

Interim Report of the Fact Finding

Committee on the Violation of

Human Rights on the riots on the

occasion of Ramnavmi in the State of

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Bengal on 30 March 2023.

- 1) A fact-finding committee of civil society members headed by Justice L. Narsimha Reddy (Retd.) (Former Chief Justice of Patna High Court) and comprising of Shri Raj Pal Singh (Former I.P.S. officer Haryana Cadre), Dr. Charu Wali Khanna (Advocate and Former member National Commission for Women), Shri O.P. Vyas (Advocate and Former Joint Registrar law NHRC), Shri Sanjeev Nayak (Senior Journalist) and Mrs Bhavna Bajaj (Advocate and former consultant NCPCR) have been on a mission since January 2023 in the State of West Bengal to enquire into the issues of Human Rights Violation continuously occurring in the State of West Bengal.

- 2) After its successful visits to Kolkata in the first week of January 2023 and its Second visit to Birbhum in February 2023, the fact-finding committee on 08th April 2023 visited the State of West Bengal to provide a semblance of relief to the victims of the unfortunate violence which took place on the auspicious occasion of “Ram Navami” on 30th March 2023. The Committee was continuously receiving complaints and requests from the victims to visit them and to raise their voices. In order to do the same, Committee members decided to visit riot-affected areas in Rishra on 8th April 2023 and in Howrah on 9th April 2023 to meet victims at their homes and hospitals to assess and redress the incidents of human rights violations during the communal violence.

- 3) The Committee is of the view that the riots which erupted on the auspicious occasion of "Ram Navami" on 30th March 2023, and continued in its aftermath, were pre planned, orchestrated, and instigated. The trigger as detailed hereinafter was the grossly inflammatory speech of the Hon'ble Chief Minister of West Bengal as detailed hereinafter. The Committee has come across several user generated videos and media reports also reporting multiple videos, which confirms that the peaceful Ramnavmi procession was targeted and the rioters were exhorted to stop and target the procession. In this context the Committee has seen a video of the Hon'ble Chief Minister Mamta Banerjee, that is being played across TV media channels, wherein the Hon'ble Chief Minister just before the processions on Ram Navami, while sitting on dharna, made a call through a communal speech that any procession passing through 'muslim areas' (as spoken verbatim) will be seriously acted upon. Thereafter, as per the facts and evidences discussed below in this report, it would appear that communally charged mob violence broke out against people taking part in the peaceful Ram Navami processions and at the same time the state police was found completely missing in action to control rioters.
- 4) While not being able to ensure safety of innocent victims and control the fire of communal violence, the Chief Minister in a grossly biased and prejudiced manner went ahead to claim that the route undertaken by the Ram Navami procession had been changed at the last moment whereas upon discussion with several victims and participants it is learnt that the said route had not been changed and also that the route had been intimated to the state police well in advance and was also approved by them.

- 5) In fact, due to prior apprehension in Howrah and violence on a particular stretch in previous years the organizers of the procession had also sought special police security in a 100m stretch in a highly sensitive area because of past history of communal violence. The state police failed to provide such security in advance and also failed to secure the life and property of procession takers knowing fully well the sensitive nature of the area. Because of the state's utter failure, the procession takers were attacked under heavy stone pelting which is visible on record through several self-made videos. Therefore, the undeniable inference seems to be that the state police were deliberately functioning in a partisan manner by choosing not to provide security or take action against rioters to prevent violence, apparently under political compulsions which has resulted in unparalleled violence against innocent persons who had merely intended to celebrate a widely revered festival as common and peaceful citizens.
- 6) It appears that the Chief Minister continued to make inflammatory public comments in a prejudicial and biased manner by pre-judging the reasons for violence without due investigation. In another video that is widely circulated in public domain the Hon'ble Chief Minister, in a public rally after the violence in Howrah while addressing the public had directly blamed the Hindus for the mishaps that had taken place during the procession of Ram Navami on 30.03.2023. The video is particularly disturbing as the Chief Minister of the State without proper enquiry and investigation had effectively given clean chit to particular community claiming that they cannot do any wrong during the time of Ramzan, thereby blaming the Hindus for the entire chain of violence that had taken place. Such partisan approach by a Chief

Minister in the view of this Committee was a continuing trigger for violence and riots.

- 7) The Committee has also come across a video of the Hon'ble Chief Minister Mamta Banerjee, that is being played across TV media channels, wherein the Hon'ble Chief Minister has been seen to incite violence by calling upon the members of a particular community to take law and order in their own hands in order to counteract the 'dangabaaz' (the word used in the video) i.e., the problem creators in the state. This video is particularly disturbing as it appears the elected head of the State of West Bengal, who is also at the helm of law and order of the State has been explicitly inciting communal violence by making communal comments in her public speeches to win the confidence of the minorities.
- 8) Such videos in circulation amount to communal hate speech invoking religion and making a call to violence and killings. An inference may be drawn that any such action by the Chief Minister may prejudice any probe by labelling particular communities as rioters. Added to this her earlier statements when she had called peaceful procession provocative and the fact that police has shown complete inaction in investigation and ensuring safety, the Hon'ble Chief Minister appears to be influencing the course of investigation and instigating mob violence on religious basis through hate speech.
- 9) In the aforementioned videos in circulation, the Chief Minister can be clearly seen addressing a gathering where she is provoking a particular community

by invoking the name of Allah and asking them to "khatam"/finish the procession takers who she is labelling as "dangabaaz"/ rioters.

- 10) The fact that a Member of Legislative Assembly, Mr. Biman Ghosh was also inflicted with multiple injuries during the violent attack at the procession, despite having CISF security speaks volumes about the intent and conduct of the state police which appears to be no less than tacitly supporting illegal and communal elements in the entire course of these events.
- 11) All of these acts discussed ought to be seen in light of a chequered history in West Bengal of attack and desecration of Hindu Temples, including an instance of this Committee having visited such vandalised temple in its visit to Islampur in February, 2023.
- 12) There appears to be great unrest and instability within the state. The common people appear to be under continuous threat from the State machinery and its sponsored miscreants of being attacked. This is reflected through the actions of the victims of the Ram Navami violence wherein the victims did not register a complaint against the state sponsored miscreants due to the constant threat of security to them and their family.
- 13) The police have also not cooperated with the victims. On the contrary, their voice had been suppressed under the threat of falsely implicating them in cases. There had been arbitrary arrest and the police has been trying to hide their inaction under the garb of Section 144 of the CrPC and sub-judice subject matter before the Hon'ble High Court. The trail of events that had transpired as discerned by the Committee through it's various interactions on 8th and 9th

April, 2023 as mentioned below is a clear indication of complete breakdown of the law and order in the State of West Bengal. The role of Shri Amit P. Javalgi, IPS, Commissioner of Police, Chandannagar and Shri Praveen Kumar Tripathi, IPS, Commissioner of Police, Howrah have been found to be lacking in the control of violence and riot control. There was very delayed response by the police in the areas where violence was reported. Further, not allowing the committee to visit riot affected areas only shows the complicity of these senior police personnel in appeasing to communal elements creating violence at unprecedented scale that can also be seen through numerous user-generated videos and personal accounts of affected victims.

- 14) The committee sought permission from the Commissioner of Police Howrah District and the Commissioner of Police Chandannagar to visit the riot-affected areas around Rishra and Shibpur Police Station, which was arbitrarily rejected on the flimsy and baseless grounds.
- 15) On the contrary Commissioner of Police Howrah District and the Commissioner of Police Chandannagar issued purported baseless letters to Committee to not enter the affected areas. Committee responded to both the letters and when there was no response committee went ahead in an attempt to visit the victims but they were stopped and not allowed to enter the riot affected areas. On 08th April 2023, the committee tried to visit the riot-affected but they were not allowed access and could not meet the victims of the communal violence. The Committee was stopped on 08th April 2023 at Dankuni by Vidit Raj Bundesh, IPS DCP. The Committee then visited the SSKM Hospital, where a victim of the communal riots, namely Vijay Mali was admitted. Committee interacted with Vijay Mali and made enquires, what

was most shocking was the fact which he stated that police that has not registered an FIR in his case, inspite of his case being a MLC case and his injuries being grievous in nature. Denying permission to the Committee, a completely apolitical and independent body amounts to denial of fundamental rights envisaged under the Constitution of India not only of the committee to move freely but in addition of the victims who were denied their right to representation and suppression of their voices.

- 16) In their interaction with the media on 08th April 2023, the committee expressed its concerns on the issues of human rights violations and the blatant attempts by the Government of West Bengal to conceal and suppress voices of the victims by not allowing the members of civil society to visit the riot-affected areas.
- 17) On 09th April 2023, Committee proceeded towards Howrah, when around 10.30 am it was stopped at Howrah toll on Vidyasagar Setu by Pratiksha, IPS and K. Sabari Raj Kumar, IPS., thereby not allowing them to enter Howrah. The IPS officers acted in complete disregard of law, as no prohibitory orders under Section 144 Cr.PC. promulgated at that present location and normal movement of persons and traffic continued. The Committee proposed to proceed to the Police Commissionerate, however the Police Commissioner, Howrah denied to either meet, or establish any contact even after continued efforts of the committee. The committee further proposed that the state police may accompany the committee while proceeding towards Howrah, and even volunteered to move in state police vehicles to assuage any concern by them. However, the officers were prejudiced to not co-operate in any manner and

appeared to only intended to obstruct the working of the committee and also obstruct the lawful free movement of members of the committee.

18) Since the committee was stopped from entering the areas of violence, an open offer was made to the victims that they are free to meet the committee at their convenience. Subsequent to which after 24 victims of the communal riots volunteered to the meet the committee in a private and cordial interaction. The fear of violence and retribution was apparent as they feared retribution in case their identities became public through media or other sources. The victims indicated that most of them were either part of a peaceful Shobha Yatra in the Shibpur locality in Howrah, on the occasion of Ram Navami or had volunteered to provide them with water and refreshments along the route on the side of the streets and they were unarmed and peace loving citizen. They stated that such Shobha Yatra has been organized regularly on Ram Navami for many years. They further stated that heavy stones were piled upon the roof top of the buildings and at the moment procession was passing through heavy stones were pelted started on the procession as well on other members present, which they suspected had been pre-planned and hideouts arranged from buildings from the opposite side and police failed to act in any manner. Thereafter, when residents moved towards their gated societies, the threat persisted and violence was being continued causing injury to peaceful residents including women, children and no less police officials as well as damage to property.

19) It was informed separately that the state police lathi charged and tear gassed residents inside their gated societies while not acting at all against street rioters. Some victims complained that the state police played a concerted role,

and submitted that in another incident the police outside their buildings can be seen dispersing and immediately thereafter in a few minutes a violent mob running a mock including entering the gated areas to cause damage. It is pertinent to mention that above person to offered video clips of the above-mentioned which are in public domain.

- 20) Further, police did not respond to their frantic calls for protection or took any action to control the communal mob, despite being only few hundred metres from the scene of violence.
- 21) During interaction with the victims, it was apparent that fear of persecution and implication in false cases was rife amongst all. It was requested by almost all victims that their identities be kept confidential. However, they still described the living scenario during the troubled times including that the state police were complicit in the violent acts that continued for a prolonged period, and they deliberately backtracked at instances that contemporaneously led to mob attacks within a span of few minutes in the same spots where the police scattered away from.
- 22) The rioters and their backers appear to have acted with the active support of the state government machinery. The extent of the damage could not have been so much widespread and could not have been on such big scale, without the support of the state government. The above evidences point to the role of the State Police which seems to have allowed the unlawful elements to take law and order in their hands.

- 23) The state police were aware that the procession was being taken out in the areas where similar riots had happened last year and still adequate arrangements and sufficient police arrangements and protection was not taken. This is more evident from the fact that that after central forces were deployed no violence took place on the occasion of the Hanuman Jayanti on 06 April 2023.
- 24) The actions of the state police seems to have been motivated and guided by the political advantage that could come by due to the appeasement of a particular community, albeit at the command of their political masters.
- 25) To meet the ends of justice, keeping in view the totality of facts, circumstances and evidences abovementioned, the Committee seeks appropriate police action in the matter by filing of the FIR's against the culprits behind the riots, to achieve the ends of justice of the victims. The Committee also seeks that the investigation of the riots be handed over to the National Investigation Authority (NIA) to ensure that the investigations are being carried out in a fair, impartial and independent manner; protection be provided to persecuted and fearful victims so that their life can return to normalcy, including withdrawal of false cases against innocent persons and deployment of Central Forces may be extended as a confidence building measure for the victims who have lost faith in the state police.
- 26) Photos and videos mentioned in this Report may be filed in the relevant Court proceedings to further the ends of justice and bring closure as well as peace to numerous innocent families.

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