

CHRI 2020

# Policing During India's Covid-19 Lockdown: A Review of Reported Accounts of Police Excesses

Report by Commonwealth Human Right Initiatives

December 2020



# CHRI

Commonwealth Human Rights Initiative

working for the *practical* realisation of human rights in  
the countries of the Commonwealth

# Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom, and Accra, Ghana. Since 1987, it has worked for the practical realization of human rights through strategic advocacy and engagement as well as mobilization around these issues in Commonwealth countries. CHRI's specialisation in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focussed on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while holding duty bearers to account. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. CHRI reviews pressures on freedom of expression and media rights while a focus on Small States seeks to bring civil society voices to bear on the UN Human Rights Council and the Commonwealth Secretariat. A growing area of work is SDG 8.7 where advocacy, research and mobilization is built on tackling Contemporary Forms of Slavery and human trafficking through the Commonwealth 8.7 Network.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. Recognised for its expertise by governments, oversight bodies and civil society, it is registered as a society in India, a trust in Ghana, and a public charity in the United Kingdom.

Although the Commonwealth, an association of 54 nations, provided member countries the basis of shared common laws, there was little specific focus on human rights issues in member countries. Thus, in 1987, several Commonwealth professional associations founded CHRI.

Through its research, reports, advocacy, engagement, mobilisation and periodic investigations, CHRI draws attention to the progress and setbacks on rights issues. It addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

CHRI's seeks to promote adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights.

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Sanjoy Hazarika, International Director

ISBN : 978-93-81241-84-4

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CHRI Headquarters, New Delhi  
55A, Third Floor  
Siddharth Chambers Kalu Sarai,  
New Delhi 110 017 (India)  
Tel: +91 11 4318 0200  
Fax: +91 11 4318 0217  
[info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org)

CHRI London  
Room No. 219  
School of Advanced Study  
South Block, Senate House  
Malet Street, London WC1E 7HU  
United Kingdom  
[london@humanrightsinitiative.org](mailto:london@humanrightsinitiative.org)

CHRI Africa, Accra  
Dr. Stanley Marbell Plaza  
H/No. 158/2  
Asylum Down  
Tel/Fax: +233 302 971170  
[chriafrika@humanrightsinitiative.org](mailto:chriafrika@humanrightsinitiative.org)

[www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

# **Policing During India's Covid-19 Lockdown: A Review of Reported Accounts of Police Excesses**

This report was a collective effort of the entire team of the police reforms programme of CHRI, with the assistance of interns. The methodology was devised by the team, CHRI's media officer and Director. Aditi Datta, Ankur Otto, Devyani Srivastava, and Raja Bagga conducted the research and wrote sections of the report. Dolphy D'Souza, Donita Quadros, and Sangeeta Mukherjee assisted in the media compilation. Devika Prasad did the overall review and finalisation.

Our interns - Aditi Richa Tiwary, Ananaya Agrawal, Manvi Dixit, Ritika Goyal, and Bhavnish Kaur Chhada - contributed to the media compilation and background research.

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**Commonwealth Human Rights Initiative**

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**Chapter - 1**  
**Introduction**

This report presents a compilation of reported incidents of excesses committed by the police across states during India's nation-wide lockdown from 24 March 2020 to 31 May 2020. Collected through a daily systematic scanning of media sources, this report compiles nearly 150 reported instances of the police employing physical force through beating, kicking, or lathi-charge; as well as inflicting verbal abuse, insults and degrading treatment on people, including essential service providers. At least 20 people lost their lives in this period, following an interaction with the police, either on the streets or in police custody. Migrant workers and daily wage labourers, in particular, bore the brunt of police excesses across the country.

When assessed against globally accepted standards on use of force, it is clear that the police use of force, in the incidents documented in this report, is excessive. In the cases and circumstances that emerge in the documentation, there are potential violations of multiple fundamental rights, including the right to equality (Article 14), the right to life and liberty (Article 21), and the right to privacy as laid down by the Supreme Court in *K.P. Puttaswamy and Others vs Union of India and Others AIR 2017 SC 4161*.

## **Purpose**

The main purpose of this report is to provide documentation of reported instances of excessive use of force by the police during a limited period, as there is, so far, no nationwide documentation. It is hoped this initial effort can propel further more comprehensive efforts. The broader aim is to strongly recognize the need to seek accountability and emphasize the urgent necessity for broader systemic reform. Documenting these incidents is important to challenge efforts to deny extensive resort to excess force by police during this period.

CHRI recognizes that there were many stories and examples of police personnel playing a helpful and supportive role during the lockdown. Some of these have been compiled in a compendium prepared by the Bureau of Police Resource and Development (BPRD).<sup>1</sup> A nationwide appraisal of good police actions is valuable, but it is also important to document the pattern of abuse and ensure there is accountability.

It is an important principle of policing that when force is resorted to, its use should be assessed against benchmarks on whether the force was necessary, proportional and reasonable as laid down by international standards. There is no denying that use of force was widely exercised by the police across the country. These instances were captured by circulated videos and numerous media reports, including front-page images. Barring some individual cases, the ensuing assessment of whether force was used legitimately, does not seem to have taken place on a systemic level in any state.

The harm caused not just in people's lives, but also in undermining rule of law, must be acknowledged to move towards accountability and redress. These incidents cannot be forgotten.

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<sup>1</sup> Ministry of Home Affairs, Bureau of Police Research and Development, Indian Police Response to COVID-19 Crisis, Available at <https://bprd.nic.in/WriteReadData/Orders/Book%20on%20Indian%20police%20response%20to%20covid.pdf>.

The report urges immediate policy and public attention to the glaring deficits in police training, orientation, and supervision. Considering that India will continue to deal with the public health crisis posed by the Covid-19 pandemic for the foreseeable future into the year 2021, which may necessitate the periodic imposition of contained area-specific lockdowns across the country, it is necessary to ensure that the police are oriented and trained to deal with this continuing situation in a lawful, sensitive manner.

## 1.1 Background

Like other countries, India too imposed nation-wide lockdowns as a measure to prevent and contain the spread of COVID-19, declared as a pandemic by the World Health Organization. The Government of India (GOI) first announced a nation-wide lockdown on 24 March for a period of 21 days.<sup>2</sup> In the next few weeks, the country went on to live through four subsequent phases of lockdowns that ended on 31 May 2020. With the surge of Covid-19 in certain places, localized (at the state or district levels) lockdowns continue to be ordered as needed.

The public health crisis presented by the onset of Covid-19, a highly infectious disease, led the GOI in the first lockdown to order the closure of *all* economic and social activity; only sectors deemed essential services were permitted to continue operations.<sup>3</sup> GOI directed the concerned central and state ministries/departments to ensure movement of essential service providers without any hindrance.

Notably, the guidelines specified legal provisions to be used to initiate punitive action against any person found “violating” the lockdown conditions and measures. The provisions included Section 51-60 of the Disaster Management Act, 2005, as well as Section 188 of the Indian Penal Code (see Table). These provisions mainly relate to disobedience or refusal to follow orders issued by any government employee.

Section	Details	Punishment	
		Fine <u>or</u> prison term or both	Fine <u>and</u> Prison term
<b>DISASTER MANAGEMENT ACT</b>			
Section 51	Punishment for obstruction <i>Obstructing any officer/employee of central/state government or refusing to comply with any direction given by central/state government</i>	Up to 2	
Section 52	Punishment for false claim <i>Making false claim for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster</i>		Up to 2 years
Section 53	Punishment for misappropriation of money or materials <i>Misappropriation of money or material meant for providing relief in any disaster</i>		Up to 2 years
Section 54	Punishment for False Warning <i>Making false alarm or warning about severity of a disaster</i>	Up to 1 year	

2 Ministry of Home Affairs, Government of India, Order No. 40-3/2020-DM-I(A), dated 24.03.2020: [https://www.mha.gov.in/sites/default/files/MHAorder%20copy\\_0.pdf](https://www.mha.gov.in/sites/default/files/MHAorder%20copy_0.pdf).

3 Ministry of Home Affairs, Government of India, Guidelines – Annexure to MHA Order No. 40-3/2020-DM-I(A): [https://www.mha.gov.in/sites/default/files/Guidelines\\_0.pdf](https://www.mha.gov.in/sites/default/files/Guidelines_0.pdf).

Section 55	Offences by Departments of the Government <i>Offence under the Act committed by any Department of the Government; Head of the department to be held liable</i>		
Section 56	Failure of officer in duty or connivance at the contravention of the provisions of the Act <i>Any officer refusing to perform duties without permission</i>	Up to 1 year	
Section 57	Penalty for contravention of any order regarding requisitioning <i>Contravening order made under Section 65</i>	Up to 1 year	
Section 58 deals with offences by companies and does not specify any punishment. Section 59 requires previous sanction of central/state governments in order to prosecute for offences under the Act. Section 60 specifies conditions for the Court to take cognizance of offences under the Act.			
<b>INDIAN PENAL CODE</b>			
Section 188	Disobedience to order promulgated by public servant		
	<i>Disobedience to an order issued by a public servant and such disobedience causes or risks obstruction, annoyance or injury to the public servant</i>	Up to one month	
	<i>Disobedience that causes or risks danger to human life, health or safety or a riot</i>	Up to six months	

‘Unlike other countries, however, the first lockdown was announced with no planning or preparation, with a meager four hours’ notice for a country of over a billion people. This gave no time for state governments, down to district administration and the police, to put in place necessary measures, plans or coordination to help minimize hardship for people, while ensuring compliance with the unprecedented lockdown conditions. There seemed to be no realization that potentially large numbers of people, especially from vulnerable groups, may need to travel across states to wait out the lockdown. While the ramifications of this disregard were felt in all sectors of public life in the days to follow, the kind of policing unleashed was among the worst impacts of the lockdown.

The lack of detailed administrative planning and coordination, both within and among states, and insufficient support for delivery of essential services resulted in confusion on the ground. Many thousands of migrant workers, in particular, were left stranded in desperate attempts to travel back to their home states, which in turn brought additional public order challenges for the police.

The requirement to immediately enforce the lockdown meant state governments deployed their police in large numbers, with no time to orient and sensitize the police to the unique challenges, set limits on its enforcement role or put in place proper internal monitoring and accountability processes. There was no specific guidance on mitigating the use of force, even when the police was deployed to oversee and direct order and movement of potentially large numbers of people in public spaces. The absence of this guidance is starker when seen against the swift resort to the wide use of punitive provisions against people seen as “disobeying” the orders of public authorities or public servants. In these circumstances, it was inevitable that situations in which the police would exercise force would arise. Putting in place clear instructions and measures safeguarding against excess force was entirely missing.

In one glaring example of muscular show of strength, an Indian Police Service Officer (IPS), Pankaj Jain of the Haryana Police, shared a video on Twitter, in the early days of the lockdown,

of police officers spraying their lathis with disinfectant before leaving for field duty. It was captioned *full tyari* (total preparedness) and went viral on social media.<sup>4</sup> He deleted the video only after wide condemnation. This example sheds light on how routine show of strength is in everyday policing.

In fact, it was not until end of May/early June 2020 that select police departments developed and published detailed Standard Operating Procedures delineating the safety requirements for the police and measures for carrying out policing functions during the pandemic.<sup>5</sup> Earlier efforts, if any, are not available in the public domain.

The adverse effects of this are visible in this report. Police on the streets were seen exerting disproportionate force to enforce the lockdown. People suffered injuries, physical harm, illegal detention and custodial violence, and even some lost their lives as a consequence.

### Standards on Use of Force

In the performance of their duties and exercise of discretion to use force, the police in India are required to conform, at all times, with the obligation to protect and uphold human rights of all persons as guaranteed in the Constitution, as well as in the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights,<sup>6</sup> which India has ratified.<sup>7</sup> Unlike many other countries, India, however, does not yet have stand-alone protocols and guidelines on use of force principles, drawing from international standards and good practices, to guide police action.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)<sup>8</sup> lay down that use of force is to be resorted to only when strictly necessary:

*Whereas article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.*

This basic principle has been reinforced by the International Association of Chiefs of Police in policy guidance on use of force:

4 “Videos of cops sanitizing lathis goes viral amid outrage Against Police Brutality on Covid-19 lockdown”, *News 18*, 26 March 2020: <https://www.news18.com/news/buzz/video-of-cops-sanitising-lathis-goes-viral-amid-outrage-against-police-brutality-on-covid-19-lockdown-2551753.html>. Accessed on 18 June 2020.

5 Kerala Police was among the first to publicly release detailed Standard Operating Procedures specifically dealing with day-to-day challenges in the wake of the pandemic. The SOPs were released on 16 May 2020 and can be accessed at [https://keralapolice.gov.in/frontend/assets/files/covid\\_sop.pdf](https://keralapolice.gov.in/frontend/assets/files/covid_sop.pdf). Other than Kerala, Madhya Pradesh and Telangana Police have also developed COVID-specific SOPs, though these are not available in the public domain.

6 United Nations, International Covenant on Civil and Political Rights, 1976: <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>.

7 India ratified ICCPR in 1979.

8 United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990: <https://www.un.org/ruleoflaw/files/BASICP~3.PDF>.

“it is essential that every law enforcement agency ensure and be able to document that its officers employ only the force that is objectively reasonable to effectively bring an incident under control and only the level of force that a reasonably prudent officer would use under the same or similar circumstances”.<sup>9</sup>

A brief distillation of standards contained in the UN Code of Conduct for Law Enforcement Officials (1979)<sup>10</sup> and the Basic Principles require force used to be reasonable, proportionate and necessary:

#### Necessary

- Use force only when it is unavoidable (UN Principles 5)
- Exercise restraint in use of force (UN Principles 5a)
- Minimise damage and injury, and respect and preserve human life (UN Principles 5b)

#### Reasonable

- When force is used it must be reasonable and not exceed this (UN Code of Conduct Commentary to Article 3)
- Apply non-violent means before resorting to the use of force or firearms (UN Principles 4)

#### Proportionate

- Force to be used to the extent required (Article 3 UN Code of Conduct)
- Act in proportion to the seriousness of the offence and legitimate objective to be achieved (UN Principles 5(a))

There has been a lack of accountability for the use of force documented here. In most cases, based on the reporting accessed, police officers did not face any disciplinary or punitive action. This is reflective of the style that characterized policing during the lockdown.

## 1.2. Objectives

The main purpose of documenting police excesses is to:

- ❖ Highlight unlawful police practices, their various forms and manifestations, and widespread use across states;
- ❖ Emphasize the lack of accountability for the scale of excessive force that was inflicted;
- ❖ Urge policy attention and measures needed to address police illegalities and enforce accountability.

9 International Association of Chiefs of Police, *Reporting Use of Force*, March 2017: <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>

10 United Nations, Code of Conduct for Law Enforcement Officials, 1979: <https://www.ohchr.org/Documents/ProfessionalInterest/codeofconduct.pdf>.

### 1.3. Methodology

The report is primarily based on a scan of media reports and videos on social media relating to police action across the country during the lockdown period from 25 March 2020 till 31 May 2020. Overall, CHRI compiled a total of 148 media articles as the basis for this documentation.

The sources of information include the following:

- a) **E-editions of newspapers and online news websites:** These include a daily scan of the following newspapers and news websites: *The Indian Express, The Hindustan Times, The DainikBhaskar, Kashmir Times, Assam Tribune, The Telegraph, Maharashtra Times, The Mid-Day, The Tribune, The Hindu, The New Indian Express, The Times of India, The Deccan Herald, The Sikkim Express, The Assam Tribune, Imphal Free Press, Morung Express, The Arunachal Times* and *The Shillong Times*. Online news sites include *Scroll, The Print, The Wire, The Quint, First Post* and *The Caravan*. The team looked at most editions for all newspapers; however, for *The Indian Express* and *The Times of India*, the team focused on the national and the city pages only.
- b) **Social media and the online sources:** In addition to newspapers and news websites, CHRI also included incidents that appeared on Twitter. Additionally, we did a combination of advanced Google searches, and set Google alerts to look for incidents relating to police violence during the lockdown period.
- c) **Government orders:** Relevant circulars/orders/guidelines issued by the Government of India, mainly the Ministry of Home Affairs and/or state governments as well as any specific orders issued by state police departments, are referred to as needed.

#### Limitations

This report is based on secondary sources entirely. While the compilation relies on the details provided in the news reports, CHRI has made efforts to verify the reported incidents by checking multiple sources (different newspapers for instance) as far as possible. We have reproduced exact dates of the incidents wherever they have been given in media reports. In selecting the news sources, we have tried to balance national and state-based sources, and a mix of English and Hindi sources for wider coverage. We acknowledge that this methodology may not have captured all possible incidents. Also, it was not possible to verify the accountability (disciplinary or punitive) actions reported, which again may not have captured the scale of actions taken.

### 1.4. Structure

Reports of police excesses are presented under three broad categories. First are reports alleging police violence against people on the streets in general. These incidents are further classified by categories of affected persons, as follows: against essential service providers as categorized by the Government of India, against stranded workers, and against people in general. The second broad category describes extralegal punishments imposed by the police. The third category is of reports of deaths of persons following police action.

**Chapter - 2**  
**Police Conduct  
on the Streets**

## 2.1. Towards Essential Service Providers

Following the announcement of the nation-wide lockdown, the Government of India issued a list of essential service providers (see box below) as the only persons allowed to move around in public during the lockdown period. Essential service providers have played a critical role in responding to the Covid-19 pandemic, in saving lives of those infected, regulating the movement of people to minimize transmission or providing food and other basic facilities. Their work, especially of health care workers, has been hailed nationwide.<sup>11</sup>

In spite of clear orders by the Ministry of Home Affairs that clearly identified every type of essential services providers, there have been reported cases, across states, of essential services providers suffering harassment, beating, and even unjustified detention, at the hands of police.

### Essential Service Providers

MHA Order<sup>12</sup> dated 24<sup>th</sup> March 2020 laid down essential service providers. These included:

- Defense, central armed police forces, treasury, public utilities (including petroleum, CNG, LPG, PNG), disaster management, power generation and transmission units, post offices, National Informatics Centre, Early Warning Agencies
- Police, home guards, civil defence, fire and emergency services, disaster management, and prisons. District administration and treasury, electricity, water, sanitation, municipal bodies
- Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist and medical equipment shops, laboratories, clinics, nursing homes, ambulance etc. will continue to remain functional
- Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes
- Banks, insurance offices, and ATMs
- Manufacturing units of essential commodities
- Production units, which require continuous process after obtaining required permission from the state government

11 “Sounds of bells, conches fill the air as grateful country appreciates essential service providers; PM say long battle ahead”, *The Economic Times*, 22 March 2020: <https://economictimes.indiatimes.com/news/politics-and-nation/sounds-of-bells-conches-fill-the-air-as-grateful-country-appreciates-essential-service-providers-pm-say-long-battle-ahead/articleshow/74761503.cms>. Accessed 18 June 2020.

12 Ministry of Home Affairs, Government of India, Order No 40-3/2020-DM-I (A) dated 24 March 2020: [https://mofpi.nic.in/sites/default/files/mha\\_order\\_and\\_guidline\\_as\\_on\\_24.03.2020.pdf](https://mofpi.nic.in/sites/default/files/mha_order_and_guidline_as_on_24.03.2020.pdf). Accessed 18 July 2020.

- Fire, law and order and emergency services.
- Hotels, homestays, lodges and motels which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew
- Establishments earmarked for quarantine facilities.

On 15<sup>th</sup> April 2020, MHA <sup>13</sup>updated the list of essential service providers as follows:

#### Health services

Hospitals, nursing homes, clinics, telemedicine facilities, medical shops, dispensaries, chemists, pharmaceutical and medical research labs, institutions carrying out COVID-19 related research and collection centres, authorized private establishments, veterinary hospitals, dispensaries and clinics, sale and supply of vaccine and medicines, manufacturing units of drugs, pharmaceutical, medical devices and construction of medical/ health infrastructure. Movement of all medical personnel, scientists, nurses, paramedical staff, lab technicians.

#### Agricultural activities

##### *A. All agricultural and horticultural activities to remain fully functional:*

- Farming operations in fields, functioning of agencies engaged in procurement of agricultural products, Mandis operated by the agriculture produce market committee or as notified by state government, direct market operations by the state governments or by industry, directly from farmers, FPOs' co-operatives etc., agriculture machinery shops, its spare parts and repairs, Custom hiring centres, Services related to fertilizers, pesticides and seeds, movement of harvesting and sowing related machines. Facilities for export/import such as pack housed, inspection and treatment facilities for seeds and horticulture produce. Research establishments under farming and horticulture.

##### *B. Fisheries - the following activities will be functional:*

- Operations of the fishing/aquaculture industry, including feeding and maintenance, harvesting, processing, packaging, cold chain, sale and marketing; hatcheries, feed plants, commercial aqua, movement of fish/shrimp and fish products, fish seed/feed and workers for all these activities

##### *C. Plantations - the following activities will be functional:*

- Plantations of tea, coffee and rubber allowed with a maximum 50 per cent workers

##### *D. Animal husbandry - the following activities will be functional:*

- Collection, processing, distribution and sale of milk and milk products by milk processing plants, including transport and supply chain. Operation of animal husbandry farms

13 Ministry of Home Affairs, Government of India Order No -40-3/2020-DM-I (A) dated 15 April 2020: <https://www.thehindubusinessline.com/resources/article31344580.ece/BINARY/MHA%20Order%20with%20revised%20guidelines%20on%20lockdown%20dated%20April%2015,%202020>. Accessed 18 July 2020.

including poultry farms and hatcheries and livestock farming activity. Animal feed manufacturing and feed plants, including supply of raw material. Operation of animal shelter homes.

#### Financial services

- RBI and other RBI regulated financial markets and entities, payment system operators and standalone primary dealers. Banks, ATM and IT vendors for banking operations. SEBI and capital and debt market services. IRDAI and insurance companies

#### Social services

- Home for children, juveniles, divyang (handicapped), elderly etc. will be allowed to function. This includes observation homes and aftercare homes. Disbursement of social security pensions and provident fund by EPFO. Operation of Anganwadis

#### MNREGA works to be allowed

#### Public Utilities

- Operation of oil and gas sector;
- Generation, transmission and distribution of power;
- Postal services;
- Water, sanitation and waste management sector;
- Telecommunications and internet services.

#### Cargo and essential services

All goods traffic will be allowed to ply. Movement of staff and operation of railways, airports, seaports and landports. Carrier vehicles with only two drivers and one helper are allowed. Shops for truck repairs and dhabas on highways.

#### Supply of essential goods

All supply chain of essential goods - manufacturing, wholesale, retail. Shops and carts, including ration shops dealing with food and groceries, hygiene, fruits and vegetables, dairy and milk, poultry, meat and fish, animal feed, fodder etc. Home delivery of these items.

#### Commercial services

Print and electronic media, IT services with up to 50 per cent capacity, Data and call centres for government activities, Common Service Centres at panchayat level, E-commerce companies, e-commerce functions for non-essential items such as mobile phone, laptops, refrigerators, Courier services, Cold storage and warehousing, Private security and facilities management services; hotels, homestays, Establishment for quarantine facilities, Self-employed services like electricians, plumbers, carpenters, Shops for educational books for students, electronic fans.

### **Industrial establishments**

Industries in rural areas, manufacturing and other industrial establishments in SEZ and export-oriented units, manufacturing units of essential goods including drugs, pharmaceuticals, medical devices. Food processing units, jute industries. Manufacturing IT hardware, Coal and mineral production, O&G refinery and brick kilns in rural areas

### **Construction activities**

Construction activities including roads, irrigation projects, renewable energy projects and construction projects in municipalities

### **Movement of people**

Private vehicles for medical emergency services and for getting essential commodities, In case of a four-wheeler, one passenger in the back seat beside the driver is permitted, For two-wheelers, only one driver is permitted, All personnel travelling to their workplace as exempted by State/UT/Local authority

### **Government offices**

Defence, central armed police forces, health and family welfare, disaster management and Early Warning Agencies, Food Corporation of India, NCC, Nehru Yuva Kendras, National Informatics Centre and Customs.

Police, home guards, civil defence, fire and emergency services, disaster management, and prisons. District administration and treasury, resident commissioner of states, forest offices. All other departments to work with restricted staff.

## **Reported police violence**

CHRI collated 24 reported instances of the police allegedly assaulting essential service providers. While these cases were reported from at least 13 states and two union territories, Uttar Pradesh had the highest number with six cases. The actions of the police on essential service providers included beating, verbal abuses, arrest, illegal detention, threats of stripping, filing of false cases, and imposition of fines (*challans*).

Medical professionals (8) and vegetable vendors (7) faced the most instances of police brutality of the cases collated. In several cases, the police harassed and physically assaulted medical professionals, even after they identified themselves as doctors. Police not only physically harmed vegetable vendors, but overturned their carts in several cases, which would have led to financial loss and wastage of fresh produce.

There were also instances of six journalists, a bus driver, a sanitation worker and a telephone company employee being beaten up. As essential service providers, none of them could have been held in breach of lockdown conditions.

### a. Medical professionals

Eight medical professionals, seven doctors and one nurse, all faced police brutality while on their way to and from the hospitals where they worked. They are: Dr. Syed Maqbool from Srinagar, Jammu and Kashmir; Omkar Chaudhary from Surat, Gujarat; Dr. Nosezel Sezo from Dimapur, Nagaland; Dr. Ravinder Kumar from Hapur, Uttar Pradesh; Dr. Hima Bindhu from Khammam, Telangana; Dr. Rituparna and Dr. Yuvraj from Bhopal, Madhya Pradesh and nurse, Mamta Rani from Kanpur, Uttar Pradesh.

Dr. Ravinder Kumar, who was a part of a COVID-19 surveillance team for a government hospital in Ghaziabad, was stopped by the police near Pilkhuwa police station while he was heading for duty. He showed his identity card and vehicle pass, but the police refused to listen to him. The police beat him, and fractured his hand. The police also punctured the tyres of his two-wheeler.<sup>14</sup>

Mamta Rani, a nurse, was stopped by Inspector Manoj Raghuvanshi, while she was returning home. He *challaned* (fined) her for being on the streets even after she showed her identity card.<sup>15</sup> Inspector Raghuvanshi had already been in the news for harassing a journalist, as well as imposing a fine on a news agency's official car. The media had coined him "Hitler" for these multiple transgressions.<sup>16</sup>

Two doctors, Dr. Syed Maqbool and Dr. Hema Bindhu, appear to have had seriously harrowing experiences with the police.

Dr. Maqbool, a cardiologist at Shri Maharaja Hari Singh Hospital, was driving to the hospital on 23 May 2020 to attend to an emergency.<sup>17</sup> He was stopped by the police. Even after he identified himself as a doctor, he was asked to get out of his car, was beaten with a baton and detained for eight hours. In this time, he was subject to threats of being stripped naked. His phone was seized. The police returned it on the condition that he would not disclose that he was detained. He was threatened with the foisting of false charges that would keep him in jail for "ten years". When he said there were patients waiting for him, the police official said that doctors were thieves and prescribed duplicate medicines. Finally, reportedly, his brother was made to submit a bond for his release.<sup>18</sup> This appears to be a clear case of illegal detention and custodial violence by the police. Imposing a "bond" for his release amounts to an act of extortion.

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14 "COVID-19: Cops thrash doctor on way to duty, fracture his hand after terming lockdown pass as fake", *Mirror Now*, 11 April 2020: [https://www.timesnownews.com/mirror-now/in-focus/article/covid-19-cops-thrash-doctor-on-way-to-duty-fracture-his-hand-after-terming-lockdown-pass-as-fake/576748?utm\\_source=relatedarticles&utm\\_medium=widget&utm\\_campaign=related](https://www.timesnownews.com/mirror-now/in-focus/article/covid-19-cops-thrash-doctor-on-way-to-duty-fracture-his-hand-after-terming-lockdown-pass-as-fake/576748?utm_source=relatedarticles&utm_medium=widget&utm_campaign=related). Accessed on 15 June 2020.

15 "कोरोनाकाग्रफढनेपरसखती: लॉकडाउनतोइनेवालोंपरपुलिसनेभांजीलाठियां; मनमानीभीदिखी, महिलानर्सकीगाड़ीकाकियाचालान", *Bhasker news*, 07 April 2020 : <https://www.bhaskar.com/local/uttar-pradesh/kanpur/news/kanpur-coronavirus-lockdown-updates-uttar-pradesh-police-lathi-charge-on-violators-127125104.html>. Accessed on 20 June 2020.

16 "सिधमसेहितलरबनेइंस्पेक्टरमनोजरघुवंशीतोधरनेपरबैठेकानपुरकेपत्रकार", *AajAbhi*, 01 April 2020: <https://www.aajabhi.com/national-news/uttar-pradesh/kanpur/hitler-became-inspector-manoj-raghuvanshi-from-singham/>. Accessed on 25 June 2020.

17 "Doctors in Kashmir protest over alleged harassment of healthcare professionals by police", *The Print*, 26 May 2020: <https://theprint.in/india/doctors-in-kashmir-protest-over-alleged-harassment-of-healthcare-professionals-by-police/429823/>. Accessed on 18 June 2020.

18 "Police beat up on-call cardiologist in Srinagar, say doctor manhandled policeman", *Hindustan Times*, 25 May 2020: <https://www.hindustantimes.com/chandigarh/police-beat-up-on-call-cardiologist-in-srinagar-say-doctor-manhandled-policeman/story-EesLV0oAugdRoa2SxYMQ2M.html>. Accessed on 20 June 2020.

On 24 March 2020, Dr. Bindhu from Telangana<sup>19</sup> was going to the hospital with her colleague at night. A police Constable stopped them, and even though they had shown their identity cards, the Constable asked them to obtain permission from the Additional Commissioner of Police (ACP) to be out in public. When they approached the ACP, he abused and dragged her to the police station. Exhibiting gender bias and moral policing, the ACP asked her if “she had any shame and why she was out during the lockdown period despite being an educated girl”. Dr. Bindhu complained to the Khammam Commissioner of Police, but withdrew her complaint after the ACP apologised.

In Surat, Gujarat, the police forcibly entered Dr. Ankit Desai’s dental clinic to shut it down. In Dr. Desai’s absence, four policemen beat up Mr. Piyush Patel, who worked in the clinic, with sticks. They forcefully shut down the clinic and took him to the police station. The police department later admitted to the wrongdoing and suspended all four policemen.<sup>20</sup>

On 3 April, Dr. Sudhakar Rao<sup>21</sup>, a government civil surgeon from Andhra Pradesh, released a video criticising the shortage of Personal Protective Equipment (PPE) for doctors. It received wide attention for what it exposed. He was suspended immediately after. About a month into his suspension, he appeared on a highway, reportedly in an inebriated state, criticising the state government. As shown in a video,<sup>22</sup> the police reached the spot, beat him, tied his hands behind his back and dragged him inside an auto-rickshaw. The video clearly shows that while Dr. Rao was clearly overpowered by the police, he was still physically restrained and subject to rough handling. The police initiated a departmental inquiry into the use of force against Dr. Rao, and pending this, a police Constable was suspended. However, the police also went ahead in registering a case against Dr. Rao, under Sections 188 and 357 of the Indian Penal Code (IPC), for allegedly violating lockdown norms and obstructing police on duty.<sup>23</sup>

Dr. Rao was later forcibly admitted to a mental health facility, suggesting further coercion against him. His mother filed a habeas corpus petition in the High Court and the Court ordered Dr. Rao to be shifted to a private hospital of his choice. According to media reports, the Central Bureau of Investigation is currently investigating the actions of both, Dr Rao as well as the Vizag Police for mistreating Dr. Rao.<sup>24</sup>

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19 RishikaSadam “What Good are Claps?’ Hero Doctors on Virus Duty Slapped by Cops, Kicked Out of Homes, Called ‘Dirty’”, *News 18*, 25 March 2020: <https://www.news18.com/news/india/whats-the-use-of-claps-hero-doctors-slapped-by-cops-kicked-out-of-homes-called-dirty-over-virus-duty-2549987.html>. Accessed on 5 July 2020; “Lockdown scare: Doctor narrates her ordeal after being attacked & assaulted by police”, *Mirror Now*, 26 March 2020: <https://www.youtube.com/watch?v=r5UlxRHwKfw>. Accessed on 11 April 2020.

20 “Gujarat: Medical chief ‘beaten by cops’, dentist’s clinic ‘forcefully shut’”, *The Indian Express*, 26 March 2020: <https://indianexpress.com/article/cities/ahmedabad/gujarat-medical-chief-beaten-by-cops-dentists-clinic-forcefully-shut-6331792/>. Accessed on 5 April 2020.

21 “Andhra doctor, suspended for alleging PPE shortage, now beaten by cops for ‘creating nuisance’”, *The Print*, 17 May 2020: <https://theprint.in/india/andhra-doctor-suspended-for-alleging-ppe-shortage-now-beaten-by-cops-for-creating-nuisance/423840/>. Accessed on 5 April 2020.

22 Video as uploaded by the Lallantop on 17 May 2020: <https://www.youtube.com/watch?v=xpBA7pAN2k0>. Accessed on 20 September 2020.

23 “Doctor who raised concerns over PPE shortage admitted to mental hospital”, *BBC*, 21 May 2020: <https://www.bbc.com/news/world-asia-india-52719110>. Accessed on 15 September 2020.

24 “CBI files FIR against suspended Dr Sudhakar Rao in Visakhapatnam”, *The New Indian Express*, 03 June 2020: <https://www.newindianexpress.com/states/andhra-pradesh/2020/jun/03/cbi-files-fir-against-suspended-dr-sudhakar-rao-in-visakhapatnam-2151645.html>. Accessed on 30 June 2020.

## b. Vegetable Sellers

Another discernible pattern was police beating vegetable sellers and overturning their carts. Such incidents took place across states including Gujarat,<sup>25</sup> Uttar Pradesh<sup>26</sup> and the capital city of Delhi.<sup>27</sup> One man died following the beating by police.

Overturning their carts meant their produce fell to the ground and was ruined, not only resulting in the waste of fresh produce, but also directly impacting these individuals' livelihood in the tough times of the lockdown.

Mitu Puhan, a vegetable seller in Jagatsinghpur, Odisha, was allegedly assaulted by the police with a pipe for delay in closing his shop. He ended up with a fractured hand.<sup>28</sup> Similarly, Luvkush, a vegetable vendor from Aligarh, Uttar Pradesh was assaulted by the police for being late in clearing his vegetable cart. He died following the assault by a Sub-Inspector.<sup>29</sup>

In some cases, the vegetable sellers retaliated in the face of police assault. In a case which received wide attention, a female vegetable hawker from Mumbai's Mankhurd got into a scuffle with the police after they overturned her cart. She was selling vegetables in a containment zone. She may have been unaware of a recent Municipal Corporation decision<sup>30</sup> to not allow vegetable vendors in containment zones. The visuals show policewomen and men beating her with sticks, while an older woman was trying to defend her.<sup>31</sup> In Punjab, responding to the misbehaviour of the police, the largest vegetable market in the state, in Malerkotla, decided to close for two days as the vegetable vendors were upset with the police harassing them.

The Ministry of Home Affairs had designated vegetable sellers as essential service providers in its order preceding the lockdown, dated 24 March:

*Shops and carts, including ration shops dealing with food and groceries, hygiene, fruits and vegetables, dairy and milk, poultry, meat and fish, animal feed, fodder etc*

The repeated police assault of vegetable sellers across states may indicate that police officers were not familiar with this provision - a key oversight in their readiness to oversee the lockdown. The overturning of sellers' carts was excessive action by any measure, and each incident should have propelled action against the police officers involved.

25 Caught on camera: Ahmedabad policemen topple vegetable carts, inspector is suspended", *Scroll.in*, 1 April 2020: <https://scroll.in/video/957872/caught-on-camera-ahmedabad-policemen-topple-vegetable-carts-inspector-is-suspended>. Accessed on 20 April 2020.

26 UP: Meerut cops overturn vegetable carts near COVID-19 hotspot, video goes viral", *The Statesman*, 11 May 2020: <https://www.thestatesman.com/coronavirus/up-meerut-cops-overturn-vegetable-carts-near-covid-19-hotspot-video-goes-viral-1502886816.html>. Accessed on 20 June 2020.

27 NDTV, 27 March 2020: <https://khabar.ndtv.com/news/delhi-ncr/delhi-police-constable-tips-over-vegetable-carts-amid-lockdown-in-viral-video-suspended-2201408>. Accessed on 20 April 2020.

28 "Two Odisha cops suspended for lockdown brutality", *The New Indian Express*, 13 April 2020: <https://www.newindianexpress.com/states/odisha/2020/apr/13/two-odisha-cops-suspended-for-lockdown-brutality-2129394.html>. Accessed on 01 May 2020.

29 Aligarh: Vegetable vendor dies after 'assault' by cop, *The Indian Express*, 23 April 2020: <https://indianexpress.com/article/india/coronavirus-lockdown-aligarh-vegetable-vendor-dies-after-assault-by-cop-6374754/>. Accessed on 01 May 2020.

30 BMC Bans Fruit, Vegetable Vendors In Containment Zones, *Mumbai Live*: <https://www.mumbailive.com/en/civic/bmc-ban-on-vegetable-selling-in-restricted-area-47882>. Accessed 03 July 2020.

31 "Slaps and fistfight in scuffle between vegetable seller, Mumbai Police", *Hindustan Times*, 18 April 2020: <https://www.hindustantimes.com/india-news/watch-slaps-and-fistfight-in-scuffle-between-vegetable-seller-mumbai-police/story-siUGJx4Gta4vrMdfGxvcP.html>. Accessed on 20 June 2020.

### c. Journalists

For the period under review, CHRI collated six cases where the police assaulted journalists. In two of these cases, the police subjected journalists to what appear to be unjustified arrests on false charges. Two were assaulted on the streets. One was injured in custody following beatings by the police. In one case, they threatened arrest.

Police assault of journalists began with the outbreak of the pandemic, even before the imposition of the national lockdown. At least four journalists were assaulted by the police in Delhi and Hyderabad on 23 March 2020, a day before the lockdown. These include Navin Kumar, a journalist with AajTak in Delhi<sup>32</sup>; Ravi Reddy, the Hyderabad bureau chief for The Hindu newspaper<sup>33</sup>; Mendu Srinivas, political bureau chief of Telugu-language daily Andhra Jyothy<sup>34</sup>; and Mohammed Hussain, a reporter for the English news website Siasat<sup>35</sup>. All of them were either going to, or coming back from, work, and showed their press identity card to the police; yet they were hit or beaten.

On 26 March 2020, the Editor's Guild issued a statement expressing concern that "high-handed and arbitrary" police action was obstructing journalists across the country from reporting on the outbreak of the Covid-19 pandemic. Reminding central and state governments, and police, that journalists are designated as an essential service in the MHA guidelines, the Guild stated that "the job of the police is not to impede journalists' work", but to facilitate it, especially under the current circumstances.<sup>36</sup>

In Kanpur, Uttar Pradesh, journalist Amit Singh alleged that the Station House Officer (SHO) of Najirabad police station, Manoj Raghuvanshi (the cop coined "Hitler"), stopped him while he was returning from reporting. He says the Inspector misbehaved with him. When Mr. Singh protested, the SHO imposed a fine (*chalaan*) and also threatened that he would put him behind bars on trumped-up charges.<sup>37</sup> On 11 April 2020, Ganaie Mushtaq, a reporter with the daily Kashmir Observer, was stopped by officers of Sambal police station while he was on his way to cover a story. He claimed that the police refused to let him go, even though he showed his press identity card and his car had a press sticker. The police arrested him on allegations of obstructing police work, and violating the COVID-19 lockdown. He was allegedly beaten and suffered injuries while in custody. He was released only after his family approached the court.<sup>38</sup> On 25 March 2020, the very day the national lockdown was announced, Uttkarsh Chaturvedi, (deputy editor with ETNow) was allegedly beaten up by the police, while reporting on the lockdown in Thane district in Maharashtra. He said that even though he showed his press card, the police kept on

32 AyanSharma, "Attacks on journalists, migrant workers struggling to go home: India's lockdown is taking a toll", *NewsLaundry*, 24 March 2020, <https://www.newsLaundry.com/2020/03/24/attacks-on-journalists-migrant-workers-struggling-to-go-home-indias-lockdown-has-worrying-implications>. Accessed on 10 June 2020.

33 Ibid

34 Parnjoy Guha Thnkurta, "Media After Covid: Why We Are Under a New 'Emergency'", *News Click*, 02 April 2020. <https://www.newsClick.in/Media-After-Covid-Why-We-Are-Under-a-20New-Emergency>. Accessed on 05 May 2020

35 Ibid

36 Editor's Guild statement on Twitter: [https://twitter.com/IndEditorsGuild/status/1243138965978247168?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1243138965978247168%7Ctwgr%5E%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fwww.newsLaundry.com%2F2020%2F03%2F26%2Fpolice-must-not-impede-journalists-work-government-must-give-media-adequate-opportunity-to-ask-questions-editors-guild-of-india](https://twitter.com/IndEditorsGuild/status/1243138965978247168?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1243138965978247168%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.newsLaundry.com%2F2020%2F03%2F26%2Fpolice-must-not-impede-journalists-work-government-must-give-media-adequate-opportunity-to-ask-questions-editors-guild-of-india) Accessed on 20 June 2020

37 "लॉकडाउन के दौरान कवरेज कर लौट रहे पत्रकार से थानेदार ने की अभद्रता", *Bhasad4Media*, 1 April 2020: <https://www.bhasad4media.com/sho-manoj-kumar-raqhuvanshi/>. Accessed on 20 June 2020.

38 "Journalist detained in Kashmir, released two days later", *Kashmir Walla*, 17 April 2020: <https://thekashmirwala.com/2020/04/journalist-detained-in-kashmir-released-two-days-later/>. Accessed on 23 June 2020.

beating him.<sup>39</sup>In another case of police high-handedness from Port Blair, Andaman and Nicobar, a journalist Zubair Ahmed tweeted<sup>40</sup> asking why the authorities had quarantined families for merely speaking to Covid-19 patients over the telephone. The police arrested Zubair for this tweet. He was released on bail by the court, the next day.<sup>41</sup>

On 8 May 2020, in Dimapur, Nagaland, Prasanjit Dutta, a reporter with the Nagaland Page, was assaulted by police on his return home after work. On his route home, seeing that the usual foot-bridge he used was blocked, Mr. Dutta asked Railway Police officials if he could cross an adjoining railway platform to reach home. Even after showing his press identity card, he claims one of the police officers stood up and slapped him six times in a fit of rage. As he was slapping him, he suddenly asked him if he was a Muslim, and accused him of wanting to spread the virus and to “go back to his own state” to do so; bringing in targeted discrimination. The Nagaland Page withdrew a complaint against the errant police official after he tendered an ‘unconditional apology’.<sup>42</sup>

A report titled, “*India: Media’s Crackdown During COVID19 Lockdown*”, by Rights and Risks Analysis Group, a Delhi based think-tank, collates 55 cases of journalists facing arrest, registration of FIRs, or physical assaults, in the period of the national lockdown. These cases reveal instances where the journalists were targeted for their reporting of either government’s failures in handling the lockdown, for non-Covid reporting during the lockdown, or excesses while they were on the streets and punished as ‘lockdown violators’.<sup>43</sup>

#### d. Other Essential Service Providers

There were also media stories about police beating up a sanitation worker, a bus driver and a telephone company employee. The common thread in all these cases was complete high-handedness of the police.

Khurshid Ahmad, a Haryana State roadways bus driver, on the instructions of the local administration, was dropping migrants returning home during the lockdown. On 29 March, on his way, he stopped to ask police for directions for Gorakhpur. He alleges that the police asked him to alight from the bus, abused him for violating the lockdown and multiple police personnel kicked and hit him with lathis.<sup>44</sup>In Odisha, an employee of a cell phone company in Erasama was stopped by the police, while he was going to a cell phone tower for maintenance work. The police beat him with a lathi after he was unable to produce a pass. A police Sub Inspector was suspended.<sup>45</sup>

39 “TV journalist beaten up by cops during reporting on lockdown”, Outlook, 25 March 2020: <https://www.outlookindia.com/newscroll/tv-journalist-beaten-up-by-cops-during-reporting-on-lockdown/1779871>. Accessed on 10 April 2020

40 Tweet by Zubair Ahmed (@zubairpbl) dated 27 April 2020; <https://twitter.com/zubairpbl/status/1254536408787632129> Accessed on 20 August 2020.

41 Hameeda Syed, “‘It’s a police state’: Andaman journalist taken away from coronavirus red zone, arrested over tweet”, *NewsLaundry*, 28 April 2020: <https://www.newsLaundry.com/2020/04/28/its-a-police-state-andaman-journalist-taken-away-from-coronavirus-red-zone-arrested-over-tweet>. Accessed on 2 June 2020.

42 “Nagaland newspaper withdraws FIR against police officer for assaulting journalist after apology”, *Scroll.in.*, 10 May 2020: <https://scroll.in/latest/961530/nagaland-newspaper-withdraws-fir-against-police-officer-for-assaulting-journalist-after-apology%20Accessed>. Accessed on 15 June 2020

43 The report can be accessed here: <http://www.rightsrisks.org/wp-content/uploads/2020/06/MediaCrackdown.pdf>

44 Haryana Roadways driver “thrashed” by UP cops, union demands action, *Outlook*, 03 April 2020: <https://www.outlookindia.com/newscroll/haryana-roadways-driver-thrashed-by-up-cops-union-demands-action/1789907>. Accessed on 14 June 2020.

45 “Two Odisha cops suspended for lockdown brutality”, *The New Indian Express*, 13 April 2020: <https://www.newindianexpress.com>

## Police Accountability

Of the 24 reported instances of police violence against essential service providers, many of which, prima facie, indicate serious acts of misconduct and criminality by the police liable for criminal prosecution, the available media reports indicate that police personnel were subject to suspension, only in five cases. These include three cases where Sub-Inspectors were suspended, one case where an Inspector was suspended, and one where a Constable was suspended.

## 2.2. Towards Migrant Workers

India's migrant workers and wage labourers, estimated to be about 400 million total<sup>46</sup>, were among the worst affected by the lockdown. Following the sudden announcement and complete ban on any movement, workers were left stranded in their place of earning. With little means to sustain themselves, no public transport available, and an insufficient response from government, workers were forced to embark on arduous journeys to their home states on foot throughout the different lockdown periods.

The police were assigned a central role in responding to the stranded workers crisis. In an order dated 29 March, the Ministry of Home Affairs required the district Senior Superintendent of Police/Superintendent of Police, along with the District Magistrate, to take measures to provide temporary shelter, including provision of food and other facilities, to stranded workers; as well as workers who have reached their home states. Notably, the order categorically laid down that the District Magistrate/SSP/SP would be held personally liable for the implementation of the suggested measures.<sup>47</sup> Subsequently, when the central government allowed special arrangements, including the running of special *shramik* trains, to facilitate the travel back home of stranded persons, the police once again were closely involved with the process of registering the workers. Their role included the distribution of forms to workers at relief camps, food distribution centers and/or community kitchens,<sup>48</sup> spreading information about the process, and using police stations as the base for receiving hard copies of the registration forms.<sup>49</sup>

### Humane approach towards migrant workers: Supreme Court

In responding to the petition on the welfare of migrant workers, the Supreme Court emphasized the need for the police to deal with the workers in a humane manner. It further suggested that the police are engaged to supervise the welfare activities of the migrants.<sup>50</sup>

[com/states/odisha/2020/apr/13/two-odisha-cops-suspended-for-lockdown-brutality-2129394.html](https://www.mha.gov.in/sites/default/files/Status%20Report%20COVID19_1.pdf). Accessed 12 June 2020.

46 As per Status Report submitted by the Government of India to the Supreme Court in the *Alakh Alok Srivastava versus Union of India*, 2020 pg. 13: [https://www.mha.gov.in/sites/default/files/Status%20Report%20COVID19\\_1.pdf](https://www.mha.gov.in/sites/default/files/Status%20Report%20COVID19_1.pdf).

47 Ministry of Home Affairs, Government of India, Order No. 40-3/2020-DM-I(A), dated 29 March 2020: [https://www.mha.gov.in/sites/default/files/MHA%20Order%20restricting%20movement%20of%20migrants%20and%20strict%20enforcement%20of%20lockdown%20measures%20-%202020.03.2020\\_0.pdf](https://www.mha.gov.in/sites/default/files/MHA%20Order%20restricting%20movement%20of%20migrants%20and%20strict%20enforcement%20of%20lockdown%20measures%20-%202020.03.2020_0.pdf)

48 "Mumbai police distributes travel registration forms to migrant workers," *Hindustan Times*, 2 May 2020: <https://www.hindustantimes.com/mumbai-news/mumbai-police-distributes-travel-registration-forms-to-migrant-workers/story-EMyLyn1tk9QNND6urruycK.html>. Accessed on 17 July 2020.

49 "Migrant workers throng police stations, register to return home," *The Hindu*, 5 May 2020: <https://www.thehindu.com/news/cities/Hyderabad/migrant-workers-throng-police-stations-register-to-return-home/article31512847.ece>. Accessed on 17 July 2020.

50 *Alakh Alok Srivastava vs Union of India*, Writ Petition (Civil) No 468/2020

In spite of these instructions, however, poor planning and coordination between the Central and state governments, between states, and among authorities within states, made the situation of migrant workers increasingly difficult as the lockdown continued. The workers continued to face several hardships in accessing food and other basic services. Where transport was finally provided for returning home, the demands of excessive paperwork and procedures made accessing the transport very difficult for workers. This led to delays, missed seats on trains and ever-growing levels of frustration. Many workers forced to take to the highways on foot were stopped at borders and denied entry into states/cities, often with force. The overall official response failed our workers, caught most tragically in the snares of the lockdown.

In this context, there were incidents of workers protesting delay, the conditions imposed leading to hardships, and official neglect and highhandedness. These led to clashes with the police, particularly in May 2020, with several incidents of police using force (lathi-charge) against protesting workers. That such stories were reported from several states is telling of the punitive face of policing, unable to handle difficult situations, including when faced by vulnerable groups, peacefully. In fact, this is a combined failure of the police and administration. The use of force only added to the suffering of already suffering workers. Turning people away from entering states/cities left them even more vulnerable, and exposed one more policy/administrative decision devoid of fundamental humanitarian considerations.

## Reported Police Violence

This report examines 31 reported incidents spread across 14 states, with the maximum number of stories reported from Haryana (5), Bihar (4) and Gujarat (4). The incidents mostly relate to accounts of harassment of workers at checkpoints within cities and at state borders; using lathi-charge on agitating workers; and a few incidents of police beating workers in quarantine centers and shelter homes.

### *a) Towards Stranded Workers Walking Home*

Forced to walk home despite special arrangements to facilitate movement, the migrant workers alleged beating and mistreatment by the police at various checkpoints/*nakas*, particularly on highways and at state borders. Unable to find non-violent means to handle large groups of workers moving together, the police on several occasions beat or imposed lathi-charge to stop them entering into a state/city. In Haryana, the police in several bordering districts clashed with workers in order to prevent them from entering the state: on 20 May, the Gurugram police clashed with workers at Palam Vihar, and booked at least 50 people under various IPC sections;<sup>51</sup> on 13 May, the Rohtak police allegedly diverted and humiliated workers near the Delhi bypass chowk;<sup>52</sup> on 17 May, the Yamunanagar police lathi-charged migrants allegedly trying to enter Saharanpur and Shamli districts in Uttar Pradesh.<sup>53</sup>

51 These include Sections 147 (rioting), 148 (unlawful assembly), 186 (obstructing public servant), 188 (disobeying order by public servant) and 269 (negligent act that could spread infection). See Sanjay Yadav, "50 migrant workers booked after clashes with Haryana Police near Delhi-Gurugram border," *The Tribune*, 20 May 2020: <https://www.tribuneindia.com/news/haryana/migrant-workers-entering-gurugram-from-delhi-clash-with-police-pelt-them-with-stones-87398>. Accessed on 8 June 2020.

52 "In Rohtak, cops halt migrants march," *The Tribune*, 13 May 2020: <https://www.tribuneindia.com/news/haryana/in-rohtak-cops-halt-migrants-march-84585>. Accessed on 8 June 2020.

53 "Haryana cops lathi charge UP migrants," *The New Indian Express*, 18 May 2020: <https://www.newindianexpress.com/nation/2020/may/18/haryana-cops-lathicharge-up-migrants-2144728.html>. Accessed on 8 June 2020.

Tamil Nadu police lathi-charged a group of labourers from Jharkhand walking back home on the national highway in Chennai on 8<sup>th</sup> May.<sup>54</sup> In Andhra Pradesh, the state police stopped over 300 workers from Bihar and Jharkhand at Kovvuru tollgate on 4<sup>th</sup> May. When the workers pelted stones at the police for stopping them, the police beat them with canes.<sup>55</sup>

On 31 March, the Gujarat police stopped a group of around 120 labourers walking home from Bengaluru to various districts in Rajasthan at Vapi in the border district of Valsad, beat them up and forced them into two container trucks.<sup>56</sup> Instead of taking the workers into Rajasthan, as promised, the container trucks drove them back into Maharashtra. Everyone in the group belonged to Gadia-Lohar, Bhisti, and Labana communities and included over 20 young children and another 20 women. One of the workers said: *“The Vapi police had stood next to the container truck and dragged each one of the labourers into it. They allegedly also beat up anyone who resisted. The group was divided into two”*.

b) *Towards workers while accessing and/or protesting in demand for food, shelter and support for traveling home*

Stranded workers who decided to stay, and not walk home, often had to endure police violence in their struggle to access rations, food, other essential items (such as money from ATMs) and subsequently, travel arrangements. In the early days of the lockdown, reports mainly highlight police beating workers, trying to access food stores, with lathis:

*“Each time we try to come out on the street looking for food, police deployed in the area beat us with their lathis,” (migrant worker based in Jaipur, Rajasthan).*<sup>57</sup>

*“If we go out then the police beat us. They do not even ask us why we are out. It is not as if we are out to roam around. We all need things,” (migrant worker based in Sonapat, Haryana).*<sup>58</sup>

Such reports were common across states. Documentation by the Stranded Workers Action Network reveals instances of police beating people at/outside food distribution centers, ration shops, and public toilets, particularly in Maharashtra, Delhi and Punjab.<sup>59</sup> In Jaipur, Rajasthan, the police allegedly lathi-charged a group of 500-600 of Muslim workers stuck in Jaipur on 10 May; at least one of the workers, Mohammad Jalal from Malda district, West Bengal, reportedly suffered a fracture.<sup>60</sup>

54 “TN Police resort to mild lathi-charge to stop migrants undertaking home journeys on foot,” ANI, 9 May 2020: <https://www.aninews.in/news/national/general-news/tn-police-resort-to-mild-lathi-charge-to-stop-migrants-undertaking-home-journeys-on-foot20200509120418/>. Accessed on 8 June 2020.

55 “Police lathi-charge migrant workers in Andhra seeking to return home on foot,” *The New Indian Express*, 4 May 2020: <https://www.newindianexpress.com/states/andhra-pradesh/2020/may/04/police-lathi-charge-migrant-workers-in-andhra-seeking-to-return-home-on-foot-2139035.html>. Accessed on 8 June 2020.

56 Sukanya Shantha, “Migrant Workers Beaten, Stuffed Into Container Trucks by Police at Gujarat-Maharashtra Border,” *The Wire*, 2 April 2020: <https://thewire.in/rights/rajasthan-labourers-police-gujarat-border>. Accessed 8 June 2020.

57 Shruti Jain, “‘Beaten for looking for food’, Jaipur’s Muslim Migrant workers agitate to go home,” *Scroll*, 12 May 2020: <https://thewire.in/communalism/jaipur-muslim-migrant-workers>. Accessed on 30 June 2020.

58 VijaytaLalwani and Ipsita Chakravarty, “These migrants did not walk back home. They stayed and are now running out of food,” *Scroll*, 31 March 2020: <https://scroll.in/article/957735/these-migrants-did-not-walk-back-home-they-stayed-and-are-now-running-out-of-food>. Accessed on 30 June 2020.

59 Stranded Workers Action Network, *21 Days and Counting: COVID-19 Lockdown, Migrant Workers, and the Inadequacy of Welfare Measures in India*, 15 April 2020, pp.18-20, accessed at <http://strandedworkers.in/mdocuments-library/>.

60 See note 57.

With extensions of lockdown and inadequate arrangements to facilitate workers' travel home, clashes between the workers and the police increased with time. In several places, stranded workers took to the street in large numbers agitating for support from the administration. In select places, the police fired tear gas shells to disperse these crowds. The Gujarat Police took harsh measures against agitating workers, particularly in Surat that witnessed several clashes, through the second and third lockdown periods. For instance, when nearly 1000 migrant workers based in Mora village near Hazira industrial town came out in protest on the streets on 9 May and reportedly pelted stones at the police, the police fired at least four tear gas shells and baton charged the protestors.<sup>61</sup> In Mumbai, too, the police inflicted lathi-charge on thousands of migrant workers who took to the streets, demanding transportation arrangements for going back to their home states, first in April<sup>62</sup> and then again in May.<sup>63</sup> The Mumbai police claim they gave several warnings before resorting to using force.<sup>64</sup> Similar accounts of police unleashing lathi-charge on protesting workers agitating for support were reported from Andhra Pradesh (West Godavari district),<sup>65</sup> Kerala (Ernakulam district),<sup>66</sup> Karnataka (Bengaluru)<sup>67</sup> and Punjab (Mohalli district)<sup>68</sup> - all during the first two weeks of May.

There were also instances when the police were seen beating migrant workers gathered outside police stations demanding clarity on, and support for, transportation arrangements. In Bengaluru, for instance, an Assistant Sub-Inspector from KG Halli police station was caught on camera slapping, kicking and chasing workers gathered outside the police station.<sup>69</sup> The Bengaluru police subsequently suspended the officer. A similar incident was reported from Hyderabad where a Sub-Inspector was caught on camera beating and abusing workers assembled outside the Chaitanyapuri police station, seeking to register for travel.<sup>70</sup> The officer is seen caning a worker before taking his papers and passing onto his colleagues. It is not clear whether any action has been taken against the concerned Chaitanyapuri officer.

61 Sudhir Suryawanshi, "Migrant workers clash with the police in Gujarat's Surat demanding to return home, over 100 detained," *The New Indian Express*, 9 May 2020: <https://www.newindianexpress.com/nation/2020/may/09/migrant-workers-clash-with-police-in-gujarats-surat-demanding-to-return-home-over-100-detained-2141176.html>. Accessed on 1 July 2020.

62 "Police baton-charge migrant workers at Mumbai's Bandra station for defying lockdown," *Scroll*, 14 April 2020: <https://scroll.in/latest/959184/coronavirus-police-baton-charge-migrant-workers-at-mumbais-bandra-station-for-defying-lockdown>. Accessed on 1 July 2020.

63 "Around 1000 migrants protest in Mumbai, demand to go home, police lathicharge them," *The New Indian Express*, 14 May 2020: <https://www.newindianexpress.com/cities/mumbai/2020/may/14/lockdown-around-1000-migrants-protest-in-mumbai-demand-to-go-home-police-lathicharge-them-2143212.html>. Accessed on 1 July 2020.

64 "Thousands defy lockdown at Bandra station in Mumbai, lathicharged by cops," *NDTV*, 14 April 2020: <https://www.ndtv.com/india-news/massive-crowd-at-bandra-stand-in-mumbai-as-migrants-defy-lockdown-2211695?from=home-topscroll>. Accessed on 1 July 2020.

65 "Police lathi-charge migrant workers in West Godavari seeking to return home," *Hindustan Times*, 5 May 2020: <https://www.hindustantimes.com/andhra-pradesh/police-lathi-charge-migrant-workers-in-west-godavari-seeking-to-return-home/story-R93TjQ7udRpFgbKcMyzsqM.html>. Accessed on 1 July 2020.

66 "Kerala Police resort to lathicharge to disperse protesting migrant labourers in Ernakulam," *ANI*, 7 May 2020: <https://www.aninews.in/news/national/general-news/kerala-police-resort-to-lathi-charge-to-disperse-protesting-migrant-workers-in-ernakulam20200507132550/>. Accessed on 1 July 2020.

67 "Migrants Searching For Ride Chased Away From Bus Stand In Karnataka," *NDTV*, 16 May 2020: <https://www.ndtv.com/karnataka-news/coronavirus-lockdown-migrants-searching-for-ride-chased-away-from-bus-stand-in-karnataka-2229882>. Accessed on 1 July 2020.

68 "500 migrant workers gather at screening center in Derabassi, police lathi-charge," *Patrika*, 20 May 2020: <https://www.patrika.com/miscellaneous-india/500-migrants-gathered-at-dera-bassi-screening-centre-lathi-charged-by-police-6117621/>. Accessed on 1 July 2020.

69 "ASI slaps and kicks migrant workers, suspended," *Deccan Herald*, 12 May 2020: <https://www.deccanherald.com/city/bengaluru-crime/asi-slaps-and-kicks-migrant-workers-suspended-836553.html>. Accessed on 1 July 2020.

70 "Chaitanyapuri cop thrashes migrant worker at police station," *Newsmeter*, 13 May 2020: <https://newsmeter.in/chaitanyapuri-cop-thrashes-migrant-worker-at-police-station/>. Accessed on 1 July 2020.

Following clashes with workers, a common pattern across states was the mass arrest and detention of workers. The most common offences under which migrant workers were booked include unlawful assembly (Section 144, Indian Penal Code), rioting (Section 147, IPC) and disobedience of order given by public servants (Section 188, IPC), all bailable offences punishable with few months to 2 years prison term. The Gurugram Police booked 50 migrant workers following clashes at Palam Vihar.<sup>71</sup> The Mumbai Police registered a case against unknown persons of around 800-1000 persons for unlawful assembly and rioting, among other charges following clashes in Bandra on 14 April 2020.<sup>72</sup> In select instances, however, the police booked workers for non-bailable offences punishable with as much as ten years prison term. In Surat, for instance, the police booked few workers, among hundreds detained, for attempt to murder for allegedly attacking policemen over the spate of clashes that took place.<sup>73</sup>

Similarly, in Ahmedabad, the police booked at least 35 workers, all from Jharkhand, under various IPC sections<sup>74</sup> including causing grievous hurt to public servants (Section 333, IPC). This was following clashes between the workers and the police around the IIM Ahmedabad campus. In their agitation against the administration, the workers, employed by the university for construction purposes, allegedly vandalized private and police vehicles.<sup>75</sup> We were unable to follow-up on the custody details (duration of custody; bail conditions) of these arrests.

Such actions display an abuse of authority and power, no matter the strain on the police. The leadership needs to strongly condemn such incidents and take fitting action against offenders.

### *Towards workers in quarantine centers and shelter homes*

There were also reports of police beating migrant workers in shelter homes and quarantine centers. Bihar, in particular, reported several such incidents where workers protesting against stale food and poor facilities at the quarantine centers were met by police violence.<sup>76</sup> Many of these incidents, spread across at least a dozen districts of Bihar, led to workers suffering serious injuries, including a case where a worker almost lost his hands due to such a severe beating

71 Sanjay Yadav, "50 migrant workers booked after clashes with Haryana Police near Delhi-Gurugram border," *The Tribune*, 20 May 2020: <https://www.tribuneindia.com/news/haryana/migrant-workers-entering-gurugram-from-delhi-clash-with-police-pelt-them-with-stones-87398>. Accessed on 8 June 2020.

72 "Mumbai Police arrests 11, including scribe, in connection with migrant protest in Bandra; reporter charged with spreading fake info," *Firstpost*, 16 April 2020: <https://www.firstpost.com/health/mumbai-police-arrests-11-people-including-journalist-in-connection-with-migrants-protest-in-bandra-reporter-charged-with-spreading-fake-information-8264791.html>. Accessed on 1 July 2020.

73 "55 arrested after police, migrants clash in Gujarat's Surat," *Hindustan Times*, 10 May 2020: <https://www.hindustantimes.com/india-news/55-arrested-after-police-migrants-clash-in-surat/story-KC2XFIGcbwtAPeeMyeTkXO.html>. Accessed on 1 July 2020.

74 These include Sections 143 (unlawful assembly), 144 (unlawful assembly armed with deadly weapon), 186 (obstructing public servant in discharge of duty), 332 (causing hurt to public servant), 333 (causing grievous hurt to public servant), 336 (act endangering life), 337 (causing hurt to others by rash action), 427 (mischief) and 188 (disobedience of order given by public servant). See "Gujarat: Migrant workers 'attack police, vandalise property'; 35 arrested," *The Indian Express*, 19 May 2020: <https://indianexpress.com/article/cities/ahmedabad/migrant-workers-attack-police-vandalise-property-35-arrested-6417546/>. Accessed on 1 July 2020.

75 Ibid.

76 "Efforts on to resolve issues at quarantine centres for migrants: Bihar govt," *The Hindu*, 13 May 2020: <https://www.thehindu.com/news/national/other-states/efforts-on-to-resolve-issues-at-quarantine-centres-for-migrants-bihar-govt/article31572168.ece>. Accessed on 1 July 2020.

by the police.<sup>77</sup> In some cases, reportedly, the police personnel involved were also injured.<sup>78</sup> Similarly, in Uttar Pradesh, migrant workers from Bihar stuck in UP's Saharanpur district alleged police abuse and beating in the shelter homes where they were put up.

*"This morning, 10 policemen arrived and beat us with batons. They told us we were a blot on the face of the country and should die. So we left the place and decided to resume our foot journey," (Lal Bahadur, 25, who had been stopped in Saharanpur on 2 May while walking home to Siwan, Bihar, from Patiala in Punjab).<sup>79</sup>*

Another incident took place in Pune on 21 April. The Pune police was caught on camera beating a migrant worker allegedly trying to flee a government shelter home.<sup>80</sup> The video shows the man lying on the ground, surrounded by 3-4 police personnel kicking and beating him with lathis/canes. The video is once again a stark reminder of how routine disproportionate use of force is, and the extent to which this policing culture, that prides itself for rendering what it sees as quick punishments, is widely accepted in society. Nobody is seen trying to prevent the police from beating a defenseless man squirming on the ground.

### c) Sexual offences against women workers

At least two reports allege that police personnel committed sexual assault against women workers during this period. In Himachal Pradesh, a migrant woman filed a complaint against a Constable of Kharsi police outpost in Bilaspur district of sexually assaulting her under the pretext of giving her ration.<sup>81</sup> The accused allegedly came to her room to offer ration and asked the victim to accompany him to the road where a vehicle carrying the ration was parked. The complainant alleges that the assault took place in the vehicle. In Haryana's Jind district, a migrant woman alleged that a police Constable tried to molest her on 7<sup>th</sup> May on the pretext of asking her to move to a shelter home.<sup>82</sup> He was reportedly drunk, confirmed in his medical examination. The report indicates that the police have refuted the allegations of sexual assault. The Constable was suspended only for drinking while on duty.

## Police accountability

Ironically, while the police filed cases against workers at several places,<sup>83</sup> an inquiry into police action itself was reported in very few instances. Of the 31 reported incidents of police use

77 "The condition of a migrant injured in police beating is critical," *Hindustan*, 14 May 2020: <https://www.livehindustan.com/bihar/banka/story-the-condition-of-a-migrant-injured-in-police-beating-is-critical-3213307.html>. Accessed on 2 July 2020.

78 "4 cops injured in clash with migrants at quarantine centre in Bihar's Nalanda," *Hindustan Times*, 27 May 2020: <https://www.hindustantimes.com/india-news/4-cops-injured-in-clash-with-migrants-at-quarantine-centre-in-bihar-s-nalanda/story-0CcUVdtaBvmC7nyQG8SUMK.html>. Accessed on 1 July 2020.

79 "UP cops 'thrash' migrants, 12000 protest," *The Telegraph*, 17 May 2020: <https://www.telegraphindia.com/india/coronavirus-lockdown-uttar-pradesh-cops-thrash-migrants-12000-protest/cid/1773779>. Accessed on 1 July 2020.

80 "Migrant worker tries to run away from Pune home, beaten brutally by Pune cops," *Times Now*, 21 April 2020: <https://timesofindia.indiatimes.com/videos/city/pune/covid-19-lockdown-migrant-worker-tries-to-run-away-from-pune-home-beaten-up-brutally-by-cops/videshow/75269796.cms>. Accessed on 2 July 2020.

81 "Cop rapes migrant on pretext of ration." *The Tribune*, 16 May 2020: <https://www.tribuneindia.com/news/himachal/cop-rapes-migrant-on-pretext-of-ration-85718>. Accessed on 12 July 2020.

82 "पुलिसकर्मियों पर शराब के नशे में प्रवासी महिला के साथ छेड़खानी का आरोप, निलंबित," *Amar Ujala*, 7 May 2020: <https://www.amarujala.com/haryana/jind/policeman-accused-of-molesting-migrant-woman-drunk-suspended-jind-news-rtk5540148175>. Accessed on 3 July 2020.

83 "9 Migrants Face Arrest For Complaining Of Poor Facilities At Quarantine Centre In Bihar: Report," *Outlook*, 28 May 2020: <https://www.outlookindia.com/website/story/india-news-fir-against-9-migrants-for-complaining-of-poor-facilities-at-quarantine-centre-in-bihar-report/353687>. Accessed on 1 July 2020.

of force against migrant workers reviewed for this report, an inquiry into police action was reported in only two incidents. These relate to police mistreatment either caught on camera, or allegations against specific police officers and units. For instance, the Gujarat Police initiated an inquiry into the allegations of inhuman treatment of labourers by the Vapi police.<sup>84</sup> Similarly, the Bangalore police suspended Assistant Sub-Inspector from the KG Halli police for kicking and slapping workers.<sup>85</sup> With regards to the allegation of molestation against a police constable in Haryana, as mentioned above, he was suspended only for being found drunk while on duty. The district police have refuted the allegations of sexual assault. We have not come across any information on action on the other allegation of sexual assault. None of the reported incidents where police resorted to lathi/baton charge or tear gas to disperse agitating workers mention any inquiry by the concerned police departments to review and verify the legality and necessity of the police action. Without these needed inquiries, it will not be unearthed whether the police action is liable for criminal prosecution. Accountability is blocked at the gate.

### **2.3. Towards General Public**

The general public too suffered police violence. Several news reports have been summarized below. The incidents refer to the police beating people with lathis. Here, the police offer their common “rationale” that people were beaten to “punish” them for allegedly flouting the authorized time to be out in public. Again, the pattern of police easily resorting to physical violence as an assumed justified power, and punishment to be meted out, regrettably shows itself.

The reported facts in these cases are that people had stepped out for procuring essential items like groceries and medicines/medical aid, or other extenuating circumstances. In many, the affected persons reported that the police began beating them without asking any questions or trying to find out why they were out on the streets.

#### **Reported police violence**

CHRI came across 32 incidents where the police reportedly used excess force on people who had stepped out of their house for compelling reasons. Out of these, 12 cases are of people who had stepped out to buy groceries (vegetables/fruits, milk etc), five are of people who had stepped out to buy medicines and to seek medical aid, four of people who had volunteered for COVID relief work, two of family members of essential service providers assisting them, and the remaining are nine additional cases of police excess. Some of the cases reveal targeting of Muslims.

##### *a) On People Who Went Out to Buy Groceries*

CHRI records at least 12 incidents of people who were out to buy groceries and beaten by the police. In most of the cases it was seen that police personnel started beating without even

84 Sukanya Shantha, “Gujarat Police to probe allegation that migrant workers were forced into trucks,” *The Wire*, 7 April 2020: <https://thewire.in/government/gujarat-police-inquiry-migrant-workers-container-trucks>. Accessed on 14 July 2020.

85 “ASI slaps and kicks migrant workers, suspended,” *Deccan Herald*, 12 May 2020: <https://www.deccanherald.com/city/bengaluru-crime/asi-slaps-and-kicks-migrant-workers-suspended-836553.html>. Accessed on 14 July 2020.

listening to anyone first. In Golaghat district of Assam, two tribal women<sup>86</sup> were stopped, abused and beaten up with a stick by a policeman on 29 March. On 23 April, the Delhi police beat up a 22-year old youth and his brother who said they were on their way back home after purchasing groceries in the capital city's Nihal Vihar area.<sup>87</sup> One of the victims in this case suffered injuries, including a broken jaw and bruises on his chest and back. A video from Jhansi district in Uttar Pradesh<sup>88</sup> shows a victim who suffered bruises on his legs. In other instances, during the month of April, especially in Hyderabad,<sup>89</sup> it was seen that the police created chaos by charging towards people and chasing them away which led to grievous injuries like fractured legs.

Select incidents reported during this period indicate prejudicial action against Muslims by the police. In Karnataka, for instance, a Muslim man from Humnabad Taluk from Bidar district alleges that the police stopped him from crossing a by-pass road to buy vegetables, while allowing others to go ahead.<sup>90</sup> The man alleges that he was stopped because he is a Muslim and was wearing a skullcap. When the man tried to cross after being stopped, the police beat him with the baton hurling abuses at him and throwing accusations such as "it is because of people like you, the coronavirus is spreading". This incident took place around the time that reports linking the rise of Covid-19 cases in India to the March congregation of the Tablighi Jamaat in New Delhi were widely circulating in the press. Much of the public discourse on the issue was laden with prejudiced attacks against not just the Tablighi Jamaat, but the Muslim community as a whole. In fact, the Aurangabad bench of the Bombay High Court commented in August 2020, while quashing First Information Reports registered in Maharashtra against foreigner members of the Tablighi Jamaat who were being held in custody, that they had been made "scapegoats".<sup>91</sup> Although in the Bedar incident, the police department subsequently suspended the Assistant Sub-Inspector involved, the incident is an example of prejudiced action, and calls for concerted measures to recognize and address bias within police, both individual and institutional.

#### *b) On People Who Went Out to Buy Medicines or to Seek Medical Help*

As mentioned in the introductory chapter, medical establishments like chemists, dispensaries and hospitals were permitted to function during the lockdown. Yet, there are several incidents where people who had stepped out to either buy medicines for themselves. or for ailing family members, or had to make a visit to the hospital to seek medical aid, were stopped and beaten by the police. In April, a 62-year old man in Jagatsinghpur, Odisha<sup>92</sup> went out to buy medicines for his bed-ridden wife. The police beat him with sticks and even kicked him in his face. In

86 Ayan Sharma, "Lockdown brutality continues: Policeman assaults Adivasi women in Assam", *Newslaundry.com*, 31 March, 2020: <https://www.newslaundry.com/2020/03/31/lockdown-brutality-continues-policeman-assaults-ativasi-women-in-assam>. Accessed on 1 July 2020.

87 2 "Delhi cops thrash man who was out to buy groceries, break his jaw", *Times Now News*, 23 April 20: <https://www.timesnownews.com/mirror-now/crime/article/delhi-cops-thrash-man-who-was-out-to-buy-groceries-break-his-jaw/581773>. Accessed on 1 July 2020

88 *Dainik Bhaskar*, 8 April 20: <https://www.bhaskar.com/local/uttar-pradesh/news/oronavirus-uttar-pradesh-sitapur-up-dates-on-bangladesh-tablighi-jamaat-members-behaviour-127131223.html?art=nextas> accessed on 1 July 2020

89 Mithun M K, "A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown", *The Newsminute*, 1 May 20: <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>. Accessed on 1 July 2020.

90 Syed Sujeel Ahmed, "ASI Who Has Beaten Up A Man In Bidar, Suspended", *Deccan Digest*, 8 May, 20 : <https://deccandigest.com/asi-who-has-beaten-up-a-man-in-bidar-suspended/>. Accessed on 1 July 2020.

91 *Asalbin Mohammad Noor And Others vs State of Maharashtra* Writ Petition (Cri.) No, 548/20

92 "Two Odisha cops suspended for lockdown brutality", *New Indian Express*, 13 April 20: <https://www.newindianexpress.com/states/odisha/2020/apr/13/two-odisha-cops-suspended-for-lockdown-brutality-2129394.html>. Accessed on 1 July 2020.

Koderma district, Jharkhand, the local police allegedly beat up a businessman who claimed he was returning home after hospitalizing his daughter.<sup>93</sup> This man was taken to Tilaiya police station in Koderma district and beaten up. He claims the police personnel were drunk. Indore, Madhya Pradesh<sup>94</sup> and Thalesary, Kerala<sup>95</sup> too reported similar incidents where the police beat aggrieved persons, with no attempt at dialogue of any kind. In all the cases, the victims suffered bruises and marks on various parts of their body.

c) *On Volunteers of Covid-19 Relief Work*

The Prime Minister<sup>96</sup> as well as the Niti Ayog<sup>97</sup> called forth civil society organizations to help circulate basic necessities like food and medical supplies to the poor. Not all individuals who volunteered for the relief work experienced a welcoming attitude from the police. The incidents show that the police thrashed and hurled abuses on those very people who were assisting the government. On 5 May, the police at Nagercoil, Tamil Nadu assaulted and arrested D Manick Selva kumar,<sup>98</sup> a social worker, under the Epidemics Disease Act when he went to collect documents from workers, to facilitate their access to government aid. Similarly, in Hyderabad, the city police allegedly beat up two 19-year old boys in separate incidents, one at Mandi Mir Alam area, and the other near Shaikpet at Towlichowki area.<sup>99</sup> Both the boys were on the move to help deliver essential provisions to the poor in their localities. Both sustained serious injuries including on their heads.

d) *On Family Members of Essential Service Providers*

In March and April, two incidents of family members of essential service providers allegedly beaten by the police were reported from Thiruvananthapuram, Kerala<sup>100</sup> and Vadodara, Gujarat<sup>101</sup>. This happened when the family members were driving a relative (the essential service provider) to where they needed to be. The police took this as “defying” lockdown orders. The reports did not mention the injuries suffered by the two people.

93 *Dainik Bhaskar*, 5 May, 20: <https://www.bhaskar.com/local/jharkhand/news/policeman-accused-of-assaulting-man-in-koderma-127273407.html>. Accessed on 1 July 2020.

94 *Dainik Bhaskar*, 4 May, 20: <https://www.bhaskar.com/local/mp/indore/news/corona-lockdown-update-police-beat-up-father-and-son-who-got-out-in-lockdown-127268195.html>. Accessed on 1 July 2020.

95 Mrudula Bhavani, “Dialysis patient beaten by cops in Kerala during lockdown, writes to CM”, *The Newsminute*, 27 March, 20: <https://www.thenewsminute.com/article/dialysis-patient-beaten-cops-kerala-during-lockdown-writes-cm-121222>. Accessed on 1 July 2020.

96 “Help government serve poor: PM Modi to NGOs”, *The Indian Express*, 31 March, 20: <https://indianexpress.com/article/india/crime/coronavirus-india-lockdown-help-govt-serve-poor-pm-modi-to-ngos-6339236/>. Accessed on 1 July 2020.

97 Ruchika Chitravanshi, “NITI Aayog seeks help from NGOs, UN, industry bodies in combating Covid-19”, *The Business Standards*, 6 April, 20: [https://www.business-standard.com/article/current-affairs/niti-aayog-seeks-help-from-ngos-un-industry-bodies-in-combating-covid-19-120040500286\\_1.html](https://www.business-standard.com/article/current-affairs/niti-aayog-seeks-help-from-ngos-un-industry-bodies-in-combating-covid-19-120040500286_1.html). Accessed on 1 July 2020.

98 M Abdul Rabi, “Social worker assaulted by cop, booked under Epidemic Act”, *New Indian Express*, 11 May 2020: <https://www.newindianexpress.com/states/tamil-nadu/2020/may/13/social-worker-assaulted-by-cop-booked-under-epidemic-act-2142693.html>. Accessed on 1 July 2020.

99 S M Bilal, “Hyderabad : Two youths injured after cops wield lathis on head”, *The Siasat Daily*, 29 April 2020 : <https://www.siasat.com/hyderabad-two-youths-injured-after-cops-wield-lathis-head-1881064/>. Accessed on 1 July 2020.

100 “Kerala man returning after dropping doctor wife at work beaten up by cop; probe ordered”, *New Indian Express*, 27 March 2020: <https://www.newindianexpress.com/cities/thiruvananthapuram/2020/mar/27/kerala-man-returning-after-dropping-doctor-wife-at-work-beaten-up-by-cop-probe-ordered-2122245.html>. Accessed on 1 July 2020

101 *Dainik Bhaskar*, 10 April 2020 : <https://www.bhaskar.com/local/gujarat/news/police-beat-up-mother-leaving-son-coming-from-hospital-127144064.html>. Accessed on 1 July 2020

e) *Additional Cases of Excessive Force*

The following cases demonstrate more instances of excessive force by police in the lockdown period, in a variety of cases of different circumstances. While each case does not necessarily reveal extenuating circumstances for the person(s) to be out, the police resort to use of force is excessive in all:

- ❖ On 1 April, the police allegedly beat a temple priest in Rewa, Madhya Pradesh who was holding a prayer meeting. A lot of people had assembled for the meeting. On receiving this information, the police reached the spot and dispersed the crowd.<sup>102</sup>
- ❖ On 6 April, Imran, a 30-year old AC repairman, was beaten up with a stick by a police Constable attached with Sagarpur police station in South West district of Delhi. He was reportedly accused of hugging people in the area. Imran's sister, Raveena, claimed that he was sitting in a park when the police Constable saw him. He got scared as he thought he was violating the lockdown measures. The Constable ran after him saying "isko corona hai" (he has corona). People also joined the police personnel in beating him up with sticks.<sup>103</sup>
- ❖ On 23 April, Sanjay Savant of the Central Reserved Police Force (CRPF) was allegedly manhandled by police of Belagavi district in Karnataka while being arrested and detained. The CRPF and Karnataka Police have contesting views of the grounds for his arrest. In a letter written by CRPF Inspector General of Police to the Karnataka Police Director General of Police, the IG alleges that Cadet Sachin Savant (of 207 COBRA) was on extended leave and was cleaning his motorcycle in front of his house, and for this, police personnel of Sadalga police station arrested him for disobeying lockdown orders. On the other hand, the Karnataka Police claim that the CRPF jawan was seen with a group of friends, without wearing a mask. On being pulled up by two beat Constables who were patrolling in the area, Savant argued back and also pushed one of the Constables. He was then taken to the police station and a case was registered against him under the relevant sections of the Indian Penal Code and the Epidemic Disease Act.<sup>104</sup> Savant claims that the police manhandled him before his family members, paraded him to the police station barefoot, and kept him in chains at the police station, as seen in the image included in the news report.
- ❖ Several reports of police excesses were reported from Shahpur Adda area of Ahmedabad city in the first week of May. On 8 May, a few women residents claim that the police stopped them while they were on their way to buy milk.<sup>105</sup> An argument reportedly ensued between the women and the police that resulted in gathering of a larger crowd, and also stone pelting against the police from some in the area. The police claim that they moved to arrest the few who first threw stones at them, an even larger crowd assembled, and stone pelting intensified.

102 "Delhi cop beats up man for 'hugging people', suspended", *The Indian Express*, 8 May 2020 : <https://indianexpress.com/article/cities/delhi/delhi-cop-beats-up-man-for-hugging-people-suspended-6400152/>. Accessed on 1 July 2020

103 "Delhi cop beats up man for 'hugging people', suspended", *The Indian Express*, 8 May 2020 : <https://indianexpress.com/article/cities/delhi/delhi-cop-beats-up-man-for-hugging-people-suspended-6400152/>. Accessed on 1 July 2020

104 Raju Gavali, "Covid-19: Karnataka cops beat cobra commando, book him for not wearing mask", *Deccan Herald*, 27 April 2020: <https://www.deccanherald.com/state/karnataka-districts/crpf-demands-inquiry-into-arrest-of-cobra-commando-for-not-wearing-mask-830567.html>. Accessed on 1 July 2020

105 AsmitaNandy, "Gujarat Cops Barged in, Hit Me With Sticks: Pregnant Muslim Woman", *The Quint*, 18 May, 2020: <https://www.thequint.com/news/india/gujarat-police-alleged-atrocity-pregant-woman-shahpur-violence-during-coronavirus-lockdown>. Accessed on 1 July 2020.

Locals however, allege that the police resorted to stone pelting as well. A video of the scene shows the police throwing objects at the crowd, shelling tear gas, and breaking parked bikes with their sticks. Another video shows a policeman beating a Muslim man in the middle of the street. Following the scuffle, the police continued to target households in the locality and barged into people's houses in search of "miscreants". In the process, several women allege that they were beaten and slapped while the police were forcefully taking their husbands, brothers or fathers to the police station in relation to the stone-pelting incident.<sup>106</sup>

- ❖ On 19 May, a man called Suraj and his wife and child were going on a bike to a neighbouring village in Gwalior, Madhya Pradesh, in relation with their work that deals with selling iron items. The police stopped the family at a checkpoint on the Gwalior-Shivpuri border, and dissatisfied with their explanation of traveling during the lockdown, allegedly beat him and his wife. Both Suraj and his wife sustained injuries; Suraj's hands were broken and his wife had bruises.<sup>107</sup>

## Police Accountability

All of these 32 reported incidents of police excess involve police beating unarmed ordinary people and leaving many injured - excessive force which amounts to criminal assault. Yet, action against police personnel was reported only in nine incidents:

- a) Only in one case, an FIR has been registered against two police personnel from Bhiratwar police station (PS) in Gwalior, Madhya Pradesh.<sup>108</sup>
- b) In three incidents, the police personnel- two from Hyderabad, Telangana- Constables of Mirchowk and Golconda PS<sup>109</sup>, one from Jagatsinghpur, Odisha- Constable Siba Prasad Nayak, Balikuda PS<sup>110</sup> were placed on suspension.
- c) In two incidents, the police personnel- SI Akhilesh Singh, Tilaiyathana, Koderma, Jharkhand<sup>111</sup> and TI, Civil Line PS, Rewa, MP<sup>112</sup> were not suspended, but were relegated to the police lines.
- d) In three incidents, the police personnel- ASI Baswaraj, Humnabad town PS, Bidar, Karnataka<sup>113</sup>, Head Constable, Krishna Dongre and Constable, Ashish from Chhindwara, Madhya Pradesh<sup>114</sup>,

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<sup>106</sup> Ibid.

<sup>107</sup> *Navbharat Times*, 20 May 2020: <https://navbharattimes.indiatimes.com/state/madhya-pradesh/gwalior/gwalior-police-thrashes-poor-couple-during-lockdown-2-policemen-suspended/articleshow/75845128.cms>. Accessed on 1 July 2020.

<sup>108</sup> Ibid.

<sup>109</sup> Mithun M K, "A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown", *The Newsminute*, 1 May 20: <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>. Accessed on 1 July 2020.

<sup>110</sup> "Two Odisha cops suspended for lockdown brutality", *New Indian Express*, 13 April 20: <https://www.newindianexpress.com/states/odisha/2020/apr/13/two-odisha-cops-suspended-for-lockdown-brutality-2129394.html>. Accessed on 1 July 2020.

<sup>111</sup> *Dainik Bhaskar*, 5 May 2020: <https://www.bhaskar.com/local/jharkhand/news/policeman-accused-of-assaulting-man-in-koderma-127273407.html>. Accessed on 17 July 2020.

<sup>112</sup> *Dainik Bhaskar*, 3 April 2020: <https://www.bhaskar.com/local/mp/jabalpur/news/coronavirus-mp-rewa-lockdown-update-shivraj-singh-chouhan-on-rewa-police-after-mandir-pujari-beaten-by-cops-127100709.html>. Accessed on 1 July 2020.

<sup>113</sup> Syed Sujeel Ahmed, "ASI Who Has Beaten Up A Man In Bidar, Suspended", *Deccan Digest*, 8 May, 20: <https://deccandigest.com/asi-who-has-beaten-up-a-man-in-bidar-suspended/>. Accessed on 1 July 2020.

<sup>114</sup> Sachin Pandey, "2 MP policemen suspended for beating up a man", *The Hindustan Times*, 25 May 2020: <https://www.hindustantimes.com/india-news/2-mp-policemen-suspended-for-beating-up-man/story-iyhfCxi42WWcquFdngoX3L.html>. Accessed on 17 July 2020.

Constable, Sagarpur PS, South-West district, Delhi<sup>115</sup> were suspended. A departmental inquiry was initiated against them.

As evident above, a criminal case was registered against the police involved in only one incident. In few other cases, the police department announced the launch of an inquiry. In many cases, however, the police department made no announcement even of the minimum step of initiating an inquiry. In some, supervisory officers told the media that action will be taken: in Delhi, for instance, the SHO from Timarpur Police Station promised to take strict action against the police personnel in one of the cases.<sup>116</sup> It is not known whether this actually happened. In one case, the police were let off from any punitive action, after they apologized to the victim family.<sup>117</sup> In the incident from Golghat district in Assam, the Executive Magistrate gave stern warning to the police personnel, but did not take any action.<sup>118</sup>

In the rest of the incidents, media reports do not mention whether any action has been taken against the police personnel.

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115 "Delhi Cop beats up man for 'hugging people', suspended", *The Indian Express*, 8 May 2020: <https://indianexpress.com/article/cities/delhi/delhi-cop-beats-up-man-for-hugging-people-suspended-6400152/>. Accessed on 17 July 2020.

116 "Thrashed by policemen, Delhi youth suffers broken jaw", *The Times of India*, 23 April 2020: <https://timesofindia.indiatimes.com/city/delhi/thrashed-by-policemen-youth-suffers-broken-jaw/articleshow/75307423.cms?messageid=2567168603&inttarget=no&r=1494219314303&from=mdr>. Accessed on 17 July 2020.

117 Jayprakash S Naidu, "Man goes out with wife, beaten up by cops", *Hindustan Times*, 12 April 2020: <https://epaper.hindustan-times.com/Home/ShareArticle?OrgId=a90c3d1e&imageview=0>. Accessed on 17 July 2020.

118 Ayan Sharma, "Lockdown brutality continues: Policeman assaults Adivasi women in Assam", *NewsLaundry.com*, 31 March 2020: <https://www.newsLaundry.com/2020/03/31/lockdown-brutality-continues-policeman-assaults-adivasi-women-in-assam>. Accessed on 1 July 2020.

**Chapter - 3**  
**Extralegal**  
**Punishments**

In addition to excessive physical force, there were frequent reports of the police meting out punishments against members of the public for allegedly defying lockdown rules. These punishments ranged from physical to non-physical. In all cases as documented here, they were done publicly with the intention to teach people “a lesson”.

Some of the physical punishments inflicted involved forcing people to do squats, frog jumps or sit-ups, roll or crawl on the road, among others described in detail below. In some places, the police opted for measures to publicly shame and humiliate, by literally physically marking people, by branding their hands or foreheads with ink with messages declaring them lockdown “violators” or “anti-social elements”.

None of the actions imposed as punishments are prescribed in police manuals or regulations, or as punishments that can be attracted under any of the relevant laws imposed during the lockdown. The police had no lawful authority to inflict any of these actions.

In fact, the imposition of these punishments not only defy the requirement of legality; but their nature could also amount to cruel, inhuman, degrading treatment or punishment as under international human rights law. The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) lays down a universally accepted definition of torture. This includes inhuman and degrading treatment or punishment within its ambit, but provides states the flexibility to prescribe exact definitions in domestic contexts.<sup>119</sup> Case law by the European Court of Human Rights provides a definition of degrading treatment or punishment that can be seen as a source of guidance, in the absence of any existing definitions of cruel, inhuman, degrading treatment or punishment in Indian law:

*“Treatment is considered to be “degrading” within the meaning of Article 3<sup>120</sup> when it humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or when it arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance”.*<sup>121</sup>

Further, some actions may amount to breaches of the fundamental right to privacy laid down by the Supreme Court in *K.P Puttaswamy and Others vs Union of India and Others AIR 2017 SC 4161*.

CHRI compiled 40 incidents of extralegal punishments foisted on people from news reports. Out of these, Uttar Pradesh tops the list with six incidents, while Madhya Pradesh, Maharashtra, Karnataka and Tamil Nadu reported four incidents each. Overall these incidents were reported from 18 states and two Union Territories.<sup>122</sup>

Through the compilation, CHRI distills at least 16 different types of degrading methods employed by the police.

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119 See Articles 1 and 16 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

120 This refers to Article 3 of the European Convention on Human Rights

121 See *M.S.S. v. Belgium and Greece* [GC], no. 30696/09, § 220, ECHR 2011, and *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 202, ECHR 2012

122 The states are Andhra Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh & West Bengal. The Union Territories are Chandigarh and Jammu and Kashmir.

### a) Branding on Forehead and Arms

Branding peoples' foreheads and hands with shaming messages was reported in several places. The police did this to people that it alleged were wandering in public "without a valid reason". In two incidents in Jammu, the RS Pura and Bishnah police used indelible ink to stamp people's foreheads and hands with the phrase "corona lockdown violator".<sup>123</sup> This stamp included the name of the police station. The Vijaypura and Koppal police in Karnataka branded the foreheads of young men with the message, "I violated the norms of Covid 19 lockdown and I am an anti-social element".<sup>124</sup> Similarly in Chattarpur, Madhya Pradesh, a woman Sub-Inspector of Gaurihar Police Station wrote on a labourer's forehead, "*maine lockdown ka ullanghan kiya hai, mujhse door rehna*" (*I have violated the lockdown, keep distance from me*) with a sketch pen on 28 March, 2020.<sup>125</sup>

### b) Posting Selfies with Derogatory Captions

In a few states, police departments themselves set up "selfie points" to forcibly take selfies of people with police personnel with in-set humiliating captions. In Kolhapur, Maharashtra, the police set up selfie points with the message "I am irresponsible, I am selfish" on 14 April, 2020. People were asked to click selfies, which were then posted on the police department's social media page. Around 40 people were subjected to this, including doctors.<sup>126</sup> A similar tactic was adopted by the police in Chityala in Nalgonda, Telangana by making people take a selfie in front of a Flexi board. The board had the following captions: "I am an idiot and enemy to the society" and "I will wander across the streets without a valid reason and am the carrier of the virus".<sup>127</sup>

### c) Forcing People to Carry Placards/Posters Declaring they are "Guilty"

Some states forced people to carry posters and placards with degrading messages designed to point to fault of some kind, took pictures of them, and circulated them on social media platforms. In one incident in Jajpur, Odisha, on 25 March 2020, the police asked people to hold placards that read, "I am selfish and do not care for the lives of others. So I am roaming around without any essential work. I am risking lives to coronavirus".<sup>128</sup> Bishwanath police in Assam uploaded photos of people holding placards saying, "I am the enemy of society as I do not stay at home"

123 Times Now Digital, 'CORONA LOCKDOWN VIOLATOR' stamp on forehead - Jammu Police's punishment for violating lockdown," *Times Now News.com*, 26 March 2020: <https://www.timesnownews.com/india/article/corona-lockdown-violator-stamp-on-forehead-jammu-police-s-punishment-for-violating-lockdown/569881>. Accessed on 6 November 2020.

124 Basavaraj Kattimani, "Karnataka: Youngsters caught violating lockdown have a lesson stamped on their forehead," *The Times of India*, 31 March 2020: <https://timesofindia.indiatimes.com/city/hubballi/youngsters-caught-violating-lockdown-have-a-lesson-stamped-on-forehead/articleshow/74900384.cms>. Accessed on 6 November 2020.

125 PTI, "Madhya Pradesh woman cop shames coronavirus lockdown violator, taken off field duty," *The New Indian Express*, 29 March 2020: <https://www.newindianexpress.com/nation/2020/mar/29/madhya-pradesh-woman-cop-shames-coronavirus-lockdown-violator-taken-off-field-duty-2123108.html>. Accessed on 6 November 2020; *Express News Service*, "Cop writes on labourer's forehead: I have violated the lockdown, stay away," *The Indian Express*, 30 March 2020: <https://indianexpress.com/article/india/coronavirus-cop-writes-on-labourers-forehead-i-have-violated-the-lockdown-stay-away-6337900/>. Accessed on 4 December 2020.

126 PTI, "Kolhapur cops publicly shame lockdown violators," *The Deccan Chronicle*, 15 April 2020: <https://www.deccanchronicle.com/nation/current-affairs/150420/kolhapur-cops-publicly-shame-lockdown-violators.html>. Accessed on 6 November 2020.

127 "Police 'selfie' treatment for lockdown violators," *ap7am.com*, 22 April 2020: <https://www.ap7am.com/lv-328112-police-selfie-treatment-for-lockdown-violators>. Accessed on 6 November 2020.

128 *Express News Service*, "Coronavirus outbreak: Lockdown violators made to hold 'I am selfish' placards in Odisha," *The New Indian Express*, 26 March, 2020: [newindianexpress.com/states/odisha/2020/mar/26/coronavirus-outbreak-lockdown-violators-made-to-hold-i-am-selfish-placards-in-odisha-2121731.html](https://www.newindianexpress.com/states/odisha/2020/mar/26/coronavirus-outbreak-lockdown-violators-made-to-hold-i-am-selfish-placards-in-odisha-2121731.html). Accessed on 6 November 2020.

on social media platforms, including Twitter, on 25 March, 2020. Similarly, the police in Nagaon, Assam clicked photos of nearly 50 people holding placards that read, “I am an irresponsible fool”.<sup>129</sup> On 1 April, 2020, a police Inspector of Villivakkam police in Tamil Nadu made people out on their two-wheelers wear masks cut out in the shape of the coronavirus, and made them take a pledge saying they would not step outside the house.<sup>130</sup>

Forcibly taking people’s photos (with the inset messages of fault or guilt) and circulating them on social media platforms which identifies these individuals widely in the public domain, could amount to a breach of the fundamental right to privacy.

#### d) *Physical Acts of Humiliation*

There were at least two incidents where the police forced people to crawl, hop and squat. A Constable in Budaon, Uttar Pradesh forced two young workers, walking back home to Bareilly from Gwalior, to hop and crawl on the road on 25 March 2020. In the video, the two youths are seen hopping and crawling with their bags on their back, while a policeman with lathis can be heard telling them to jump.<sup>131</sup> In another video from Jammu, dated 26 March, two people are seen being made to crawl from one end of a road to the other, where a group of young men are squatting.<sup>132</sup>

Police across the country forced people to do squats, sit-ups, hold their ears, or do frog jumps. In Kalaburagi, Karnataka, people were forced to hold their ears and squat, as the police hit them with batons.<sup>133</sup> In Pratapgarh, Rajasthan, police personnel made young people frog-jump and other policemen were seen to be checking out how this was carried out.<sup>134</sup> In Betul, Madhya Pradesh, the police made a 71-year old vegetable vendor do sit ups.<sup>135</sup> Similarly, the Punjab Police made people do sit-ups and other exercises. People were made to raise their hands and simultaneously asked to apologise for the offence.<sup>136</sup> Elsewhere, the Chandigarh Police paraded people on the street with their hands raised and made them say that they were enemies of the

129 Rokibuz Zaman and Mohsin Khaiyam, “Lockdown violators shamed in Guwahati,” *Telegraph India*, 26 March, 2020: <https://www.telegraphindia.com/states/north-east/coronavirus-outbreak-lockdown-violators-shamed-in-guwahati/cid/1759202>. Accessed on 6 November 2020.

130 Jayanthi Pawar, “Chennai police resorts to novel punishment methods for lockdown violators,” *The New Indian Express*, 1<sup>st</sup> April 2020: <https://www.newindianexpress.com/cities/chennai/2020/apr/01/chennai-police-find-innovative-ways-to-restrict-people-from-stepping-outside-their-houses-2124341.html>. Accessed on 6 November 2020.

131 The Federal, “Amid lockdown, police beat the ‘corona’ out of violators,” *thefederal.com*, 26 March, 2020: <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>. Accessed on 6 November 2020; Priyangi Agarwal & Kanwardeep Singh, “Cops make youth walking for hours to reach home crawl on road for violating lockdown, probe ordered,” *The Times of India*, 27 March, 2020: <https://timesofindia.indiatimes.com/city/bareilly/cop-makes-youths-walking-for-hours-to-reach-home-crawl-on-road-for-violating-lockdown-probe-ordered/articleshow/74836095.cms>. Accessed on 6 November 2020.

132 Mirror Now, “J&K Police make lockdown violators crawl on roads and do sit-ups,” *The Economic Times*, 26 March, 2020: <https://economictimes.indiatimes.com/news/politics-and-nation/jk-police-make-lockdown-violators-crawl-on-roads-and-do-sit-ups/vedioshow/74826574.cms>. Accessed on 6 November 2020.

133 The Federal, “Amid lockdown, police beat the ‘corona’ out of violators,” *thefederal.com*, 26 March 2020: <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>. Accessed on 6 November 2020.

134 Ibid

135 Chiara Giordano, “Coronavirus: Indian police force 71 year old to do squats as punishment for breaking the lockdown rules,” *The Independent*, 12 May 2020: <https://www.independent.co.uk/news/world/asia/coronavirus-india-lockdown-punishment-squats-latest-a9510571.html>. Accessed on 6 November 2020.

136 ANI, “COVID-19: Punjab Police ask lockdown violators to do sit-ups for loafing around,” *The Times of India*, 30 April 2020: <https://timesofindia.indiatimes.com/videos/city/chandigarh/covid-19-punjab-police-ask-lockdown-violators-to-do-sit-ups-for-loafing-around/vedioshow/75465361.cms>. Accessed on 6 November 2020.

nation.<sup>137</sup> In Patna, Bihar and also in Indore, Madhya Pradesh, the police made people do sit-ups holding their ears on 7 and 23 April, 2020.<sup>138</sup>

e) *Writing Apology Letters*

In two states, the police forced people to write “sorry” 500 times. The Rishikesh police in Uttarakhand made ten foreigners write, “I didn’t follow lockdown. I am sorry” 500 times.<sup>139</sup> The police officer threatened the foreigners that this was a light punishment, and if they refused, they would be blacklisted from entering India again. Similarly, the Vijaiwada Traffic Police, in Andhra Pradesh, made people write, “I am sorry” 500 times on a piece of paper, before they were allowed to return home.<sup>140</sup>

f) *Police Publicly Stage “Aarti”*

Staging an *aarti*<sup>141</sup> was another tactic of humiliation, and brings in the blatant, inappropriate use of a religious ritual in “policing”. In several videos, police can be seen offering bananas and showering flowers on people allegedly violating the lockdown. On 21 April, the police in Thane, Maharashtra, were seen staging an *aarti* of people who were out on the streets for a morning walk. According to the news report, a few young men were standing with bowed heads while a woman police officer performed “*aarti*”.<sup>142</sup> Similarly, the Kanpur police in Uttar Pradesh was seen performing “*aarti*” of people in Kidwai Nagar on 22 April, 2020.<sup>143</sup> Multiple tik-tok videos show Bilaspur police in Chhattisgarh performing *aarti*, putting *tilak* on people and “showering” them with flowers.<sup>144</sup>

g) *Scaring Violators with Fake Corona Patient*

Ostensibly to create awareness of the dangers of the virus among people they found on the streets, but what amounted only to scare tactics, the police enacted skits in public places which they falsely led people to believe they were touching a corona patient. The Tiruppur police in

137 Republic World, “Chandigarh: Police Parade Lockdown Violators, Make Them Shout ‘We Are Enemies of The Country,’ *republicworld.com*, 15 April 2020: <https://www.youtube.com/watch?v=Jenx9ju6gdk>. Accessed on 6 November 2020.

138 DH Web Desk, “Lockdown violators made to do sit-ups in Patna,” *The Deccan Herald*, 8 April 2020: <https://www.deccanherald.com/video/news/lockdown-violators-made-to-do-sit-ups-in-patna-822769.html> Accessed 4 December 2020; ANI, “Lockdown violators made to do ‘sit-ups’ as punishment by MP Police,” *The Times of India*, 23 April 2020: <https://timesofindia.indiatimes.com/videos/news/watch-lockdown-violators-made-to-do-sit-ups-as-punishment-by-mp-police/videoshow/75320914.cms>. Accessed on 4 December 2020.

139 Kalyan Das, “Didn’t follow lockdown, I am sorry: Uttarakhand Police ask 10 foreigners to write 500 times,” *The Hindustan Times*, 12 April 2020: <https://www.hindustantimes.com/india-news/didnt-t-follow-lockdown-i-am-sorry-uttarakhand-police-ask-10-foreigners-to-write-500-times/story-QmB8HIFOpzdKxyVjiPOFI.html>. Accessed on 6 November 2020.

140 TNM Staff, “Watch: Lockdown violators in Vijayawada made to write apology 500 times as punishment,” *thenewsminute.com*, 22 April 2020: <https://www.thenewsminute.com/article/watch-lockdown-violators-vijayawada-made-write-apology-500-times-punishment-123068>. Accessed on 6 November 2020.

141 *Aarti* is a Hindu religious ritual of worship in which light in the form of a flame is lit before a deity.

142 ANI, “Thane Police Performs ‘Aarti’ To Shame Lockdown Violators. Watch,” *NDTV.com*, 21 April 2020: <https://www.ndtv.com/offbeat/thane-police-performs-aarti-to-shame-lockdown-violators-watch-2215471>. Accessed on 6 November 2020.

143 HT Correspondent, “In this UP city, police perform aarti, give bananas to lockdown violators,” *The Hindustan Times*, 22 April 2020: <https://www.hindustantimes.com/india-news/watch-in-this-up-city-police-perform-aarti-give-bananas-to-lockdown-violators/story-mcFpOnEB1ZC7p9SAGZ29KN.html>. Accessed on 6 November 2020.

144 Amrita Kohli, “Chhattisgarh cops perform aarti to shame lockdown violators. Watch,” *The Hindustan Times*, March 31 2020: <https://www.hindustantimes.com/it-s-viral/chhattisgarh-cops-perform-aarti-to-shame-lockdown-violators-watch/story-GKW4XBxivU7D9PZ2ghLLNK.html> Accessed on 6 November 2020; Tejas Joshi, “Chhattisgarh Cops Perform ‘Aarti’ of Those Violating Lockdown,” *hnews.in*, 31 March 2020: <https://hnews.in/uncategorized/watch-chhattisgarh-cops-perform-aarti-of-those-violating-lockdown/130245>. Accessed on 9 November 2020.

Tamil Nadu enacted one such skit. The police on lockdown duty kept an ambulance parked on a road with a person inside posing as a coronavirus patient. The police got hold of three young men and forced them into this “waiting” ambulance with the fake patient inside despite their protests. The police later explained to them that this was scripted to create awareness.<sup>145</sup> In a video by the Delhi Police, police officers are seen carrying the body of a “dead” corona patient, who was a police officer in Personal Protective Equipment posing as the deceased. In the video, young people are seen trying to run away, but the police catch hold of them and make them pick the dummy dead body while making them say that they will never break rules.<sup>146</sup>

#### *h) Miscellaneous*

*Staging a “detention camp” under the sun for hours:* A senior police inspector of Koradi Police Station in Nagpur, Maharashtra was found meting out punishment against people he termed “pointlessly loitering”. They were made to sit on the street for six hours under the sun, in what he termed a “detention camp”. The officer had also released a video of his “detention camp” on social media, which he considered would act as a deterrent. The media report states that this kind of punishment was meted out to 59 people.<sup>147</sup>

*Spraying turmeric water; using paints:* Police officers of the Thiruvallur District in Uthukottai, Tamil Nadu were seen pouring turmeric water onto people on March 27, 2020. The video footage shows police stopping people one by one, as they hold a mug of turmeric water and pour the liquid over their heads. The media report said, “shirts with a stained yellow colour have become a new symbol, shaming any person breaking coronavirus lockdown rules”.<sup>148</sup> Similarly, Triplicane police in Tamil Nadu painted the motorcycles and shirts of their riders with a paint to indicate these are “violators”.<sup>149</sup>

*Forcing a youth to dance:* In Nayashahar police outpost of Etawah district, Uttar Pradesh, a man was brought to the outpost for reportedly violating the lockdown and made to dance to a popular number. The outpost in-charge and others are seen enjoying the performance in the video.<sup>150</sup>

*Forcing friend to beat his friend:* In an incident which was widely circulated on social media, Sarafa Thana Incharge (TI), in Indore, Madhya Pradesh got a friend to beat another friend on 20 April, 2020. In the video, the TI is seen egging the friend to beat his friend with a baton provided

145 “Tiruppur Cops Putting Lockdown Violators With Covid-19 ‘Patient’ Has Left Twitter Shook,” *news18.com*, 25 April 2020: [news18.com/news/buzz/prank-to-panic-policing-tiruppur-cops-putting-lockdown-violators-with-covid-19-patient-has-left-twitter-shook-2591961.html](https://news18.com/news/buzz/prank-to-panic-policing-tiruppur-cops-putting-lockdown-violators-with-covid-19-patient-has-left-twitter-shook-2591961.html). Accessed on 6 November 2020.

146 TOI.in, “COVID-19 lockdown: When Delhi police cops scared the hell out of youths roaming unnecessarily,” *The Times of India*, 17 May 2020: <https://timesofindia.indiatimes.com/videos/city/delhi/covid-19-lockdown-when-delhi-police-cops-scared-the-hell-out-of-youths-roaming-unnecessarily/vedio/75791169.cms>. Accessed on 9 November 2020; “Delhi: For violating rules, police make four men carry ‘fake Covid body,’” *The Indian Express*, 18 May 2020: <https://indianexpress.com/article/cities/delhi/for-violating-rules-police-make-four-men-carry-fake-covid-body-6415063/>. Accessed on 6 November 2020.

147 Vivek Deshpande, “COVID-19: Nagpur cop makes lockdown violators bake under the sun,” *The Indian Express*, 31 March 2020: <https://indianexpress.com/article/india/nagpur-cop-makes-lockdown-violators-bake-under-the-sun-6340842/>. Accessed on 6 November 2020.

148 Newsflare, “Indian police pour turmeric water on lockdown violators in southern India,” *yahoo.com*, 27 March, 2020: <https://www.yahoo.com/news/indian-police-pour-turmeric-water-090000808.html>. Accessed on 6 November 2020.

149 Special Correspondent, “Paint, turmeric to keep people off the road,” *The Hindu*, 29 March, 2020: <https://www.thehindu.com/news/cities/chennai/paint-turmeric-to-keep-people-off-the-road/article31201209.ece>. Accessed on 6 November 2020.

150 PTI, “Watch: Video of youth dancing at UP police outpost goes viral, official removed,” *The Indian Express*, 4 May, 2020: <https://indianexpress.com/article/india/up-police-etawah-man-dances-to-sapna-chaudhary-song-lockdown-punishment-video-6392824/>. Accessed on 6 November 2020.

by the police. The one getting beaten is seen crying in pain.<sup>151</sup>

*Making migrants to roll on the ground:* In Hapur, Uttar Pradesh, a Constable and a Home Guard punished two labourers for not wearing masks, by beating them and making them roll across a road, at Railway Police Lines.<sup>152</sup> The laborers were going back to their homes.

*Forcing a son to carry his ailing father in his arms:* In Punalur, Kerala, police forced a man to carry his ailing 65 year old father in his arms for a kilometer, when the auto rickshaw in which he was bringing his father back from the hospital was stopped, citing lockdown measures, on 15 April, 2020. The police were not convinced even after he showed them his father's medical and hospital documents.<sup>153</sup>

*Donkey ride; public announcement of lockdown "violators":* The Meerut police in Uttar Pradesh forced two youths to do sit ups, hold their ears, and ride a stray donkey.<sup>154</sup> In Muzffarnagar, Uttar Pradesh, the police announced peoples' names as alleged lockdown violators over loudspeakers. On 5 April 2020, the police announced through a public address system the name of a man found roaming in the street. The police had also announced that a case was registered against the concerned person for creating a nuisance and that the FIR was pasted on the wall of the man's house.<sup>155</sup>

*Forcing people to sweep roads with a broom and clean a lake:* In Kalaburagi, Karnataka, the police lined up people for allegedly defying the lockdown, gave them brooms, and forced them to sweep the road, on 26 March, 2020. In the news clip, people are seen walking with a broom and sweeping the road under the careful watch of policemen.<sup>156</sup> Elsewhere, KR Pet Police in Mandya, Karnataka, made people clean the area around Devirammani Lake for violating the lockdown. The media report mentions that "several tractor loads of parthenium, weeds, polythene bags and other waste materials" were removed.<sup>157</sup>

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151 Staff Reporter, "Indore cops take a break, ask lockdown violators to punish each other with police baton," *Free Press Journal*, 22 April, 2020: <https://www.freepressjournal.in/indore/indore-cops-take-a-break-ask-lockdown-violators-to-punish-each-other-with-police-baton>. Accessed on 6 November 2020; Nisheeth Sharan Twitter Handle (@nisheethsharan): <https://twitter.com/nisheethsharan/status/1252916550790594562>. Accessed on 6 November 2020.

152 ANI, "Uttar Pradesh cop suspended for beating labourers, making them roll on road," *The New Indian Express*, 19 May 2020: <https://www.newindianexpress.com/nation/2020/may/19/uttar-pradesh-cop-suspended-for-beating-labourers-making-them-roll-on-road-2145341.html>. Accessed on 6 November 2020.

153 HT Correspondent, "Kerala man forced to walk with ailing father in arms after police stop auto," *The Hindustan Times*, 16 April 2020: <https://www.hindustantimes.com/india-news/coronavirus-kerala-man-forced-to-walk-with-ailing-father-in-arms-after-police-stops-their-auto/story-S0bEECqz5EiwMJkrXrSAWJ.html>. Accessed on 6 November 2020.

154 Sanjay Pandey, "UP continues to shame lockdown violators, made to ride donkeys," *The Deccan Herald*, 1 April 2020: <https://www.deccanherald.com/national/up-continues-to-shame-lockdown-violators-made-to-ride-donkeys-820102.html>. Accessed on 6 November 2020; "लॉकडाउनका उल्लंघन करने पर मेरठ पुलिस ने युवकों से लगवाई दंड-बैठक, कराई गधे की सवारी, वीडियो वायरल," *Amar Ujala*, 31 March 2020: <https://www.amarujala.com/photo-gallery/uttar-pradesh/meerut/meerut-police-forced-boys-to-ride-a-donkey-punished-to-squats-for-violation-of-lockdown>. Accessed on 6 November 2020.

155 "UP Police resort to public shaming of lockdown violators," *The Times of India*, 7 April 2020: <https://timesofindia.indiatimes.com/city/meerut/up-police-resort-to-public-shaming-of-lockdown-violators/articleshow/75017573.cms>. Accessed on 6 November 2020.

156 "Violators made to sweep roads in Karnataka's Kalaburagi," *Times Now TV*, 25 March 2020: <https://timesofindia.indiatimes.com/videos/city/bengaluru/covid-19-lockdown-violators-made-to-sweep-roads-in-karnatakas-kalaburagi/vidoeshow/74834110.cms>. Accessed on 4 December 2020.

157 "Youth made to clean lake area for violating lockdown restrictions," *The Hindu*, 11 April 2020: <https://www.thehindu.com/news/national/karnataka/youth-made-to-clean-lake-area-for-violating-lockdown-restrictions/article31316197.ece>. Accessed on 4 December 2020.

## Police Accountability

The nature of harm caused to the people subjected to these extralegal punishments would include both physical and mental suffering, as well as possible violations of the fundamental right to privacy. The blatant abuse of power by the police should have prompted accountability and corrective actions on a systemic scale.

Out of the 40 news reports analysed, action against the concerned police personnel was reported in only six cases. Out of these six, in two cases, the officers were taken off duty. In two cases, the concerned officers were sent to police lines. In one case, the police officer was suspended pending enquiry, while in another case the officer was warned.

The nature of action taken against the officers and names of police officers involved in the incidents is provided below:

- i. In the first case, Amita Agnihotri, a woman Sub Inspector of Gaurihar police station in Chattarpur district of Madhya Pradesh who shamed a labourer by writing on his forehead was taken off active duty and sent to police lines. A probe was also initiated.<sup>158</sup>
- ii. In the second case, the Constable who made youths crawl in Budaun, Uttar Pradesh was taken off duty. The Senior Superintendent of Police had also apologised and said that the Superintendent of Police would probe the matter and take action.<sup>159</sup>
- iii. Vishwanath Mishra, the Nayashar outpost in-charge, in Etawah, Uttar Pradesh who made a man dance to a popular number within the outpost itself was sent to police lines.<sup>160</sup>
- iv. Some action was also taken against Uttar Pradesh Police Constable Ashok Meena and Home Guard Sharafat Ali who made two migrants roll on the road in Hapur, Uttar Pradesh. Ashok Meena was sent to police lines, while a report against Sharafat Ali was sent to commandant Home Guard.<sup>161</sup>

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158 "Madhya Pradesh woman cop shames coronavirus lockdown violator, taken off field duty," *The New Indian Express*, 29 March 2020: <https://www.newindianexpress.com/nation/2020/mar/29/madhya-pradesh-woman-cop-shames-coronavirus-lockdown-violator-taken-off-field-duty-2123108.html>. Accessed on 6 November 2020.

159 "Amid lockdown, police beat the 'corona' out of violators," *thefederal.com*, 26 March, 2020: <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>. Accessed on 6 November 2020; "Cops make youth walking for hours to reach home crawl on road for violating lockdown, probe ordered," *The Times of India*, 27 March, 2020: <https://timesofindia.indiatimes.com/city/bareilly/cop-makes-youths-walking-for-hours-to-reach-home-crawl-on-road-for-violating-lockdown-probe-ordered/articleshow/74836095.cms>. Accessed on 6 November 2020.

160 "Watch: Video of youth dancing at UP police outpost goes viral, official removed," *The Indian Express*, 4 May 2020: <https://indianexpress.com/article/india/up-police-etawah-man-dances-to-sapna-chaudhary-song-lockdown-punishment-video-6392824/>. Accessed on 6 November 2020.

161 "Uttar Pradesh cop suspended for beating labourers, making them roll on road," *The New Indian Express*, 19 May, 2020: <https://www.newindianexpress.com/nation/2020/may/19/uttar-pradesh-cop-suspended-for-beating-labourers-making-them-roll-on-road-2145341.html>. Accessed on 6 November 2020.

- v. A Tripura State Rifles (TSR) jawan was suspended pending an enquiry for making a person squat and hold their ears.<sup>162</sup>
- vi. Station House Officer of Mandavali Police station of Delhi Police whose personnel got young men to carry a dummy body of a corona patient were given a warning.<sup>163</sup>

On receipt of a writ petition calling attention to the imposition of these types of punishments by police in Maharashtra as violations of Article 21 of the Constitution of India, the Nagpur bench of the Bombay High Court directed that “no extra legal measures or punishments shall be taken recourse to while enforcing the lockdown”, in May 2020. The Court went to appeal to the police leadership to ensure “there shall be no further violation of human rights while enforcing the lockdown”, and held that if any incident does occur, “this Court expects the Police Commissioner to hold the senior officer within whose jurisdiction the incident has occurred, accountable”.<sup>164</sup>

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162 “Tripura security personnel allegedly forces man do squats for breaking lockdown, suspended,” *The Hindustan Times*, 16 April 2020: <https://www.hindustantimes.com/india-news/tripura-security-personnel-allegedly-forces-man-do-squats-for-breaking-lockdown-suspended/story-C3FsVJhIkLSzKxm3qRF3BK.html>. Accessed on 6 November 2020.

163 “Delhi: For violating rules, police make four men carry ‘fake Covid body,’” *The Indian Express*, 18 May 2020: <https://indianexpress.com/article/cities/delhi/for-violating-rules-police-make-four-men-carry-fake-covid-body-6415063/>. Accessed on 6 November 2020.

164 *Sandip Madhu Nair v State of Maharashtra, Home Department and Others*(LD-VC-PIL-35 OF 2020)

## **Chapter - 4**

# **Deaths Caused by Police fiction/in Custody**

During the lockdown, CHRI documented at least 20 deaths that took place following police action. Of these, 17 individuals were allegedly subjected to beating/caning by the police on the streets; and three died in police custody. The 20 victim families allege the deaths of their family members were a direct result of excessive force by the police.

State	Number of Deaths	Name of the Deceased
Andhra Pradesh	4	Kalapala Krupankar
		Veerabhadraiah
		Peddada Srinivas Rao
		Shaikh Mohammed Ghouse
Maharashtra	3	Sagir Jamil Khan
		Naresh Shinde
		Raju Velu Devendra
Uttar Pradesh	3	Roshan Lal
		Luvkush
		Mohammad Rizwan
Karnataka	2	Munipillappa
		Lakshman Nayak
Madhya Pradesh	2	Banshi Kushwaha
		Tibu Meda
Tamil Nadu	1	A. Abdul Rahim
West Bengal	1	Lal Swami
Bihar	1	Shravan Das
Delhi	1	Rajneesh
Gujarat	1	Satya Swain
Punjab	1	Bhupinder Singh

The victims are 20 men. Eight lost their lives in March, ten in April, and two in May. While full demographic details are not available for all, the available information indicates that the majority come from weaker socio-economic sections - seven were daily wage workers, two farmers, two drivers, and one vegetable vendor. These families lost an income-earning member. Four were Muslims, at least two were Dalits, and one Tribal. The available information of their ages reveals that six were aged between 18-22 years and four were above 50, and in fact one was 13-year-old.

Sr. No.	Name of the victim	District & State	Alleged cause of death	Police reporting of death
1	Kalapala Krupankar	Krishna District, Andhra Pradesh	Death in police custody	Heart Attack
2	Tibu Meda	Dhar, Madhya Pradesh	Succumbed to injuries	Heart Attack
3	Lal Swami	Howrah, West Bengal	Succumbed to injuries	Heart Attack

4	Sagir Jamil Khan	Mumbai, Maharashtra	Succumbed to injuries	Heart enlargement
5	Shaikh Mohammed Ghouse	Guntur, Andhra Pradesh	Succumbed to injuries	Heat disease - no lathi marks
6	Veerabhadraiah	Kurnool, Andhra Pradesh	Succumbed to injuries	Inebriated and then fell on a stone
7	Mohammad Rizwan	Ambedkar Nagar, Uttar Pradesh	Succumbed to injuries	Infection in lung and heart and fell from the motorcycle
8	Munipillappa	Bengaluru, Karnataka	Death in police custody	Jumped in a dry well
9	Raju Velu Devendra	Mumbai, Maharashtra	Death in police custody	Lynched by mob
10	A. Abdul Rahim	Madurai, Tamil Nadu	Succumbed to injuries	Natural death
11	Roshan Lal	Lakhimpur Kheri, Uttar Pradesh	Committed Suicide	Refused allegations
12	Bhupinder Singh	Patiala, Punjab	Committed Suicide	Refused allegations
13	Peddada Srinivas Rao	Guntur District, Andhra Pradesh	Committed Suicide	Investigation continuing
14	Luvkush	Aligarh, Uttar Pradesh	Succumbed to injuries	To revisit
15	Banshi Kushwaha	Jabalpur, Madhya Pradesh	Succumbed to injuries	Accepted and suspended those police officers
16	Lakshman Nayak	Sivamoga, Karnataka	Succumbed to injuries	Natural Death

## Deaths subsequent to alleged excessive force in public

### a) *Victims succumbed to injuries (14)*

In fourteen cases, the victim's families recount that their family members had stepped out of home to get essential services like food and medicine; or had gone out for some work. The victims were stopped and beaten by the police on the streets, and told to return home.

Lal Swami, a 32-year-old, went out to buy milk on 25 March 2020 when the police allegedly beat him up. According to his wife, the police resorted to lathi charge at 7 pm on 25 March to disperse the crowds roaming on the road. Swami was hit with a police baton. He was then taken to a nearby hospital where he was declared dead. The police denied the claim and said that Lal Swami died after suffering a cardiac arrest as he was already suffering from heart ailments.<sup>165</sup>

Veerabhadraiah, a 21-year-old labourer from Kurnool in Andhra Pradesh, died on 26 March. Veerabhadraiah and others were gathered at the village square at night to discuss the day's events, when the police came and asked them to stay indoors. On seeing the police, the villagers started running away and were chased by police wielding lathis. The villagers claim that the police beat up Veerabhadraiah and he fell while trying to flee. According to the police, Veerabhadraiah

<sup>165</sup> "Bengal man's family says he died of police beating, police say he had heart ailment", *India Today*, 26 March 2020: <https://www.indiatoday.in/amp/india/story/bengal-man-who-was-out-to-buy-milk-dies-after-being-beaten-up-by-police-1659842-2020-03-26?>. Accessed on 27 March 2020.

may have been inebriated. His death may have been caused due to his falling on a stone on the uneven road.<sup>166</sup>

Naresh Shinde, a 50-year-old ambulance driver, died on 27 March 2020. He died soon after he was allegedly beaten up with a lathi by a policeman on duty at Urse toll post in Pimpri-Pune, Maharashtra. His son Nilesh Shinde, who was accompanying him, said that they were taking patients and his relatives from Mumbai to Ahmednagar. They assured the police they were not ferrying passengers, but the police did not listen. They hit Naresh, and even asked for Rs. 5000 as bribe. They were allowed to leave after paying Rs 3000. After driving a distance of 15 kms from Urse, Naresh became unconscious. Several hospitals refused to admit him. The hospital that did admit him declared him dead on arrival.<sup>167</sup>

Lakshman Nayak, a 57-year-old farmer from Sivamoga, Karantaka died on 28 March 2020, right next to his son, Ramchandra. According to his family, Lakshman and his son were out to water their plants and when the police saw them they assaulted them. According to media reports, after the assault, he collapsed in the auto on their return home and subsequently died.<sup>168</sup>

Shravan Das, a 28-year-old labourer from Sherghati, Bihar was allegedly beaten up by the police for standing outside his house during the lockdown on 31 March 2020. According to his wife, the beating led to broken hands and legs. His health kept deteriorating after the beating. He died four weeks later.<sup>169</sup>

TibuMeda, a 65-year-old Adivasi man from Khargone district in Madhya Pradesh, had gone to Gujari village as the shop in his village had run out of supplies on 4 April 2020. According to his son-in-law, who was accompanying him, the police came and starting beating them with batons without any provocation. They ran in different directions. The local legislator, Panchilal Meda, told the media "*The dead body of the deceased bore signs of canes which suggest that he was beaten up by police and it caused his death. Strict action should be taken against guilty police personnel,*" However, the district administration's version is that Meda died because of a heart attack.<sup>170</sup>

Abdul Rahim, a 75-year-old meat shop owner from Madurai, Tamil Nadu died on 6 April 2020. According to news articles, police patrolling found that people were queuing at the ration shop, next to Abdul's shop, without maintaining distance. Abdul Rahim was sitting outside his shop, which the police objected to, and it led to an altercation. According to the family, the police assaulted Abdul Rahim, who fell unconscious and later died on the way to the hospital in a car.

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166 COVID-19 lockdown: Andhra youth dies after 'falling on stone' while trying to flee from police, *The New Indian Express*, 27 March 2020: <https://www.newindianexpress.com/states/andhra-pradesh/2020/mar/27/covid-19-lockdown-andhra-youth-dies-after-falling-on-stone-while-trying-to-flee-from-police-2122147.html>. Accessed on 2 April 2020.

167 Nadeem Inamdar, "Covid-19: Probe ordered into ambulance driver's death after assault by policeman", *Hindustan Times*, 28 March 2020, <https://www.hindustantimes.com/cities/covid-19-probe-ordered-into-ambulance-driver-s-death-after-assault-by-policeman/story-45pj0d8MHMh4uudCnribWP.html>. Accessed on 12 June 2020.

168 "Family alleges lathi charge caused death of man , SP initiates probe", *News Karnataka*, 29 March 2020: <https://www.hindustantimes.com/cities/covid-19-probe-ordered-into-ambulance-driver-s-death-after-assault-by-policeman/story-45pj0d8MHMh4uudCnribWP.html>. Accessed on 12 June 2020.

169 "पुलिसकीपिट्टाईसेघायलमजदूरकीशेरघाटीमेंमौत", *Hindustan*, 27 April 2020: <https://www.livehindustan.com/bihar/gaya/story-police-worker-beaten-to-death-in-sherghati-3178952.html>. Accessed on 12 June 2020.

170 Sidharth Yadav, "Adivasi man dies after police thrash villagers outside shop in Madhya Pradesh", *The Hindu*, 04 April 2020: <https://www.thehindu.com/news/national/coronavirus-lockdown-ativasi-man-dies-after-police-thrash-villagers-outside-shop-in-madhya-pradesh/article31258493.ece>. Accessed on 13 May 2020.

While the locals and relatives had staged a *dharna* against the police, they later gave in writing that the death was due to natural causes, and sought no action on this issue.<sup>171</sup>

Mohammad Rizwan, a 22-year-old boy was allegedly beaten by the police while he was trying to buy food. He died in a hospital three days later, on 18 April 2020. Villagers at Chhajapur in Ambedkar Nagar alleged the police had selectively targeted Rizwan refusing to let him buy biscuits, citing the lockdown restrictions. “Eyewitnesses said the cops beat Rizwan with batons and rifle butts. Some of them later brought him home,” said Munna, Rizwan’s uncle. SP Amededkar Nagar, Mr. Priyadarshi, said that Rizwan had sustained injuries from a fall from a motorcycle, which caused his death. Mr. Mohammad Israil (Mohd Rizwan’s father) dismissed the police claim that Rizwan was injured in an accident. “Neither do we have a ‘gadi’ [motorcycle], nor did he know how to ride it. Mr Israil said that Rizwan had given a written statement that he was beaten up by the police.<sup>172</sup>

Sagir Jamil Khan, a labourer was driving a handcart to deliver a refrigerator in Null Bazar locality in Mumbai, on 18 April 2020. His roommate claimed that after returning home, Khan told him that the police caught hold of him at Phoolwali Galli in Dongri and assaulted him on the head, hand and back. Later, while having dinner, Khan suddenly collapsed. He was then rushed to a hospital where doctors declared him dead. Sangram Singh Nishandar, Deputy Commissioner of Police, Zone 1, told the press that Khan’s medical report showed the cause of death as ‘heart enlargement’, and there was no external or internal injury on the body.<sup>173</sup>

Mohammed Ghouse, from Guntur, Andhra Pradesh was returning home after purchasing medicines on 20 April 2020, when the police allegedly stopped him. According to Ghouse’s family, the police beat Ghouse for alleged lockdown violations. Ghouse, a heart patient, collapsed on the spot, and was shifted to a private hospital where he was declared dead. While his father, Md Adeem told reporters that the police beat his son, Andhra Pradesh Police tweeted “The written complaint by the deceased’s father mentioned no allegations against police. A case has been registered and is being investigated.”<sup>174</sup>

Banshi Kushwaha, 50-year-old Madhya Pradesh farmer, who was beaten by the Jabalpur Police for allegedly violating the lockdown, died on 20 April 2020. In a video made before his death, he said that on April 16 when he was returning home after working at his field, the police stopped him and asked about a gambling den operating in the area. Banshi can be heard in the video saying he had gone out looking for his cow. “*When I denied having knowledge about the gambling den, they (cops) started beating me heavily. They beat me with lathis after which I fell unconscious and had to be carried home by neighbours,*” he said. In a statement, the then Jabalpur Superintendent of Police Amit Singh said the policemen assaulted the farmer, after they

171 “Residents protest death of man near Madurai”, *The Hindu*, 6 April 2020: <https://www.thehindu.com/news/cities/Madurai/residents-protest-death-of-man-near-madurai/article31268713.ece>. Accessed on 13 April 2020.

172 Piyush Srivastava, “‘Beaten’ for stepping out for biscuits, UP teen dies”, *The Telegraph*, 18 April 2020: <https://www.telegraphindia.com/india/coronavirus-lockdown-beaten-for-stepping-out-for-biscuits-uttar-pradesh-teen-dies/cid/1766154>. Accessed on 11 May 2020.

173 “Mumbai labourer dies after alleged thrashing by Police for violating lockdown rules, cops deny claim”, *The New Indian Express*, 19 April 2020: <https://www.newindianexpress.com/cities/mumbai/2020/apr/19/mumbai-labourer-dies-after-alleged-thrashing-by-police-for-violating-lockdown-rules-cops-deny-claim-2132373.html>. Accessed on 15 May 2020.

174 “Andhra man dies after alleged police assault, cop suspended”, *Deccan Chronicle*, 22 April 2020: <https://www.deccanchronicle.com/nation/in-other-news/210420/andhra-man-dies-after-alleged-police-assault-cop-suspended.html>. Accessed on 9 May 2020.

had gone to Tilhari following information of gambling taking place there. He condemned the use of force, saying Kushwaha was unnecessarily beaten despite “my repeated instructions in the past that nobody be subjected to beating and only legal action should be taken”. He added their act “sullied the image of the police department. Hence, they are hereby suspended forthwith”. A doctor at Jabalpur’s City Hospital, where the farmer was admitted, who did not want to be named, said there were injury marks on his body. “There appeared to be internal injuries too.”<sup>175</sup>

Luvkush, a vegetable vendor died two days after he was allegedly assaulted by a police Sub-Inspector (SI) in Aligarh, Uttar Pradesh, on 22 April 2020. Family members of Luvkush alleged that around 9 am on Monday, a policeman posted in Jalalpur Police Chowki under Delhi Gate Police station assaulted Luv with a stick because he was late in clearing his stall. Luv later experienced pain in his back and chest. He was treated in a government hospital, found that his spinal cord was hit, and was brought home the following day. On Wednesday morning his condition worsened and he died. The family members, along with nearly 50 local residents, blocked the lane outside the police booth for a few hours to protest the police violence.<sup>176</sup>

Rajneesh, a 13-year-old boy, died in Delhi’s Rohini on 6 May 2020, after being allegedly beaten by police. According to Rajneesh’s mother, he had gone out to get a photocopy of his father’s Aadhar, along with other boys in the neighbourhood. A youngster, who claims to be the eyewitness, said that Rajneesh collapsed after the police hit him with a stick. Police on the other hand claim that the boys started running after seeing them, and Rajneesh fell and fainted.<sup>177</sup>

Satya Swain, a 36-year-old migrant labourer from Odisha, died on 14 May 2020. He was living and working in Surat, Gujarat, for the last two years. On the 14<sup>th</sup>, he had gone to a police station along with a few other migrant workers to register their names for their return back to Odisha. According to media reports, the police reprimanded the workers as they had crowded the area outside the police station. The group dispersed and rushed into their respective quarters in the Anjani Industrial Estate nearby. According to Swain’s roommate, the police followed them and “around 5-10 policeman chased them, broke the locked gate, barged into the house and indiscriminately thrashed us brutally and took us to Amroli police station.” Satya Swain succumbed to his injuries while being taken to the hospital.<sup>178</sup>

It is telling that in ten of the 14 cases, the victim died the same day they came in contact with the police. Two others died after three days, one after four days, and one after four weeks. In at least seven cases, the victim was pronounced dead on arrival. In one case, he died the day he was released from the hospital. In the last of these six, it is not clear whether he died in hospital or at home. The police deny the families’ allegations in all cases.

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175 Monika Pandey, “Farmer beaten by police for violating curbs dies in MP”, *Hindustan Times*, 21 April 2020: <https://www.hindustantimes.com/india-news/farmer-beaten-by-police-for-violating-curbs-dies-in-mp/story-OmKglWTjEJznd6FRtDGrLK.html>. Accessed on 11 May 2020.

176 “Locals corner policemen over death of vegetable vendor in Aligarh”, *Business Standard*, 23 April 2020: [https://www.business-standard.com/article/pti-stories/locals-corner-policemen-over-death-of-vegetable-vendor-in-aligarh-120042300673\\_1.html](https://www.business-standard.com/article/pti-stories/locals-corner-policemen-over-death-of-vegetable-vendor-in-aligarh-120042300673_1.html). Accessed on 7 May 2020.

177 Shiv Sunny, “13-year-old boy dies in Delhi’s Rohini, locals say he was beaten by cop”, *Hindustan Times*, 8 May 2020: <https://www.hindustantimes.com/delhi-news/delhi-cops-blamed-for-13-year-old-boy-s-death-in-rohini-police-refute-claim/story-qTpMgHzlaMzjSlr7GyjbCO.html>. Accessed on 15 June 2020.

178 Mohammad Suffian, “Odisha’s migrant worker brutally beaten to death by Surat police”, *India Today*, 16 May 2020 <https://www.indiatoday.in/india/story/odisha-migrant-worker-beaten-to-death-surat-police-gujarat-coronavirus-lockdown-1678682-2020-05-16>. Accessed on 30 May 2020

### b) Victims committed suicide (3)

Roshan Lal from Uttar Pradesh, Peddada Srinivas Rao from Andhra Pradesh and Bhupinder Singh from Punjab committed suicide, subsequent to being subjected to beating and excessive force by the police. Roshan Lal and Peddada Srinivas Rao hung themselves from a tree on 31 March and 2 April 2020 respectively. Roshan in three audio clips, and Peddada in a selfie video, narrated the police brutality meted out to them, before committing suicide.<sup>179</sup> While Roshan referred to his bloodied pants, Peddada categorically stated that the police is responsible for his death.<sup>180</sup> Bhupinder Singh after being allegedly assaulted and humiliated committed suicide later in the evening.<sup>181</sup>

The suspicious circumstances and the families' serious allegations require immediate intervention, comprehensive inquiry, and external monitoring of all steps taken by the police. As per law, all 17 cases require inquiry under S.174 CrPC. Media reports indicate the police are conducting the S 174 inquiry in at-least two cases. While the reports also refer to other inquiries being conducted, it is not clear whether they refer to magisterial enquiries, judicial inquiries, departmental proceedings, or any other.

### Deaths in Police Custody (1)

At least three persons- Raju Velu Devendra, Kalapala Krupankar, and Munipillappa alias Muni Kulla - died in police custody during the lockdown. Of these three deaths, in only Raju's case the alleged force was used while the police were 'enforcing' the lockdown.

Raju Velu Devendra's family alleges that the police beat him to death. The family alleges that Raju and his cousins were going out to get milk early morning on 30 March 2020 when police started chasing them. The police caught Raju Velu and told his family he was being taken to Juhu police station. However, a short while later, the police informed the family that the victim was lying at Nehru Nagar chowk. He was rushed to a hospital where doctors declared him dead on arrival. His brother claimed he had injury marks when he took him to the hospital upon being informed by the police. He also claimed he saw many policemen beating Raju. Raju's mother said police even took away CCTV cameras in the area, to hide their crime. Police have denied this, and claim Raju was lynched by unidentified persons when he was out to commit a robbery.<sup>182</sup> Raju's case is a part of a Public Interest Litigation (PIL) in The Bombay High Court.<sup>183</sup> The Court directed the formation of a Special Investigation Team (SIT) to investigate the case which led to the arrest of four police personnel in September 2020. The policemen were recently released on

179 Sunil Kashyap, "Assaulted by a police constable, Dalit youth in quarantine killed himself: Family", *The Caravan*, 5 April 2020: <https://caravanmagazine.in/caste/assaulted-by-a-police-constable-youth-from-the-dalit-community-commits-suicide-family>. Accessed on 24 April 2020.

180 Ujjwal Bommakanti, "Andhra Pradesh youth ends life, blames it on police brutality", *The Times of India*, 3 April 2020: [http://timesofindia.indiatimes.com/articleshow/74959520.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/74959520.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst). Accessed on 24 April 2020.

181 Bharat Khanna, "Man commits suicide, family allege police torture while moving out to buy milk", *The Times of India*, 17 April 2020: [https://m.timesofindia.com/city/ludhiana/patiala-man-commits-suicide-family-allege-police-torture/amp\\_articleshow/75198187.cms](https://m.timesofindia.com/city/ludhiana/patiala-man-commits-suicide-family-allege-police-torture/amp_articleshow/75198187.cms). Accessed on 4 May 2020.

182 "Mumbai lockdown: Kin blame cops of beating 22-year-old to death, police deny", *The New Indian Express*, 30 March 2020: <https://www.newindianexpress.com/nation/2020/mar/30/mumbai-lockdown-kin-blame-cops-of-beating-22-year-old-to-death-police-deny-2123528.html>. Accessed on 05 May 2020.

183 Kanchan Chaudhari, "HC questions delay in investigation into death of a 22-year-old because of alleged police brutality", *Hindustan Times*, 18 July 2020: <https://www.hindustantimes.com/mumbai-news/hc-questions-delay-in-investigation-into-death-of-a-22-year-old-because-of-alleged-police-brutality/story-P4QLsjErzoRDLh55RulxpK.html>. Accessed on 19 July 2020.

bail in November 2020.<sup>184</sup>

### Complaints to the National Human Rights Commission

CHRI has [petitioned the National Human Rights Commission](#) to investigate all twenty cases. This was done through two petitions - the first dated 16 May 2020<sup>185</sup> and the second dated 19 June 2020. However, as other individuals filed complaints in four of these 20 cases, CHRI is a complainant in 16 deaths.

Of these 16 cases, the NHRC forwarded one case (death of Lakshman Nayaka from Sivamoga) to the Karnataka State Human Rights Commission. The remaining 15 cases are still with the NHRC.

Victim	NHRC Diary Number	NHRC Case Reference Number
Bhupinder Singh	48025/CR/2020	293/19/15/2020
Peddada Srinivas Rao	48024/CR/2020	1084/1/6/2020
Luvkush	48011/CR/2020	8592/24/3/2020
Banshi Kushwaha	48009/CR/2020	1053/12/22/2020
Mohammad Rizwan	48012/CR/2020	8616/24/2/2020
Shaikh Mohammed Ghouse	48013/CR/2020	1075/1/6/2020
Sagir Jamil Khan	48014/CR/2020	559/13/16/2020
TibuMeda	48017/CR/2020	1058/12/15/2020
A. Abdul Rahim	48018/CR/2020	4714/22/15/2020
Lal Swami	48020/CR/2020	695/25/9/2020
Veerabhadraiah	48021/CR/2020	1083/1/11/2020
Roshan Lal	48023/CR/2020	8654/24/46/2020
Kalapala Krupakar	48004/CR/2020	1071/1/10/2020-PCD
Munipillappa alias Muni Kulla	48005/CR/2020	236/10/1/2020-AD
Raju Velu Devendra	48008/CR/2020	556/13/16/2020-AD

<sup>184</sup> Juhu 'custodial death': Four accused cops granted bail, court says no evidence to show intention to cause death, The Indian Express, 06 November 2020: <https://indianexpress.com/article/cities/mumbai/juhu-custodial-death-four-accused-cops-granted-bail-court-says-no-evidence-to-show-intention-to-cause-death/> Accessed on 10 November 2020.

<sup>185</sup> CHRI petitions NHRC to investigate 15 deaths following alleged police excesses during covid-19 lockdown <https://www.humanrightsinitiative.org/publication/chri-petitions-nhrc-to-investigate-15-deaths-following-alleged-police-excesses-during-covid19-lockdown>

The NHRC issued notice to the District Magistrate (DM) & Superintendent of Police (SP) in 15 cases in the first week of June, to submit an action taken report (ATR) by 11 July 2020 in the beating cases, and by 26 July in the custodial death cases.

As the NHRC portal did not reflect any update by end of July, CHRI sent reminder letters to the NHRC, including a plea for interim compensation. As we did not receive responses even on the reminder letters, CHRI filed Right to Information applications in 11 cases (where there was no update on the NHRC complaint portal), and letters in 4 cases where at least the NHRC portal reflected that SP or DM had submitted the action taken report to the NHRC, but we as the petitioner had not been sent them.

The NHRC is moving exceedingly slowly in these cases, and has even extended the date for the action taken report in some.

**Chapter - 5**  
**Conclusion &**  
**Recommendations**

The nature and scale of incidents highlighted in this report expose serious deficiencies in policing. The lockdown seemed to give the police a license to use force indiscriminately and excessively without a strong response from any institution seeking accountability and reform on a systemic scale. The easy, and seemingly automatic resort, to beating unarmed people with lathis reveals that police in India are not familiar with (much less internalised) the globally accepted operational principles that guide police use of force. Police also failed to respond through non-violent means - such as effective communication - indicating an instinctual reflex towards physical, forceful action. This will inevitably lead to the commission of human rights violations. The fact that this scale of repressive force was inflicted during a public health emergency indicates an acute lack of compassion.

India is not the only place where policing during the Covid-19 pandemic increasingly turned to excessive force. Stakeholders of the UN system published numerous statements expressing serious concern. In April 2020, a group of UN human rights experts “expressed grave concern at the multiplication of accounts of police killings and other acts of violence within the context of COVID-19 emergency measures”. The experts reminded governments and law enforcement agencies of core principles, and reiterated that breaking a curfew or restriction on movement cannot justify excess force:

*“Even during states of emergency, the use of force remains guided by the principles of legality, necessity, proportionality and precaution. They demand that the use of force and of firearms must be avoided, and that all possible non-violent means must be exhausted before resorting to violent ones.*

*Law enforcement agencies, the experts recalled, should only use force when strictly necessary.*

*Breaking a curfew, or any restriction on freedom of movement, cannot justify resorting to excessive use of force by the police; under no circumstances should it lead to the use of lethal force”.*<sup>186</sup>

In June 2020, on the International Day in Support of Victims of Torture, UN anti-torture mechanisms “unanimously warned that the COVID-19 pandemic is leading to an escalation of torture and ill-treatment worldwide”. They said that “in many regions of the world, excessive force has reportedly been used to enforce curfews and social distancing rules. The experts warned that such action might well amount to torture or to inhuman or degrading treatment”.<sup>187</sup>

These are said only as a comment on the nature of policing in these times, not to deflect or absolve from the serious harm and implications in the Indian context.

The resort to excessive force also points to crucial structural gaps. Police leadership failed to quickly adapt and articulate a systemic plan, or operational protocol, for the police to respond

<sup>186</sup> Statement by UN Special Rapporteurs, “Covid-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs”, 17 April 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E>

<sup>187</sup> Statement by UN anti-torture mechanisms, “Covid-19 exacerbates the risk of ill-treatment and torture worldwide – UN experts”, 26 June 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25995&LangID=E>

to the lockdown; and then use all means possible to ensure this was widely communicated to all officers down to the Constable on the street. Considering that the police in India already suffered from nearly a 20% shortfall at the national level<sup>188</sup> before the outbreak of the pandemic, the framing of clear operational plans to mitigate against the virus while preparing for the needed police response were most necessary.

Gaps in supervision meant police response and performance was not reviewed on a regular basis at every level with swift recourse to corrective measures wherever necessary. All of the reported incidents assessed in this report should have been addressed with a commitment to accountability.

### A muted judicial response to police excesses

Alarmed by the unfurling of police excesses during the lockdown in different parts of the country, lawyers and civil society organisations filed petitions seeking interventions by state High Courts. The Courts' responses were varied, and mostly muted. The judicial response centred on reminding the police of their duty, calling for restraint and casting the onus on police leadership, rather than active monitoring or accountability of its own.

Taking *suo-motu* cognisance<sup>189</sup> of media reports of police beatings “*that would point to excesses committed by the police personnel in the course of discharge of their duties*”, the Kerala High Court observed that the implementation of the lockdown must be under the “*watchful eyes of the judiciary*”. The Court took it on itself to monitor “*State action during the lockdown*”. It is not clear how far the Court played a monitoring role thereafter.

On a petition on police violence, the Telangana High Court not only sought responses from the state on instances of police beatings, it sought details on the progress of police departmental inquiries against implicated police personnel.<sup>190</sup> In one hearing, the Chief Justice made an oral observation asking the police why they had booked a disproportionately high number of Muslims for allegedly violating the lockdown.

The Kerala and Odisha High Courts also directed the police to exercise restraint in making arrests.

While acknowledging police excesses, several High Courts left it to the police leadership to ensure that further violence is not committed. The Karnataka High Court urged police leadership to issue guidelines and instructions based on guidelines issued by the Commissioner of Police of Bengaluru, calling upon the police to show restraint.<sup>191</sup> In response to petitions filed, the Madras High Court said that it expects that the police “*should adopt a sympathetic, balanced and humane approach towards the people*”, while it declined to pass any specific directions to the police or state administration.<sup>192</sup> As mentioned in an earlier section, the Bombay High Court took cognisance of a petition which highlighted the punishments being meted out by police personnel under the garb of enforcing the lockdown. The Court

188 Bureau of Police Research and Development, *Data on Police Organizations in India as on 1 January 2019*, Table 3.1.4, <https://bprd.nic.in/WriteReadData/userfiles/file/202001301028101694907BPRDDData2019-19forweb-2.pdf>.

189 W.P.(C) No.9400 of 2020 (Kerala High Court)

190 W.P. (PIL) No. 95 of 2020 (Telangana High Court)

191 W. P. No. 6435/2020 c/w W.P. No. 6671/2020 (Karnataka High Court)

192 W. P. No. 7441/2020 and W.P. No. 7246/2020 (Madras High Court)

commented with strong words that, “Human dignity and rights cannot be sacrificed at the altar of extraordinary situations nor can the constitutional right to a dignified life be hostage to supposed intentions”. Yet, the Court did not pass any specific directions, but concluded by saying that if further violations take place, it expects the Police Commissioner to hold senior officers accountable.<sup>193</sup>

The Rajasthan High Court disposed a petition that highlighted incidents of police beatings in the state stating that assessing the “adequacy” of force used by the police does not come in the purview of the writ jurisdiction of the Court. In disposing the petition, the Court said an aggrieved person is always free to resort to legal remedy.<sup>194</sup>

## Recommendations

In the context of this report, and the concerns it highlights, CHRI puts forward the following specific recommendations directed at governments, police leadership, the National Human Rights Commission, and judicial authorities.

### For police leadership:

- Conduct thorough internal reviews of the gaps in police planning during the lockdown period to examine the impact of:
  - The absence of operating procedures and guidelines to guide police action including adequacy of precautions laid down to ensure the safety of the police and public, while carrying out both regular and lockdown duties;
  - The gaps in setting down mechanisms and processes to review police performance at each level;
  - The failures in steps taken by the leadership, at each level, to explain, share and update officers on the ground with relevant developments and government circulars.
- Formulate operational lockdown management plans, on the basis of this review, to frame the police approach in continuing situations of lockdowns, ensuring the plans instruct and equip police officers to understand their role without high-handedness, guarantee police accountability, and enable operational decision-making and action to be reasonable.
- Conduct systemic state-level departmental inquiries into each reported incident of police excessive force, abuse and ill-treatment during the lockdown period and initiate departmental action for misconduct.
- Review the departmental policies and procedures on use of force overall with a view to assess and improve guidance for police personnel on steps to be followed before, during

<sup>193</sup> *Sandip Madhu Nair v State of Maharashtra, Home Department and Others LD-VC-PIL-35 OF 2020*

<sup>194</sup> *Ashish Davessar v. State of Rajasthan W.P. No. 5124/2020*

and after use of force in all possible operational situations, and ensure that the principles and standards laid down are in adherence with legal obligations and best practices. At the minimum, departmental policies must:

- Define force and its different components, including physical, non-physical, lethal and non-lethal instruments;
  - Explain in simple and clear language, different situations in which the police can legitimately use force;
  - Explain in simple and clear language actions which would constitute excessive force;
  - Develop specific protocols on use of force pertaining to specific situations, such as on arrest or in public order situations;
  - Delineate and identify non-violent means that can be operationally implemented and ensure training and operational guidance lays down that these are to always be the first resort;
  - Specify data to be maintained on the use of force, incident-wise, and including strict reporting requirements for all officers involved; and
  - Lay down the accountability measures to be taken whenever excessive force is found.
- Institute a consultative process with the relevant experts to draft a series of Standard Operating Procedures to operationalize use of force, pertaining to specific policing functions, in full compliance with the standards of reasonableness, necessity and proportionality
  - Conduct state-level independent comprehensive reviews of all training courses/modules on use of force in light of the spate of excess force during the lockdown
  - Reformulate police training on use of force by instituting specialized training courses in police induction training, and periodically, in accordance with use of force standards. Ensure alternatives to the use of force and firearms, including the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as technical means to limit the use of force and firearms, are brought into police training syllabus at all levels
  - Institute testing of police officers to check understanding and compliance with use of force standards and permit use of both lethal and non-lethal equipment (such as *lathis*) only on successfully passing this testing

For the Ministry of Home Affairs:

- Issue a detailed national advisory that condemns the excessive use of force in the policing of any situation of lockdown or restricted freedom of movement, based on the experiences of the nationwide lockdown.
- Promote further research on non-violent policing operational practices for insertion into training, on priority.

For the National Human Rights Commission:

- Treat the complaints on deaths in police action with the urgency required and take all measures to expedite responses from state governments/administration/police.
- Call for comprehensive review and overhaul of use of force protocols by all police departments

For state judicial authorities:

- Conduct state-level judicial reviews, by the appropriate judicial authority, of all investigations/inquiries into complaints of excessive use of force by police
- Initiate time-bound prosecutions of all police officials implicated in incidents where prima facie criminal offences are alleged
- Monitor the progress and pace of police departmental inquiries into complaints of excessive force or any other human rights violations







## CHRI PROGRAMMES

CHRI seeks to hold the Commonwealth and its member countries to high standards of human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

### 1. Access to Justice (ATJ) \*

- **Police Reforms:** In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.
- **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

### 2. Access to Information

- **Right to Information:** CHRI's expertise on the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised the efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, enabling CHRI bring valuable insights into countries seeking to evolve new RTI laws.
- **Freedom of Expression and Opinion - South Asia Media Defenders Network (SAMDEN):** CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with RTI movements and activists.

### 3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7 (see below), monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

### 4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.

“With support from”



**FRIEDRICH NAUMANN FOUNDATION FOR FREEDOM**

Regional Office South Asia  
6, USO House, USO Road  
Special Institutional Area,  
New Delhi - 110067  
Phone: +91 (11) 41688149/50  
[www.fnfsouthasia.org](http://www.fnfsouthasia.org)



**CHRI Headquarters, New Delhi**  
55A, Third Floor, Siddharth Chambers-1, Kalu Sarai,  
New Delhi 110 016, India  
Tel: +91 11 4318 0200 | Fax: +91 11 4318 0217  
E-mail: [info@humanrightsinitiative.org](mailto:info@humanrightsinitiative.org)