

Shri. Ram Nath Kovind
Hon'ble President of India
Rashtrapati Bhawan,
New Delhi, Delhi 110004.

- 17-09-2020

Sub: Memorandum regarding Delhi riots investigation & enquiry by Delhi police

Respected Rashtrapati ji,

We are writing to you to express our deep concern about the manner in which the Delhi Police is investigating the incidents of communal violence which took place in North East Delhi between the 23rd and 26th of February, 2020 in which 53 people lost their lives.

The Delhi Police has set up Special Investigation Teams (SITs) and its Special Cell is also probing the aspect of conspiracy behind the Delhi riots.

There are, however, serious questions about the role played by the Delhi Police itself during the violence and also the manner in which the Police is harassing and attempting to falsely implicate activists and young people who took part in the anti-CAA/NRC/NPR movements as the perpetrators of violence.

Such a manufactured conspiracy theory has now begun to falsely implicate political leaders. The name of the General Secretary of the CPI(M), a national political party, Sitaram Yechury, a parliamentarian of long standing repute and also names of well known intellectuals, academicians and activists have now surfaced in material put out in the public domain. This is a disturbing trend that raises serious questions over the manner of such investigations.

There are several publicly documented accounts and videos of police being complicit in the violence, directing mobs pelting stones or looking the other way when mobs were indulging in violence. During the violence, disturbing video emerged showing uniformed policemen assaulting young men lying injured on the road and forcing them sing the national anthem while repeatedly beating them with lathis. One of

the men, Faizan succumbed to his injuries a few days later. In another incident, a DCP stood mutely next to a BJP leader who was instigating violence against the protestors warning them that if they did not vacate the road, he would do it himself. Despite several complaints being filed alleging involvement of senior police officials in the violence, including a DCP, additional commissioners and SHOs, it appears no urgency has been accorded to identifying the policemen involved in violence and ensuring that they are brought to book.

There are also several documented accounts of police assaulting and torturing persons in their custody including that of Khalid Saifi who was picked up from Khureji on February 26, and had severe injuries on both legs when he was subsequently produced before the magistrate.

The notable silence in the chargesheets on the role of leaders associated with the BJP, who gave inflammatory speeches, raises serious concern about the impartiality of the probe. Since December 2019, there are publicly documented speeches by leaders of the ruling party instigating and provoking violence against those involved in the anti-CAA protests, including that of a minister raising slogans to "shoot the traitors". In fact even when people have courageously filed complaints against BJP leaders— Kapil Mishra, Anurag Thakur, Parvesh Verma, Satya Pal Singh, Jagdish Pradhan, Nand Kishore Gujjar and Mohan Singh Bisht— accusing them of participating in or orchestrating the violence, there has been no action by the Delhi Police.

While the Delhi police has turned a blind eye towards the role of its own personnel and BJP leaders in the violence, at the same time the probe appears to be pursuing a line of inquiry criminalising the protests against the Citizenship Amendment Act (CAA) and portraying them as a conspiracy which resulted in the riots in Delhi. The chronology described by the Police in the chargesheets, which are publicly available, chronicle the various sits-ins in Delhi and speeches by social activists as though each of these was a build up towards the riots. The entire investigation appears to be aimed at arriving at a pre-meditated theory about a conspiracy propounded by the Home Minister in Lok Sabha in March 2020, before any investigation had even begun into the riots.

The FIR (59/2020) regarding this 'conspiracy' being investigated by the Special Cell, in which the draconian Unlawful Activities (Prevention) Act (UAPA) has been invoked, is being used to carry out a

fishing and roving inquiry against activists and young persons who were involved with the protests. Over the past six months, the supporters and participants of these protests continue to be summoned by the police, harassed and subjected to long interrogations including threats and coercion to extract false statements and fabricate 'evidence' regarding this conspiracy. The Police has also been maliciously leaking disclosure statements (which have no evidentiary value) of those arrested about the role of various activists and civil society leaders in the 'conspiracy' in an attempt to influence public opinion and malign them.

The ongoing probe by the Delhi police, therefore, does not inspire confidence. There are serious questions about the impartiality of the probe, especially given the recent order of the Special Commissioner of Police (Crime) citing "degree of resentment among the Hindu community" regarding arrests of "some Hindu youth" from riot-hit areas in Northeast Delhi and directing that "due care and precaution" be taken while making arrests.

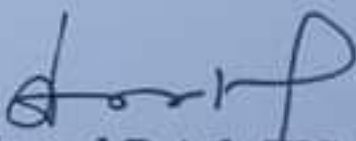
A credible and unbiased probe is crucial to restore public trust in the law and order machinery of the state. The investigation cannot be allowed to become fishing and roving expedition aimed at causing a chilling effect on dissent and protest in the country.

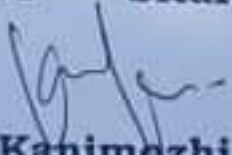
We therefore urge you to call upon the Government of India to institute an inquiry into this investigation under the Commission of Inquiry Act, 1952, headed by sitting/retired judge(s).

Yours Sincerely,


D. Raja, CPI


Sitaram Yechufy, CPI (M)


Ahmed Patel, INC


Ms. Kanimozhi, DMK


Prof. Manoj Jha, RJD