

FACT FINDING REPORT

Kanpur

Abstract

In the event of passing of the Citizenship Amendment Act, there have been peaceful protests across the country. Uttar Pradesh has been gravely affected by State perpetrated Violence. The initial attack by Police and CRPF (Central Reserve Police Force) Personnel at Aligarh Muslim University it spread across the rest of the state. Resulting in State perpetrated violence in various cities including Gorakhpur, Bulandshahr this fact finding looks at the state perpetrated violence, leading to significant loss of life, missing persons and loss to property. This is to be seen as targeted violence against Muslims living in the country specifically in Uttar Pradesh

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Details of the People who went for Fact Finding

Mohammad Danish is a senior lawyer in Allahabad High Court, and works on a number of issues including Transgender Rights, Housing Rights, Women's Rights among a range of other issues. He was disallowed from entering the hospital to take an account of persons who had faced bullet injuries because of police firing. Mohammad Aman Khan is a Supreme Court Lawyer in Delhi, who has been involved in a range of concerns of recognising the rights of the marginalised including working on issues of survivors of Acid Attack, rights of Transgender Persons, victims of medical negligence. Furthermore he is closely associated with a range of movements in the Civil Society on rights of marginalised persons among a range of others. Fazal Abdali is a Senior Supreme Court Lawyer, who has been working on rights of refugees for __ years, he has worked extensively with civil society groups, been a convener for various international conferences on rights of refugees and stateless persons and has been the vanguard for the movement, both legal and ground level for protecting rights of various refugee and stateless communities including but not limited to Rohingya Muslims, Transgender Persons among others. He has also been at the forefront of leading rights for women, sexual and gender minorities and various minorities and marginalised communities.

Initial Protests on the 13th of December

On the 13th of December 2019, the residents of Kanpur, Uttar Pradesh started peaceful protests against the discriminatory Citizenship Amendment Act, 2019 and the National Register of Citizens. More than _____ people came out into the streets to peacefully record their resistance to accept the discriminatory laws laid down by the state and the blatant refusal to recognise the rights of minority communities in the country. The peaceful protestors had gathered at Yateem Kahan Chawraha.

There were plans to be by the Imam Qzai, Maulana Riaz Ahmed Hashmadi along with 25,000 persons to hold a peaceful protest opposing the Citizenship Amendment Bill and the National Register of Citizens, on the 13th of December 2019. On the 12th of December

2019 the Station Head Officer (SHO) Bakadgan, Amit Kumar Tomar on receiving information about the protest going to be held at Baba Purwa met with the Imam Qazi and other persons from the Civil Society. During the dialogue he stated that since the Prime Minister was visiting Kanpur it will lead to a situation of breakdown of law and order. The residents acquiesced to the demands of the SHO and shifted their protest location from Bakadgaj Chohara to New Jama Masjid. The SHO assured that the memorandum presented would be received by either the City Magistrate or the Additional Magistrate, which would then be further forwarded to the President.

On the 13th of December 2019, the protestors peacefully gathered at New Jama Masjid neither the City Magistrate and nor the ADM reached at location. The memorandum was then submitted to the SHO, after the assurance that the memorandum would be sent to the President of India, after handing over the memorandum to the SHO the protestors left peacefully.

Continued Protests

On the 14th of December 2019, the President of Dalit Panthers gave a call for peaceful protests against the Citizenship Amendment Act, 2019 and National Register of Citizens after procuring the required permissions from the Police. The police granted permission to peacefully demonstrate to oppose Citizenship Amendment Act, 2019 and National Register of Citizen. People from various and diverse backgrounds joined the protest.

Chedi Lal Khote, the president of Bahujan Mukti Morcha called for a peaceful protest against the Citizenship Amendment Act, 2019 and National Register of Citizen on the 20th of December 2019 at Yateem Khana Chauraha, Kanpur. However, the police of Babupurwa arrested Chedi Lal Khote and members from his family on ___ publicly, pressurised him to call of the protest. Under immense pressure from the police he called off the protest that was to be there on the 20th of December. Since, information about the protest had been widely spread through social media, there were people who had gathered at the Yateem Khana Chauraha. The

Police immediately started “lathi charge” at them. There was a rumour that was spread that the police had shot the Namazi confusing the populace and inciting a number of persons from different localities to march towards the meeting site. Soon enough the march was joined by more than 2,00,000 persons heading towards Baba Chauraha, including a number of self-appointed volunteers who tried to maintain the peaceful nature of the march.

Testimonies

1. Mr J

Mr J said that he had never such a huge procession till date. There were around 3-4 ambulances assisting the people and there was no case of violence, neither amongst the protestors or damaging of public property, portending to the fact that there the protest was a peaceful march.

2. Mr FJ

He also went on to say that, while returning from Court (which one), he offered his Friday Prayers at Yateem Khana Mosque and joined the procession in order to ensure that there was no violence or tendency to engage in violence.

3. Doctor NA

He said that though information about the protest being cancelled had been relayed onto him, as he saw the procession he joined the people as they were marching. He was a part of the protest from when it started to the end point at YateemKhana. The protest marched through Bada Chauraha, Phool Bagh, Naronachauraha, Canal Road, Ghanta Ghar, Mool Ganj and NaiSarak. The protesters gave way to passing ambulances and also protected temples by forming human chains. At the end of the protest he got to know that police had opened fire, resulting in death of 2 people and further 11 people were injured the by the police.

4. Mohd Sulaiman, President – Indian National League, Member – All India Muslim Personal Law Board

While returning after offering his Friday Prayers he got to know about the peaceful protest. Since he was apprehensive about

presence of “anti-social” elements disrupting the peaceful nature of the protest and misusing it for their own ends, he joined the protest. As soon as he reached the location, to quote verbatim he said “I have never witnessed such a huge protest in my whole life and that too without any leader. I called the Superintendent of Police, East to provide a loudspeaker but the Superintendent did not provide any assistance rather in reply said that “We have withdrawn ourselves”. The whole protest march was peaceful but was not reported.

Bhawan purwa

At Bhawan purwa there was no call for protest, after offering their Friday prayers started gathering at Eidgah Chauraha and started chanting slogans opposing the Citizenship Amendment Act, 2019 and National Register of Citizens.

The Circle Officer, Manoj Gupta and the Superintendent of Police, South reached the location and used extremely derogatory and demeaning language clearly meant to instigate the people who were collected there – “apne ghar wapas jaate ho, ya apni bhasha mein baatkarein”, “hum tumhari nasle kharab kar denge”.

The peaceful collection of about 2500 persons in reply said, “kya hai aapki bhasha”. Post which the police without any prior warning “lathi charged” their peaceful protestors, resulting in very minimal stone throwing from peaceful protestors. After which they continued to fire tear gas shells into the collection, followed by the police opening fire on the collection of people

Testimonies – Victims of Police Firing in Babupurva, Kanpur

1. Mohd Faiz s/o Mohd Shafique

- Age – 16 years
- Occupation – Student doing their Intermediate
- Injury – Bullet wound on both legs
- Status as of 25/12/2019 – Hospitalised
- Name of the Hospital admitted – Hallet

I went to offer Friday Namaz on the 20th of December 2019, at Masjid-e-DaraiArqam. After which I went to deliver food to my father at the place where he works. There were a large number of people who were protesting against the Citizenship Amendment Act, 2019 and National Register of Citizens near Bagahildgah in Begumpura. There were around 2000 people protesting with slogans such as “CAA wapas lo, NRC wapas lo”. I was passing through the road where the protestors had collected, suddenly 2 – 3 policemen started “lathi charge” making the situation akin to a stampede. I fell down from my bicycle and thereafter the police opened fire on the protesters because of which I got two bullet injuries on both my legs.

2. Mohd Aqeel s/o Ali Hussain

- Age – 35 years
- Occupation – Handloom Worker
- Injury – Bullet wound in the Left Leg
- Status – Hospitalised
- Name of the Hospital admitted – Hallet

I went to offer my Friday Namaz on the 20th of December in Belal Masjid. At around 1400 hours I reached back my workplace . At around 1530 hours I realised that there was a shortage of Handloom material for which stepped out to purchase more material near Shufa Masjid Munshipura, Begampurva. I didn't know about the protest. When the incident occurred I was walking in the lane and got shot on my left leg and fell down immediately.

3. Aftab Alam s/o _____

- Age – 20 years
- Occupation – Labourer
- Injury – Bullet wound
- Status – Dead
- Statement procured from Mother

My son was 23 years old, he was working as a POP worker. After offering Friday Namaz, he came back home and asked for food. Since there was no food at home at that time I asked him to go to Chaar Haat Chauraha (Bagahi) and take the money from his contractor, and by the time he would be back I would also have offered Namaz. He left at around 1500 hours to take money from the contractor, but he hadn't returned till 1600 hours. I called him on his phone as I was worried about his safety. Over the call he told me that he was hiding under a staircase. When he came out to talk to me he was shot by the police from behind, the bullet crossed the upper left side of his heart.

Even though he was bleeding excessively the doctors refused to provide appropriate and immediate medical attention. They refused to hear my pleas of providing him with medical attention in his critical condition. There was immense negligence on part of the doctors while treating my son.

Even after they had taken Aftab to the hospital for treatment they refused to provide any information with regard to Aftab. There was very high security outside the hospital and none of the people who went for fact finding were allowed to meet him. Aftab clearly told Danish on his deathbed that he was shot by the police.

4. Jamaal Ahmad s/o Lillahi Ahmad

- Age – 40 years
- Occupation Labourer
- Injury – Bullet wound to the Right Leg
- Status – Hospitalised
- Name of the hospital admitted - Hallet

As I was going home after offering my Friday Namaz in Eid-Gaah, Qabristan, Babupurva to eat food. After eating food I left back for my workplace where I saw that the police had "lathi charged" and opened fire during which I was wounded by a bullet in my right leg.

5. Shaan Mohd s/o Siraj Ahmad

- Age – 20 Years
- Occupation – Student, B.A. 2nd year
- Injury – Bullet wound on the left side of the upper back
- Status – Hospitalised
- Name of the Hospital admitted - Hallet

As I was returning to my house after offering my Friday Namaz in New Masjid, Babupurva with a couple of friends of mine, we noticed that there were a large number of people, mostly quite young in age, who had gathered who were protesting against the Citizenship Amendment Act, 2019 and National Register of Citizens. While I was walking back home around 2 – 3 policemen started lathi charging the protestors, and started firing teargas leading to a situation akin to stampede. Seeing the situation I started running away from the location because the police opened fire on the people leading to a bullet injury on the left side of my upper back.

Pictorial Evidence

Pictures of Persons who were admitted in the Hospital

