

**AN OPEN LETTER TO THE PRESIDENT OF INDIA:**  
**DELHI VIOLENCE AND ITS AFTERMATH –**  
**RECOMMENDATIONS OF A FACT FINDING MISSION**

**18 March 2020**

Hon'ble President of India,  
Rashtrapati Bhavan, New Delhi

Respected Rashtrapatiiji ,

It is with deep anguish and concern that we, the members of the Constitutional Conduct Group (“**CCG**”) comprising former civil servants, write this letter to place before you some major issues in the aftermath of the widespread violence in North-East Delhi, which began on 23rd February 2020 and continued till 26th February 2020.

On 12th March 2020, eleven members of the **CCG** visited violence affected areas of North East Delhi including Shiv Vihar, Brijpuri and Mustafabad.

It is distressing that, even more than two weeks after the violence, the group did not see much evidence of any serious outreach by political parties to provide mental or physical support to victims of violence. There is no serious effort to re-establish much needed confidence building measures between communities.

The observations of the group which visited the affected areas are summarized below:

1. In Aulia Masjid of Shiv Vihar, almost the entire building was found burnt and charred. A local resident pointed out that several cooking gas cylinders were thrown into the Masjid and set alight to ensure its total destruction. The building was saved by the fire brigade which responded to frantic distress calls from a member of the Hindu community. The group was informed that the miscreants were continuously shouting slogans like “*Jai Shri Ram; Azadi dilate hain; Andar ki baat hai, police hamare saath hain*”. We were also informed that the electricity lines were deliberately cut and electricity meters were burnt, throwing the entire area into darkness and forcing the members of the Muslim community to run for survival in the ensuing violence, pandemonium and panic.

2. In Brijpuri, the group visited Arun Public School owned by Mr. Bhisham Sharma, an ex-MLA, who claimed to have suffered a loss of ₹ 1.5 to 2.0 crores, with the school library burnt and most classrooms damaged. All the school records maintained over thirty years were also destroyed in the fire. The school has been quickly repaired and was being painted. There were children writing their examinations. We learnt that the fire brigade responded after a period of twelve hours and repeated calls to the police control room met with no response.
3. The group visited Rajdhani Public Senior Secondary School, Shiv Vihar, but could not go inside as the gate was locked. From the outside it looked as if the school was badly damaged and several classrooms were burnt. The owner of the school, Mr Faisal Farooq, has recently been arrested by the police.
4. The group also visited the Eidgah Relief Camp set up by Delhi Waqf Board. It has given refuge to approximately 1200 displaced Muslims, including women and children, who fled their homes after the violence. There was no medical facility provided by the Delhi Government. An NGO, Doctors Unity Welfare Association (a private NGO), has set up a stall which was manned by four MBBS doctors. It was well stocked with medicines for treatment of common ailments like fever, diarrhoea, hypertension, diabetes, wounds, schizophrenia etc.

Two severely disabled women met members of the group and pointed out that they did not have access to a toilet, both of them being unable to walk. However, the Eidgah authorities and officials of the Delhi Waqf Board said that toilets cannot be provided within the premises of the Eidgah, as it is a place of worship. This highlights both the ignorance and complete lack of sensitivity of the members of the Delhi Waqf Board and the Eidgah towards the women and the disabled from amongst those affected.

The group met several displaced families from Karawal Nagar whose houses were looted or burnt. They informed that they were rescued by paramilitary forces on 26th February 2020. Some of them showed handwritten complaints given to the police which bore the daily diary entry number from the police station. Some others mentioned that online FIRs filed by them are not being accepted for payment of compensation. Some of these people, who are tenants, informed that they would like to go back to their villages/towns in UP

etc. while others, who own houses, informed that they would like to go back to their houses, provided they are assured of their security and are given assistance to rebuild their damaged properties.

There was a police camp at Eidgah where two police constables, including a lady constable, were helping those who wanted to lodge their complaints. There was a camp set up by the District Legal Services Authority, where legal help was being offered. However, we consistently found that people were too scared to name the persons who may have indulged in violence.

It was heartening to visit the stall set up by the Delhi Commission for Protection of Child Rights. Several young children, 4-10 years old, were being read stories by volunteers.

5. The group visited the car garage belonging to Mr. Virender Singh. There were some 40 vehicles lying completely burnt. It was pointed out that the garage was used by both Muslims and Hindus to park their cars on payment basis.
6. The group visited Madina Masjid located in a bye-lane in Shiv Vihar. The Masjid was badly damaged and burnt. One LPG cylinder was still lying on the ground floor of the building. Several twisted ceiling fans showed the extent of destruction and the precision of the violence.
7. In some houses near the Madina Masjid, there were several motorcycles, dragged inside by rioters and burnt. Several houses were completely destroyed and burnt beyond repair with fallen girders. The residents informed that they had run away from their homes.
8. The group learnt that there were several instances of Hindus protecting and sheltering their Muslim neighbours, some for several days. Similarly, Muslims have stood guard to protect the temples and Hindu neighbours of the area. There is no instance of damage to a single Hindu temple. However, we were told that in some cases, the neighbours facilitated identification of Muslim houses and properties

The visit revealed that though there were some properties owned by Hindus which were damaged and burnt as well, there were a much larger number of properties and houses owned by

Muslims which were looted, burnt and badly damaged. The group did not see any camp for Hindus displaced from their homes.

The general impression the group gathered was that on 23rd February 2020, miscreants and rioters from both Muslim and Hindu communities fought pitched battles and damaged properties of the other community. On 24<sup>th</sup> and 25<sup>th</sup> February 2020, however, the rioting seemed to have become well organized with rioters seen wearing helmets and bearing sharp weapons, targeting the homes and businesses of Muslims.

The group is appalled that the Police Commissioner, Delhi failed to mobilise adequate force and did not impose curfew and issue shoot at sight orders. Much of the arson, damage and deaths could have been prevented had the Police Commissioner exercised his duty to maintain law and order on the very first day of violence on 23rd February. He could have imposed curfew and ordered firing on any mob indulging in violence and arson. We hope that he was not waiting for instructions from anyone as he had all the powers under the Criminal Procedure Code to bring the situation under control. It was due to this failure that so many lives were lost and the incident is being referred to as a pogrom.

### **Recommendations:**

1. If such violence has to be prevented from erupting in other places, the Government must come down with a heavy hand on hate speech. Several politicians and the electronic and social media have been spreading hatred amongst communities but the Government has taken hardly any action to check this. The dissemination of such acts through print and electronic media also needs to be checked to prevent inter-communal hatred. In future, the failure to check hate speeches will be the cause of any communal violence. If the idea of India has to be saved, hate speech has to be stopped forthwith.
2. In the past, in several incidents of communal violence, senior officers responsible for law and order have got away scot free and very junior officers were punished. We request the setting up of a Judicial Commission of Enquiry headed by a serving or retired judge of the Supreme Court to enquire into the present incidents. The Commission should be specifically authorised to look into the failures of the administrative leadership of the

Lieutenant Governor and Police Commissioner of Delhi. It should also be mandated to inquire into the role of hate speech by political leaders and electronic and social media in dividing communities, spreading hatred and setting them against each other. The other Terms of Reference of the Commission should include fixing responsibility on politicians who incited violence and police officers who failed to perform their duty in checking the same. The guilty must be expeditiously punished so that it acts as a deterrent for the future.

3. The attitude and conduct of the Delhi Police during the build-up of tension over the CAA-NPR-NRC protests and the outbreak of violence in North East Delhi has once again underscored the urgency of correcting the institutional bias of the force. Even after the violence ended, the Delhi Police is not seen as neutral. In the immediate term, a programme of retraining of police personnel at all levels should be designed to rid them of their deep-seated prejudices against the minorities and other disadvantaged sections of society, and to develop empathy and compassion towards human suffering. In the medium term, concerted efforts need to be made to rectify the skewed representation of Muslims, women and other poorly represented demographics in the police force through special recruitment drives. A diverse and pluralist police force is necessary to ensure an effective and humane response to communal tension and violence.
4. The Delhi government is distributing relief to families affected by violence. There are several NGOs who are keen to help the victims in relief and rehabilitation but there is no coordination and supervision of their activities. We suggest that the Delhi government should set up a well-staffed committee for relief and rehabilitation, headed by a Secretary level officer and including officers from the departments of revenue, relief, women and child welfare, waqf board and education to coordinate relief measures. Officers having experience in cyclone and flood relief could also be drafted to contribute to this effort.
5. We had thought that after repeated instances of violence over the past four decades, there would be no repetition of targeted violence, complicity of the police and lack of empathy of the state in relief and rehabilitation of victims. Unfortunately, history is repeating itself in 2020, that too in the capital of the country. It must be ensured by the Union and State Governments that strong preventive and deterrent action is taken in the first few hours of

any such violence. Police Training Institutes must impress on their officers that they do not need any direction from their political masters for doing everything possible to prevent violence.

6. Several Commissions of Enquiry have investigated various communal riots since independence. The entire police force, from the constabulary to the IPS officers, must be made fully conversant with the findings of these reports as they highlight the failings of local administration. In such training programmes, success stories of police in preventing such violence must also be highlighted, as several conscientious officers have, in the past, successfully prevented violence in their jurisdictions even while other areas experienced huge loss of life and property.
7. The Government of India and the Delhi Government must take all measures necessary to mitigate the sufferings of the population of North East Delhi. In particular, the Government of India should expedite the enquiry into the incidents and fix responsibility and take action against those personnel of the Delhi Police guilty of inaction, instigation of and/or participation in the violence.

**SATYAMEVA JAYATE**

Yours sincerely,

**Constitutional Conduct Group** (89 signatories, as below)

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