deadly-force-used-against-protesters>

346 [https://www.business-standard.com/article/economy-policy/going-offline-anti-kaa-protests-led-to-large-scale-internet-shutdowns-119122100077\\_1.html](https://www.business-standard.com/article/economy-policy/going-offline-anti-kaa-protests-led-to-large-scale-internet-shutdowns-119122100077_1.html)

347 <https://www.thehindu.com/news/national/security-forces-committed-unbridled-rights-violations-in-amu-fact-finding-team/article30389632.ece>

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

349 <https://amp.scroll.in/article/947844/notices-to-recover-damages-from-protestors-in-uttar-pradesh-based-on-flawed-high-court-order>

350 <https://timesofindia.indiatimes.com/city/lucknow/internet-snapped-in-21-districts-administration-to-take-call-on-restoration-after-midnight/articleshow/72913649.cms>

351 <https://economictimes.indiatimes.com/news/politics-and-nation/internet-suspended-in-21-up-districts-over-citizenship>

### 3. Enforcing 'revenge'

Where protests did take place in UP, mostly on and after 20<sup>th</sup> December, police reprisals have been swift and have led to violent consequences. The police have used stun grenades to disperse protesting students in Aligarh<sup>352</sup>, shot live bullets resulting in deaths in Bijnore<sup>353</sup>, as well as ransacked homes<sup>354</sup> and destroyed private property<sup>355</sup> in various areas in what is reported by civilian fact finding teams as reprisal attacks.<sup>356</sup> Various videos have emerged of police directly shooting live bullets at protesters, contradicting Police claims that deaths were the result of cross-firing by protesters' using firearms.<sup>357</sup> Other videos show a district police head shouting at Muslim protesters to "go to Pakistan"<sup>358</sup>, unleashing an old communal slur. There have also been reports of arbitrary arrests and detention of Human Rights Defenders (HRDs)<sup>359</sup>, and custodial torture of detainees,<sup>360</sup> including children from various districts in the state.<sup>361</sup> The police forces have also been arbitrarily using the criminal justice system to target protesters and HRDs, slapping false or exaggerated charges against them.<sup>362</sup> Controversially, the State Government of UP has sealed properties of those they accuse of being involved in protests, in a declared effort to seize and eventually sell these properties. The State Government holds that this is for restitution for damage to public property during violence accompanying protests, in acts of retribution.<sup>363</sup>

---

[amendment-act/articleshow/72989827.cms](https://www.amendment-act/articleshow/72989827.cms)

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

353 <https://indianexpress.com/article/india/up-cao-protests-deaths-bullet-injuries-6180302/>  
<https://www.ndtv.com/india-news/citizenship-amendment-act-protests-video-suggests-up-cop-opened-fire-in-kanpur-contrary-to-no-police-2152566?amp=1&akamai-rum=off>

354 <https://www.indiatoday.in/india/story/bijnor-ground-report-muslim-families-flee-as-up-police-vandalise-homes-harass-women-after-clashes-over-cao-1631046-2019-12-24>

355 <https://scroll.in/video/947552/watch-scenes-of-destruction-in-muzaffarnagar-as-mob-attacks-muslim-neighbourhoods>

356 <https://www.indiatoday.in/india/story/every-assailant-was-policeman-activists-accuse-up-police-of-assaulting-muslims-cao-stir-release-videos-1632361-2019-12-29>

357 <https://gulfnnews.com/world/asia/india/cao-protests-video-shows-police-firing-at-protesters-contrary-to-up-dgp-claims-1.1577078324096>

358 <https://www.indiatoday.in/india/story/meerut-sp-akhillesh-narayan-threaten-cao-protesters-pakistan-video-1632137-2019-12-28>

359 <https://scroll.in/video/947465/watch-a-young-woman-narrates-how-lucknow-police-broke-into-her-home-and-smashed-everything>

360 [https://scroll.in/article/947178/aligarh-muslim-university-students-allege-they-were-tortured-in-police-custody-after-sunday-protests?fbclid=IwAR0rm-NrjF59yJGaTn2kSOY6firQYYkV\\_wnk-2XqzKuWxdmsLw2lYSMvvyx4](https://scroll.in/article/947178/aligarh-muslim-university-students-allege-they-were-tortured-in-police-custody-after-sunday-protests?fbclid=IwAR0rm-NrjF59yJGaTn2kSOY6firQYYkV_wnk-2XqzKuWxdmsLw2lYSMvvyx4)  
<https://www.thequint.com/news/india/sadaf-zabeen-arrested-beaten-by-police>

361 [https://www.huffingtonpost.in/entry/cao-uttar-pradesh-police-tortured-children-in\\_5e0207b5e4b05b08babab722?hka](https://www.huffingtonpost.in/entry/cao-uttar-pradesh-police-tortured-children-in_5e0207b5e4b05b08babab722?hka)

362 <https://www.nationalheraldindia.com/india/up-police-detain-mps-seal-shops-confiscate-property-of-protesters>

363 <https://www.newindianexpress.com/nation/2019/dec/23/67-shops-of-alleged-protesters-sealed-in-uttar-pradesh->

In a press note issued by UP Police on 26<sup>th</sup> December 2019, a total of 19 persons are reported to have died in the course of anti-CAA protests.<sup>364</sup> Police sources confirmed to the media that most were from 'firearm injuries'.<sup>365</sup> The press note also adds that 5,558 persons were taken into 'preventive custody' and later released.<sup>366</sup> Of this, 1113 were arrested in 324 First Information Reports (FIRs) filed, under various sections of the law and are now in judicial custody, pending trial. In Bijnore, one of the worst affected districts, 11 FIRs have been registered, with 200 persons named in those. 101 persons have been arrested and charged for attempt to murder and other grievous crimes. 20 among the arrested are reported to be juveniles.<sup>367</sup> Notably, FIRs also record involvement of another 4000 persons in the protests, without specifying their names, leaving it open for police then to book individuals arbitrarily on the strength of those 'unnamed FIRs'. This picking up and detention of community members and HRDs is ongoing now across the state, creating a chilling effect all around. Lawyers who have travelled to the region to provide legal aid to victims have also been detained.<sup>368</sup>

Police have claimed that 256 police personnel sustained injuries in the protests. No deaths of police personnel have been reported.<sup>369</sup>

#### 4. Enabling impunity

The deadly use of force against civilians by the UP Police has been encouraged by the State's Chief Minister, Yogi Adityanath, who has issued public threats against protesters, of exacting 'revenge'.<sup>370</sup> Adityanath is a controversial BJP leader and founder of the extremist group, Hindu Yuva Vahini (Hindu Youth Militia), implicated in several attacks against Muslims in UP, before he became state Chief Minister in March 2017.<sup>371</sup> There are also multiple, ongoing criminal proceedings against

---

[district-2079914.html](#)

364 UP Police note, 'Action taken against anti-CAA 2019 protests in state's districts', 26th December 2019.

365 <https://www.freepressjournal.in/india/caa-protest-14-of-16-upprotesters-died-of-bullet-injury>

366 <https://www.livemint.com/news/india/anti-cao-stir-164-firs-lodged-879-arrested-and-288-cops-injured-since-10-dec-says-up-police-11577043242255.html>

367 <https://www.indiatoday.in/india/story/bijnor-ground-report-muslim-families-flee-as-up-police-vandalise-homes-harass-women-after-clashes-over-cao-1631046-2019-12-24>

368 <https://thewire.in/law/up-police-muslim-lawyer>

369 <https://www.indiatoday.in/india/story/up-anti-cao-citizenship-law-violence-clashes-dead-police-injured-1630398-2019-12-21>

370 <https://www.ndtv.com/india-news/muzaffarnagar-uttar-pradesh-shops-sealed-over-violence-days-after-yogi-adityanath-revenge-remark-2152642?amp=1&akamai-rum=off#click=https://t.co/yDFIMM0vNs>

371 [https://www.vice.com/en\\_in/article/mbxx7q/humans-of-the-hindu-yuva-vahini](https://www.vice.com/en_in/article/mbxx7q/humans-of-the-hindu-yuva-vahini)  
<https://economictimes.indiatimes.com/news/politics-and-nation/why-yogi-adityanath-needs-to-keep-hindu-yuva->

Adityanath which accuse him of anti-Muslim hate mongering and rioting.<sup>372</sup> Adityanath is also known for having encouraged an official state government policy of eliminating alleged criminals, leading to a series of extra judicial killings - or 'encounter killings' as they are called in India - with most of those targeted being Muslim.<sup>373</sup> In response, UN Special Rapporteurs sent a special communication to India expressing alarm in January 2019.<sup>374</sup> In the present crackdown, district police in some areas, with support of those at the highest levels of state governance, have been reported to be directing their subordinates to deal with CAA protesters with maximum force.<sup>375</sup> These districts saw the worst of state violence.<sup>376</sup> There have also been reports from some areas of cadres of the Rashtriya Swayamsevak Sangh (RSS) – the Hindu extremist platform of which BJP is the political arm – working with police to targets Muslims.<sup>377</sup>

The highest authorities in government have therefore not only failed to intervene to prevent police excess, they have fuelled communal hatred, making it easier for authorities to target Muslims. On December 14<sup>th</sup> 2019, while students at Jamia Millia Islamia University and Aligarh Muslim University – both historically Muslim universities with large proportions of Muslim students – were being targeted by police for protesting against CAA 2019, Prime Minister Narendra Modi gave the protests a sectarian colour. During an election rally in the state of Jharkhand, he stated that those who were protesting against the CAA could be identified by the clothes they wore – a dog whistle reference to Muslims, given their use of skull caps and scarves.<sup>378</sup> Home Minister Amit Shah has in the past months often likened Muslim 'illegal migrants' to termites, asking for them to be thrown into the Bay of Bengal, whilst championing the cause of Hindu 'refugees' in India – which speaks directly to the dynamics of the CAA 2019.<sup>379</sup> Faced with

---

[vahini-in-check/articleshow/59717854.cms?from=mdr](http://vahini-in-check/articleshow/59717854.cms?from=mdr)

372 <https://www.theguardian.com/world/2017/mar/19/uttar-pradesh-yogi-adityanath-hindu-priest-chief-minister>

373 <https://thewire.in/rights/chronicle-crime-fiction-adityanaths-encounter-raj>

374 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24066&LangID=E>

375 Bijnore SP Sanjeev Tyagi directs cops to break hands and legs of CAA protesters  
<https://www.youtube.com/watch?v=IGXMJrlzYHM>

376 <https://www.indiatoday.in/india/story/ias-aspirant-killed-anti-caa-stir-up-1631065-2019-12-24>  
<https://scroll.in/article/947626/why-kill-our-children-blood-and-tears-in-an-uttar-pradesh-town>  
<https://www.thequint.com/news/india/family-of-2-killed-in-uttar-pradesh-bijnor-anti-caa-violence>

377 <https://scroll.in/video/947552/watch-scenes-of-destruction-in-muzaffarnagar-as-mob-attacks-muslim-neighbourhoods>

378 <https://thewire.in/communalism/narendra-modi-citizenship-amendment-act-protests-clothes>

379 <https://www.reuters.com/article/india-election-speech/amit-shah-vows-to-throw-illegal-immigrants-into-bay-of->

country-wide protests, he has remained unfazed, remarking, “there might be some difficulties along the way, but we, and our leader, have the courage”, to see it through.<sup>380</sup> Senior BJP leaders have justified police firing against protesters, even those that have led to deaths.<sup>381</sup> Others have, in veiled threats, warned Muslims against testing the patience of the ‘majority’ community.<sup>382</sup> Others have led pro-CAA rallies where attendees have made calls including to “shoot the traitors”, in an apparent reference to Muslims and other opponents of CAA 2019.<sup>383</sup> In Muzaffarnagar, the site of some of the worst reprisals by police, multiple media accounts point a finger at a local BJP MP, Sanjiv Baliyan, for encouraging violence against protesters. Notably, Baliyan has also been accused of contributing to mass violence in Muzaffarnagar in 2013.<sup>384</sup> There are no reports of any criminal proceedings having been initiated against these persons.

## 5. Courts failing to come to the relief of victims

Higher courts too have failed to act to protect citizens from executive excess.<sup>385</sup> In response to a series of challenges against the constitutionality of the CAA 2019, the Supreme Court of India not only refused to stay the operation of the law until it heard the case, it also did not show any urgency in arranging a hearing. This has now been fixed for 22<sup>nd</sup> January 2020, which is 40 days from when the writs were registered, which in turn has contributed to sustained protests across the country. Supreme Court has also refused to hear pleas against excessive police force in the case of Jamia Millia University in Delhi, the site of one of the earliest police crackdowns against protesters. The Delhi High Court bench that did register the case also did not respond with urgency, deferring the hearing to 4<sup>th</sup>

---

[bengal-idUSKCN1RO1YD](#)

380 <https://www.ft.com/content/776db6a2-21f5-11ea-92da-f0c92e957a96>

381 <https://www.indiatoday.in/india/story/h-raj-shocker-guns-mangaluru-anti-caa-protest-2-dead-police-firing-1630272-2019-12-21>

382 [https://www.nationalheraldindia.com/politics/when-majority-loses-patience-godhra-happens-says-karnataka-minister-ct-ravi-over-caa-protests?utm\\_source=metype](https://www.nationalheraldindia.com/politics/when-majority-loses-patience-godhra-happens-says-karnataka-minister-ct-ravi-over-caa-protests?utm_source=metype)

383 <https://www.theweek.in/news/india/2019/12/21/shoot-traitors-slogan-at-pro-caa-march-bjp-kapil-mishra-defiant.html>

384 <https://www.firstpost.com/india/what-really-happened-during-the-caa-protests-at-muzaffarnagar-ruptured-knees-looted-property-tell-tale-of-police-excess-7820391.html>  
<https://www.nationalheraldindia.com/india/anti-caa-stir-two-boys-shot-dead-by-the-police-in-muzaffarnagar-on-friday-lawyers-demand-inquiry>

385 [https://indianexpress.com/article/opinion/columns/caa-citizenship-amendment-act-supreme-court-constitution-of-india-6181772/?fbclid=IwAROGzxbGVBiZoTHPPUomsQndumhpAm2X28bixecJZt8PjHat\\_4N2oNxFfwc](https://indianexpress.com/article/opinion/columns/caa-citizenship-amendment-act-supreme-court-constitution-of-india-6181772/?fbclid=IwAROGzxbGVBiZoTHPPUomsQndumhpAm2X28bixecJZt8PjHat_4N2oNxFfwc)

February 2020.<sup>386</sup> Other references to higher courts too have failed to elicit urgent remedial action. Even habeas corpus writs in UP state High Court concerning HRDs in police detention appear to be going through normal procedure<sup>387</sup>, as are pleas on excessive force used against students protesting at Aligarh Muslim University.<sup>388</sup> Pleas in the UP High Court against mobile service shut down have also been rejected.<sup>389</sup>

## 6. Conclusion

A day after CAA 2019 was voted into law, the Office of the United Nations High Commissioner for Human Rights (OHCHR) condemned the move, by calling the legislation "discriminatory".<sup>390</sup> Earlier, just after the lower house of Indian Parliament passed the Bill,

US Commission on International Religious Freedom (USCIRF) voiced 'serious concern' at the 'discriminatory piece of legislation', going on to recommend sanctions against Indian leaders.<sup>391</sup> The discriminatory application of naturalisation provisions of CAA 2019 are in contravention of international law, in particular the right to nationality "without distinction as to race, colour, or national or ethnic origin" (Article 5, International Convention on Elimination of all forms of Racial Discrimination - CERD), and against India's Constitution which guarantees equality before the law and equal protection of the law (Article 14).

Restrictions imposed on persons protesting against CAA 2019, is suspension of the fundamental rights to freedom of speech and expression and to peaceful assembly, guaranteed in Article 19 of Indian Constitution. The targeting of protesters amounts to disproportionate use of force, per Model Rules on the Use of Force by the Police against Unlawful Crowds (Adopted by the Inspectors General of Police Conference, 1964) and Police Manuals. They also violate the UN Basic Principles on the Use of Force and Firearm by Law enforcement Officials. The UN has raised concerns about casualties and injuries during anti-CAA

386 <https://scroll.in/latest/947303/jamia-violence-delhi-high-court-denies-students-interim-protection-from-arrest-lawyers-say-shame>

387 <https://www.livelaw.in/news-updates/caa-protests-allahabad-hc-calls-for-documents-relating-to-arrest-of-advocate-md-shoaib-read-order-151012>

388 <https://www.barandbench.com/news/allahabad-hc-directs-state-to-respond-on-plea-against-amu-violence-by-jan-2-orders-provision-of-medical-aid-for-students-read-order>

389 <https://scroll.in/article/947770/supreme-court-to-tiz-hazari-how-the-judiciary-responded-to-cao-protests-and-police-action>

390 <https://news.un.org/en/story/2019/12/1053511>

391 <https://www.uscirf.gov/news-room/press-releases-statements/uscirf-raises-serious-concerns-and-eyes-sanctions>

protests, and called on authorities “to respect the right to peaceful assembly, and to abide by international norms and standards on the use of force when responding to protests.”<sup>392</sup> Recently, the Organisation of Islamic Countries (OIC) called on India to “ensure the safety of Muslim minority”, in the context of the legislating of CAA 2019 and the targeting of dissent against it.<sup>393</sup>

## 7. Recommendations

### *To the Government of India:*

- Issue immediate guidance to the Uttar Pradesh Police to avoid the continued use of excessive force against protesters.
- Free detainees held in connection with the protests, where there is no prima facie case of wrongdoing, including HRDs, and wrongfully detained persons
- Remove restrictions on freedoms, including Internet and mobile as well as assembly
- Initiate criminal proceedings against officials involved in killing and grievous injuries to protestors in a timely manner
- Investigate, and where appropriate, use criminal or disciplinary procedures against officials and politicians who have incited violence against members of any religious community on the basis of their faith or heritage.
- Provide urgent medical attention and compensation to protesters who have suffered violence
- Conduct an independent inquiry into the police response to anti-CAA protests in Uttar Pradesh led by a judge of the High Court, to identify facts and establish accountability. This report which must be prepared within a short and finite timeframe, must be made public, and until then all criminal proceedings against individuals and HRDs initiated by the state administration must be withheld.
- Comply with UN Basic Principles on the Use of Force and Firearm by Law enforcement officials

### *To the international community*

- Ask India to abide by international norms on democratic protest, including its commitment to ICCPR principles

---

<sup>392</sup> <https://www.indiatoday.in/india/story/un-voices-concern-over-violence-in-india-against-kaa-urges-respect-for-freedom-of-expression-1629399-2019-12-18>

<sup>393</sup> <https://thewire.in/rights/oic-express-concerns-about-indian-muslims-safety>

- Ask India to conduct an independent enquiry into Police action against anti-CAA protesters, to determine whether there was excess and disproportionate use of force, and share the findings, along with action taken report on the findings, within a specified timeframe.
- Ask India to provide a detailed district-wise report of (i) protesters killed and injured; (ii) persons arrested and proceeded against (including detained and then released immediately), broken down by age and date of arrest, and criminal charges against them; (iii) shops and private property seized to be used to pay for public property damaged; (iv) other forms of violations that police crackdown has taken
- Monitor targeting and excesses against religious minorities, especially Muslims in Uttar Pradesh and India, more closely
- Conduct special hearings on the human rights situation of Muslims and other religious minorities in India