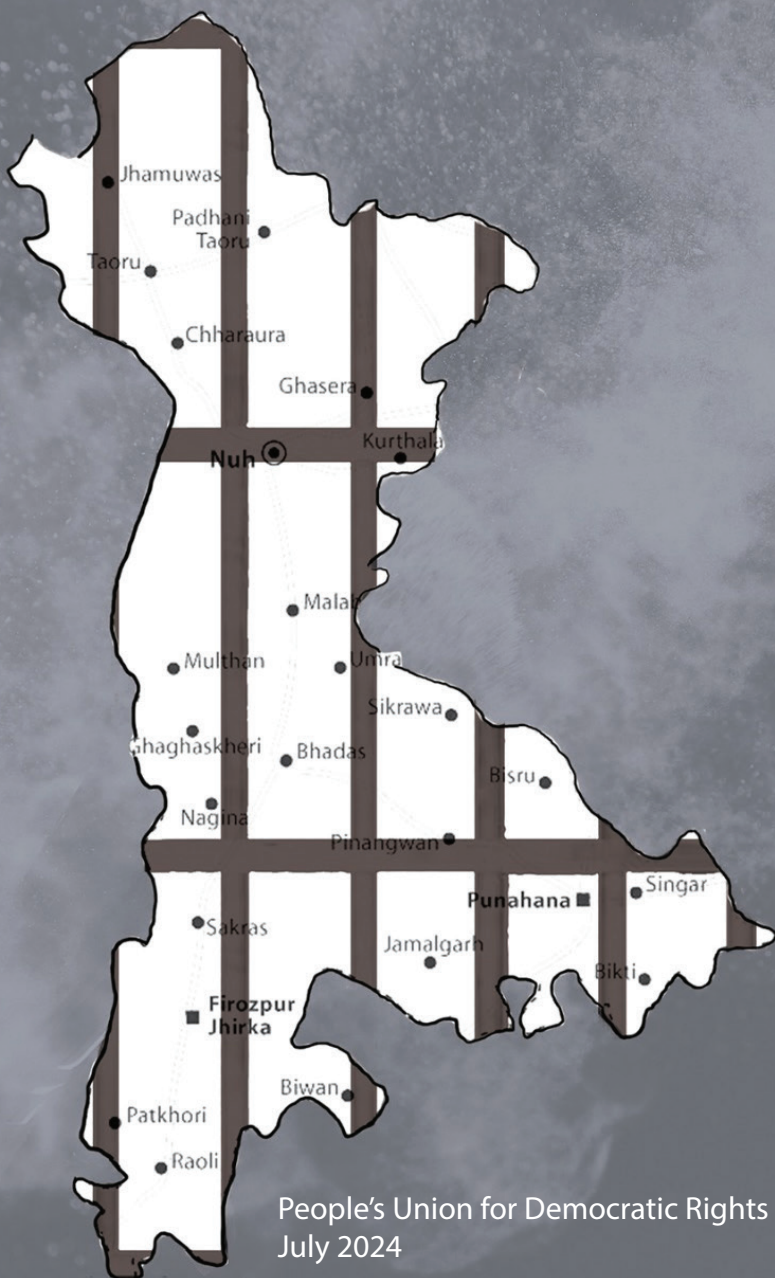


IN THE WAKE OF NUH

A Report on State Repression



People's Union for Democratic Rights
July 2024

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NUH DISTRICT

Nuh, the renamed Mewat district, is the poorest district in Haryana and eighth poorest in the country with 39.9% of its population living in acute poverty, according to Niti Aayog's National Multidimensional Poverty Index, based on 2019-2021 National Family Health Survey data. This district had the worst health and nutrition, education, agriculture and water resources, financial inclusion and skill development and basic infrastructure in the state.

The Nuh district of today was created in the year 2005 from Gurgaon and Faridabad districts having a natural border of the Aravali range with Mathura in U.P., and Alwar and Bharatpur in Rajasthan. It was named Mewat owing to the Meo community that is numerically dominant but registered as an OBC in the central list for the state of Haryana. In 2016 it was renamed Nuh, recognising that the region called Mewat is much larger. Nuh district also overlaps with a culturally demarcated region called Braja, centred around Mathura and is the main centre for Krishna worship.

As per the 2011 census, Nuh district has a population of 10 lakh persons, of which 79% is Muslim, Nuh has a low sex ratio of 912 females per 1000 males, though higher than the abysmally low 879 for Haryana state. Most people reside in the 412 villages, while the four municipal towns house less than 5% of the population. The Meo people are mainly engaged in agriculture where lands are mostly rainfed producing low yields of jowar and bajra in summer and wheat and mustard in winter. Cattle in villages and goats and sheep in the region bordering the hills provide additional livelihoods. Industrial development is recent and extremely limited. As per the District Industries Centre till 2011 there were 42 registered units of which 16 are medium/large employing a total of around 2000 workers. Meo people are preferred by truck operators as drivers for long distance transport, their abhorrence of alcohol and willingness to undertake the tough job make them suitable.

The literacy rate for the district is 54.1%, much lower than the state average of 75.6%. As per the Annual Status of Education Report 2022, 5% of

children (6-14 years) are not enrolled in school, a figure much higher than other districts in the state. But for those enrolled, the learning outcomes are alarmingly low - barely 14.6% in class 3 to 5 and 43.8% in class 6 to 8 can read a class 2 text. Female literacy rate is 36.6%, and in several villages female literacy rate is in single digits. Despite the OBC reservations for a large proportion of the population, as per the Niti Aayog survey less than a thousand persons are in government jobs.

According to the 2011 Census, Nuh district has the highest percentage of Muslims in India after districts in Jammu and Kashmir, Lakshadweep and the Dhubri district in Assam. As per a community leader, Rohingya refugees numbering 1798 in 420 families reside in 10 settlements spread over the district since 2012.

Nuh has a long history of peace among its resident communities and every year a traditional Braj yatra passes through some of its villages. No one quite remembers since when, but the Braj Chaurasi Kos Parikrama yatra, which originates in Mathura, routinely crosses Bichhor and Neemka villages in Punhana tehsil in Nuh. Since this yatra is spread over a month, the Muslim community provides food and stay arrangements for yatri. Importantly, while the Braj Mandal Jal Abhishek yatra was disrupted at Nuh town on July 31, 2023, the Braj Chaurasi Kos yatra peacefully wound its way through Punhana.

JULY 22, 2024

On the morning of July 22, 2024, at around 10 am, the first vehicles carrying yatris participating in the fourth annual Braj Mandal Jal Abhishek Yatra entered Nuh town. Soon, many more vehicles followed with families, with men, women and children. Many had travelled from Sohna town in Gurugram district and they congregated at the Nalhar Shiv mandir just outside Nuh town to offer holy waters inside the mandir. Local lawyers who formed part of the peace committee told PUDR that the yatra was peacefully organised and that more

than 2000 persons were part of it. At about 1 PM, after all had collected at the Nalhar mandir and had completed their rituals, the procession resumed its way to its destination in Ferozpur Jhirka town, nearly 40 kms south of Nuh town.

All through Nuh town and after, the local peace committee with the effective help of the administration put up welcome signs for the yatris, greeted them with flowers, and served refreshments in camps that were specially put up for the purpose. The Nuh administration provided safe passage to the yatra by providing tight security all along the route in the district, and by blocking the internet for 24 hours, lifting the ban after 6 pm on July 22, after the yatra peacefully reached its destination. No untoward incidents were reported.

July 22, 2024, will remain as an important day in the lives of Nuh residents as it showed their resolve in preserving communal peace by welcoming a Hindu religious procession through a Muslim-dominated district of Haryana. Likewise, for the yatris, the day will confirm their article of faith. Outside the region, the yatra's peaceful passage highlights the possibility of communal peace in times of religious processions, especially for those yatras which are newly invented, and routed through Muslim-dominated districts.

But the people of Nuh have paid a costly price for this procession of peace to happen. Shops were shuttered and most residents stayed indoors because last year, on July 31, 2023, when the yatra attempted to pass through Nuh town, it was greeted with angry slogans and mob violence. The yatra was abandoned at the Nalhar mandir and there were deaths, destruction and damage to property. Why did it happen? And what happened in the wake of July 31, 2023?

This report recalls the incident of July 31, 2023, its deliberate and provocative context, and the subsequent communalised state actions. This fact-finding report demonstrates that the price of peace cannot be forgotten.

INTRODUCTION

Haryana's Nuh town, its adjoining villages and parts of the district hit the headlines on July 31, 2023 when mobs comprising Muslim youth attacked a Hindu religious procession. Through the day, acts of mob violence were reported, resulting in the deaths of three persons in Nuh: one yatri and two Haryana Home Guards. Communal violence ended in the evening, and no further incidents occurred in Nuh. However, retaliatory violence happened in the neighbouring district of Gurugram.

An uneasy calm prevailed in Nuh, which was soon replaced by a reign of state terror. Civic authorities carried out a targeted demolition drive against Muslim establishments and residences for four days. The police launched an extensive raid and arrest program against Muslim youth for their purported involvement in the July 31, 2023 violence. Hundreds were picked up from their homes from the night of July 31 onwards. While many were let off after detention and questioning, many others were not. As per official figures, 441 arrests were made till June 2024, including minors, of which 14 are Hindu and the remaining Muslim. While most have been let out on bail because of legal aid efforts of local lawyers, in January-February 2024 the police added charges to four FIRs under Sections 10 and 11 of the Unlawful Activities (Prevention) Act, 1967 or UAPA (pertaining to unlawful associations and funding). Between 65-70 individuals are chargesheeted in the UAPA FIRs, and prominent among them is Mamman Khan, the Congress legislator from Ferozpur Jhirka.

Between August 2023 and June 2024, a PUDR team conducted four fact-finding visits to Nuh town, its adjoining villages and also to Badkali Chowk in Nagina block to assess the aftermath of the Nuh violence. In these visits, the team spoke to a cross-section of people, beginning with those released on bail and families of those who continue to remain behind bars. The team revisited demolition sites as well as the Cyber Crime Cell police station (PS) that was attacked by a busload of aggressors. The team met with Hindu residents of Nalhar village, and with Muslim community elders, lawyers and owners of

establishments as well as those who sustain themselves through petty or self-employed trades including transportation, and those who eke out a living through cultivation, agricultural labour and odd jobs. The team visited a Rohingya settlement in Nuh town and spoke to family members of those accused as well as to their community leader. The team also spoke with the police on more than one occasion.

This report examines the weaponisation of the state machinery in the wake of Nuh. Through a study of testimonies and official documents, the report addresses acts of impunity as well as the communal and class biases of police actions. After describing the incident, its backdrop and official narrative in Chapter I, the report turns to the weaponisation of the criminal law in the aftermath of July 31, 2023. Chapter II outlines flagrant rights violations that the Haryana police committed in the course of indiscriminately raiding and arresting predominantly Muslim residents, including graphic forms of custodial torture; abuse at the hands of jail authorities and the failure of courts to check such misuses of power. Besides testimonial accounts, the report analyses a randomly selected sample of 100 bail orders in Chapter III, and other documents in selected cases in Chapter IV, to shed light on concerns with the nature and quality of police investigation. In its concluding Chapter V, the report draws attention to the long-term economic effects of repression on Nuh's residents. To protect the identities of those involved, pseudonyms have been used throughout the report. None of the names reflect the person's real name, and any resemblance to the names of local residents is coincidental.

I. JULY 31 AND BEFORE

A. THE INCIDENT

On July 31, 2023, communal violence broke out in the Haryana district of Nuh, located around 80 km south of Delhi when reportedly Muslim mobs attacked the Braj Mandal Jalabhishek Yatra, a religious procession spearheaded by the VHP, Bajrang Dal and Gau Rakshak Dal, in Nuh town. Violence was also reported from other areas of the district. organised in cars, buses and other vehicles, the yatris were supposed to congregate at the Nalhar Shiv mandir outside Nuh town and proceed to Firozpur Jhirka. However, because of the communal violence in Nuh town, the yatra was abandoned at the Nalhar mandir sometime in the evening.

The total number of yatris was said to have been between 1500 and 3000, and the Haryana Home Minister said that around 3,000 persons were held hostage in the Nalhar mandir (*The Indian Express*, Aug 3, 2023). According to news reports, the violence lasted three hours during which the mobs torched scores of vehicles, attacked police personnel, rammed a bus into the boundary wall of the Cyber Crime Cell Police Station (PS), vandalised and looted shops, and fired gunshots near the Nalhar mandir (*The Economic Times*, Aug 2, 2023).

Twenty companies of paramilitary forces, including the Rapid Action Force, along with 30 companies of Haryana Police were rushed to Nuh town. Curfew was declared and internet services were suspended for almost a week and prohibitory orders under S. 144 of the CrPC were clamped in parts of the state. The government transferred the then SP who was reportedly on leave on July 31 and it also transferred the Deputy Commissioner and the CEO of Mewat Development Agency in the next few days.

The violence in Nuh district resulted in three deaths: two Haryana Home Guards, Neeraj Khan and Gursev Singh; and Abhishek, a 22-year-old yatri from Panipat town. The media also reported the death of a 35-year-old mason from Bhadas village, Shakti Singh. However, though an FIR has been lodged in

connection with Shakti Singh's death, the police told the PUDR team that the death was not connected to the violence.

Retaliatory violence occurred in Sohna and Gurugram where reportedly Hindu mobs attacked a mosque, set it on fire and killed the deputy imam on the night of July 31. Additionally, a Bajrang Dal leader Pradeep Sharma was found with grave injuries, lying outside a mosque in Raipur village, Sohna tehsil, Gurugram district and he later succumbed to his injuries.

On August 1, the Chief Minister stated that the July 31 violence was 'pre-planned' and that it was 'part of a larger conspiracy' (*Times of India*, Aug 2, 2023). Over the next few days, migrant Muslim families were threatened by Hindu mobs in neighbouring districts and several panchayats decided to impose an economic boycott of Muslim traders and shopkeepers. However, on August 2, in response to an urgent plea, the Supreme Court ordered strict measures to ensure that no hate speeches targeting any communities could be made during the ongoing rallies organised by Hindu groups in response to the communal violence in Nuh. The civic authorities carried out targeted demolition drives in Nuh town, Nalhar village and also in Tauru town in the name of illegal structures and encroachments on forest land, and this 'bulldozer justice' was defended by the officer on special duty to the chief minister who said that the drives were conducted against the houses and properties of the suspects (*Hindustan Times*, Aug 7, 2023). The demolitions were halted on August 7 after the Punjab and Haryana High Court ordered a pause. According to affidavits that the Haryana government filed before the High Court, 443 structures were demolished, whereas several fact-finding reports stated that around 1,200 structures were demolished (*Frontline*, Aug 25, 2023).

In early August, the National Commission for Minorities visited the area and asked the DM and SP for a detailed report on the July 31 violence. In October, the Chairperson said that the violence was not part of "organised crime", that there were no "failures" on the part of the administration, but that there were some "shortcomings", a matter which was not spelt out (*The Print*, Oct 12, 2023). In the Haryana Legislative Assembly which witnessed angry exchanges between the ruling Bharatiya Janata Party and opposition leaders belonging to

the Congress party, the Speaker refused a discussion as he said that the matter was 'subjudice' (*ET*, Aug 28, 2023). When it was pointed out that only the bulldozer actions were in court, the Speaker reiterated his views. Elsewhere, while the Gurugram MP belonging to the BJP and under whose constituency Nuh district falls, did question the presence of arms in the yatra, he did not visit the area and he soon tweeted that under the instructions of the Home Minister, the Haryana government had approved a change in land use for setting up of a camp of the Rapid Action Force in Nuh's Indri village (*The Print*, Aug 10, 2023).

The official downplaying of July 31, 2023, put an end to examining why mob violence erupted and the administrative lapses that were committed, as no judicial inquiry was ordered into the incident. Equally, the swift retaliatory state actions, the communally targeted demolitions by the civic authorities and the weaponising and communalising of the criminal justice system by the police remained unacknowledged and unaddressed.

B. THE BACKDROP

Mewat's Braj Mandal Abhishek Yatra is not an ancient one; the VHP initiated it in 2021. Locals told the PUDR team that in 2022, the procession was armed with weapons, and the yatris had covered car license plates with black tape or mud. While no serious acts of violence were reported, some of the Yatris vandalised a mazaar near the Nalhar Shiv mandir. The Muslims did not retaliate and peace prevailed after the structure was repaired.

An important aspect of the Braj Mandal Yatra is that it is made up of outsiders, and this aspect played a significant role in the run up to the 2023 yatra, as two days before the 2023 yatra, Mohit Yadav, aka Monu Manesar, a self-styled 'cow vigilante' accused in the lynchings of several Muslim men, uploaded a video on social media announcing that he would participate in the yatra. He exhorted fellow Hindus to also do so in large numbers.

Monu Manesar was accused in the January 2023 lynching of Waris Khan of Husainpur village (Nuh district) and he had allegedly done a live telecast of the incident, and purportedly deleted it later (*IE*, Feb 18, 2023). However, no

FIR was lodged as the police said that the deceased had died because of a car accident. A month later, Monu Manesar was named by the Rajasthan police in the murder of Junaid and Nasir, residents of Bharatpur (*TOI*, May 21, 2023). Apparently, the cow vigilantes who had brutally attacked Junaid and Nasir were ‘advised’ to burn the bodies on the advice of Monu Manesar.

The possibility of the challenging presence of Monu Manesar in the Braj Mandal Yatra fuelled Muslim ire and rival posts by Muslim youth emerged in the days prior to the yatra warning the administration against allowing Monu Manesar into Nuh. Besides Monu Manesar, another self-styled vigilante, Bittu Bajrangi (Raj Kumar) uploaded videos challenging Muslim residents to face him and his gang at the yatra. In one video he described Nuh as his ‘sasural’. In short, both sides were prepared for the faceoff on July 31, 2023. Although Monu Manesar stayed away, news reports say that mob anger increased after it was rumoured that he had come to the rally (*ET*, Aug 2, 2023). And while Bajrangi had come and had challenged the police too near the Nalhar mandir, his subsequent actions that day remain unknown.

The influence of self-styled cow vigilantes in Haryana has grown in the wake of the 2015 anti-slaughter law, the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, which bans trafficking, slaughter and consumption of beef. To make the Act effective, the state government created a ‘task force’ comprising gau sevaks and rakshaks in 2021, a step which gave vigilantes a free hand to collect information and intercept cattle farmers on mere suspicion (*IE*, July 29, 2021). Monu Manesar is a prominent member of the Task Force and he routinely shares posts in which he is shown as a ‘savior’ with battered Muslim men around him (*BBC*, Aug 4, 2023). Given the brief but powerful history of vigilantism, the Braj Mandal yatra’s focus on Mewat’s temples was strategic as Nuh district is overwhelmingly Muslim.

Like in the previous time, the 2023 yatra was armed as many participants carried swords and lathis and their cars prominently displayed gau rakshak stickers. Nuh residents described to PUDR how the police’s lack of action against Monu Manesar and his brazen announcement that he would participate in the yatra, caused anger and resentment. A lawyer who has played a prominent part

in local peace committees told PUDR that he along with a civil society coalition called Mewat Vikas Sabha had informed local authorities on July 27 itself, including the then ASP, of the potential fallout of inflammatory videos and had requested added security for the July 31 procession. However, as several other accounts of the July 31 violence also corroborate, police authorities did not take adequate measures to ensure public safety.

Shortly after the July 31 incidents, the state government announced a compensation of 57 lakhs each to the families of the two Home Guards, and while the Chief Minister said that it would launch a compensation for the property losses due to the violence, the exact nature of compensation towards the families of the other deceased remained unclear. More importantly, the PUDR team was told that contrary to the dominant account of Muslim mob violence, Muslim community leaders had prevailed upon the mobs to allow safe passage to a woman magistrate and her daughter when their car was attacked in the morning of July 31. Likewise, the team was told of violence committed by Bajrang Dal supporters on Muslim properties in Nuh town on July 31 and how the police simply looked on. The owner of one such property had CCTV footage to confirm the breakage and damage but he withdrew his complaint after the police threatened to falsely implicate him in the July 31 violence. The case of demolitions confirmed that the entire community was singled out for summary punishment by state officials. Lawyers also raised apprehensions about the manner in which the police detained and arrested residents based on unclear footage and cell phone locations, especially since location needn't confirm participation in riots as the alleged accused could have been in the vicinity for entirely different reasons including that of being home in a residential area close to the site of violence.

Thus, while residents offered different accounts of what transpired on July 31, 2023, the aftermath makes clear that the events of July 31 provided a pretext for state repression targeting Muslims that continues till date. The most obvious detail of this repression is evident from the fact that the police did not file FIRs against any of the Hindu yatis besides Bittu Bajrangji, even while it was known that many in the rally were armed. Further, as the police confirmed

to the PUDR team, of the total number of arrests made, only 14 are Hindus, of which 13 were not part of the yatra.

C. OFFICIAL TIMELINE

Sixty FIRs pertaining to the events of July 31, 2023 were registered. As confirmed by the police to PUDR, the 60 FIRs are spread across seven police stations as per the following break-down:

Table 1: FIRs pertaining to July 31, 2023

S. No.	Police Station	FIR numbers (of 2023)	Total cases
1.	City Nuh	250-266	17
2.	Nuh (Sadar)	398-403, 407-408, 413	9
3.	Nagina	133-150	18
4.	City Tauru	83-85	3
5.	Bichor	132	1
6.	Ferozpur Jhirka	281	1
7.	Cyber Crime Cell	25-35	11
TOTAL			60

As per the official story, narrated in the details of the above FIRs as recorded in bail orders, the mainstay of violence perpetrated by Muslim mobs occurred at contiguous areas in Nuh town situated on the Sohna-Alwar highway from about 1 PM onwards. Several FIRs mention mob violence on police personnel and their vehicles as well as on the vehicles belonging to yatris. The mobs are said to have torched government vehicles as well as several private ones, including two-wheelers. Described as numbering 700-800, several complaints show that the violence was pre-decided as members chanted religious slogans and were armed with petrol bombs, lathis, stones and firearms. The nature and timing of the violence suggest that mob fury was directed at the administration and at those who were travelling to the Shiv mandir at Nalhar

village (off Nuh town) which the Braj Mandal procession was to visit. Most of the violence happened around Adbar Chowk, Nuh bus stand and at the Khedla turn near Jhanda Park. However, possibly because of police reinforcements, violence occurred near the grain market sometime after 3 PM. The two Home Guards, who subsequently died, sustained grievous injuries at the grain market, where a mob allegedly attacked the police party. Simultaneously, there was the attack on the Cyber Crime Cell PS when the mob (larger than in other places) rammed a bus into the boundary wall of the police station, pelted police personnel, “entered the roof the police station” and “damaged goods kept in police station and robbed Rs. 5,000 and other important documents from there. Equally, vandalism occurred in a motorcycle godown near the Medical College where the mob looted and destroyed motorcycles

The next chain of events noted a couple of FIRs pertaining to what happened from about 5 PM at the Shiv Mandir in Nalhar village. The procession was supposed to start at about after 1 PM for its destination at Ferozepur Jhirka, but the yatra could not begin because of mob violence. The temple administration kept back the yatis inside the complex. A mob gathered there from early evening is said to have numbered in hundreds and it pelted stones on the police and on the yatis. It also fired shots from illegal weapons. The murderous attack on Abhishek, the 22-year-old youth from Panipat happened here and it is said that he was fired upon and then attacked with an axe. When his cousin, a complainant, took Abhishek to the Medical College, he was declared dead by the Medical Officer.

Incidents occurred at Badkali Chowk (Nagina Tehsil) from 2 PM onwards. Situated on the same Sohna Alwar road, and located over 22 km from Nuh town, Badkali Chowk is a densely populated part of the highway spilling over with carts, shops and small stores. A mob of 400-500 Muslim youth gathered and started pelting stones at the police personnel stationed there. The police and government officials had to escape and save themselves. The mob then looted, torched and destroyed carts and shops belonging to Hindus, damaged and burnt vehicles. It is alleged that it also intercepted highway buses and attacked them. The biggest damages were caused to an auto spare part store, to

a computer and money transfer shop and to an oil mill belonging to a local BJP functionary. Presumably, the police was able to quell the actions of the mob before 5 PM.

Smaller incidents were reported from Mandikhera chowk, which is a few kilometres away from Badkali where a car was attacked, and its occupants were looted by a mob of nearly 300 persons. Yet another incident was reported from Singar Bus Stand at Bichhor village (Punahana Tehsil) where an armed mob gathered at about 5 PM in front of the Shiv mandir raised slogans against the yatra, pelted stones, beat passersby and damaged vehicles. Some policemen sustained injuries. The police was able to bring the situation under control by firing several rounds in the air. Likewise in Ferozpur Jhirka, a mob intercepted a motorcyclist and a rider on their way to the mandir and it thrashed the two men, snatched their money, and set the vehicle ablaze.

Two points are noteworthy: One, the police filed a total of 46 FIRs for the above chain of violent incidents in Nuh and Nagina of which 45 are filed against known or unknown Muslim men including minors. Only one, is filed against one Hindu individual, Rajkumar, aka Bittu Bajrangi for carrying tri-shuls and swords. The FIR alleged that Bajrangi and his followers overwhelmed the police and forcibly took back their weapons from the police car. More importantly, the said FIR was filed by a police functionary, 15 days after the incident, a delay which bolstered Bajrangi's case for bail, and he was granted bail within two weeks of arrest. Interestingly, the judge while granting bail to Bajrangi noted that "snatching of such articles/weapons from the policemen is also highly improbable." Two, despite repeated references to the attack on police and yatris, there is no mention of injuries caused to Hindus other than the grievous attack on Abhishek. The only other mention of injuries is from the police's side as a few sustained attacks from the mob.

BOX 1: DEMOLITIONS

Three days after the Nuh violence, a demolition drive was carried out in which, as per reports, over 1,200 houses, shops and vending stalls were demolished at 11 towns and villages, often without adequate notice. The claims and statements by different officials attribute the demolitions to 'unauthorised construction,' 'encroachment on government land,' and 'buildings used by rioters to throw stones and petrol bombs at Hindu procession.' The decision to carry out the demolition was taken in an official meeting on August 1, 2023 (*HT*, Aug 10, 2023). Our team visited three of these sites: a tiles showroom on the national highway, a cluster of shops opposite the Shaheed Hasan Khan Mewati (SHKM) Medical College and Hospital, and a small hamlet just outside Nalhar village.

A. Showroom at Tiranga Chowk

A three-storey building situated at Tiranga Chowk contains the only tiles showroom in the town, which has been running for six years.

On the morning of August 6, 2023, the owner Zubair received a phone call from an employee that municipal authorities were demolishing his shop as an illegal structure. Upon rushing to the site, the owner was not allowed to approach the premises due to a heavy police bandobast. He pleaded with the officials that the building is not illegal and that he possessed all the documents, and he had not received any notice. The pleas found no response. Having demolished two faces of the building and damaged some vertical beams, the demolition team was interrupted by the approaching night. The next day, an order from the Punjab and Haryana High Court at Chandigarh halted the demolitions and prevented further damage to the building.

A year later, the building has been repaired and the showroom is functional. Zubair lamented that though insurance cover is available for property damaged in a riot, there is no such cover for when the government is responsible. When asked if he had thought of asking for compensation from the government, he said that he did not want to waste his time.

The official justification, as reported in a newspaper, is that the building plans were not approved. A pre-dated notice, it seems, was pasted on the building some minutes before the demolition started. When asked for his opinion on why his showroom was targeted, Zubair surmised that since most shops in the town were owned by Hindu residents and Meo Muslims were poorer, the economic rise of people like him had made Hindu shop-owners insecure that their business would suffer.

B. Establishments opposite SHKM Medical College and Hospital

Several shops right opposite the gate of the SHKM Medical College had been reduced to rubble when PUDR first visited the area in August 2023 and remained in the same state during follow-up visits in June 2024. Torn banners of shops selling fruit juice shakes and a diagnostic collection centre lay half-visible in the rubble. Local residents at the neighbouring mosque told PUDR that these shops including chai stalls, restaurants and ultrasound labs remained shut for a few days after the July 31 violence. Before they could open, they were all demolished without any notice being given on August 5, 2023. The store-owners thus did not have a chance to even remove their goods from inside. Most of the owners, according to residents, were Muslim and 2-3 were Hindu. That same day, attempts were made to demolish the mosque adjoining these shops as well. After some locals intervened, the mosque was left standing but electricity poles were knocked down.

Without any restaurants and shops, patients and their families who travel from afar to come to the Medical College face great difficulties, as there is now not even a chai stall in the vicinity.

C. Shanties bordering Nalhar village

Beyond the Nalhar village land, along the base of the Aravali foothills, lie three separate settlements, each with a handful of semi-pucca houses, in an area locally referred to as Chhota Nangla. Residents of Chhota Nangla told PUDR that on August 3, 2023, two police officers and three men in saffron scarves who proclaimed themselves to be Bajrang Dal members came in the evening. The five men, who carried iron rods and lathis, destroyed various possessions of the residents, such as beds, a fridge, washing machines, motorcycles, coolers. On August 4 in the afternoon, police and forest department officials arrived with three bulldozers and completely destroyed the 10-odd structures, which housed five families. Officers also destroyed grain storage tanks, chakkis, threshers etc.

A 48-year-old resident, whose family had four shanties, showed PUDR a show-cause notice issued by the Haryana Forest Department, alleging that pakka houses had illegally been built on protected forest land. The notice stated that the department would remove the alleged illegal encroachments if within seven days, it had not received a response and the encroachments were still standing. The notice displayed a hand-written date of June 30, 2023 though Chhota Nangla residents told PUDR it had first been affixed the morning of August 4 itself.

II. WEAPONISATION OF CRIMINAL JUSTICE SYSTEM

From July 31, 2023 itself, the police began indiscriminately carrying out raids and arrests, targeting Muslim residents. Of 441 arrests till June 2024, 427 were of Muslims and 14 of Hindus. Nighttime raids were conducted with excessive force as the police destroyed the homes and possessions of those raided. Those arrested were often subjected to brutal custodial violence and torture by the police, and also on occasion by the Haryana Crime Investigation Agency (CIA), a specialised unit within the police. The arrests were marked by flagrant violations of fundamental rights such as the right of production before a court within 24 hours of arrest. Moreover, arrests were accompanied by communal abuse and demands for bribes.

Remand proceedings failed to act as an effective check against police abuse, and often occurred in name only, with accused persons being made to remain in police buses in the court complex instead of being physically produced in court on several occasions. Even after remand to judicial custody, the accused had to endure overcrowded and unsafe living conditions, with some inmates reporting brutal physical assault by jail authorities and continuing communal abuse. Persons with additional vulnerabilities, such as juveniles, individuals with disabilities and Rohingya refugees, were not spared any of the above violations. Though most have been released on bail, high surety amounts and day-long court appearances impact their ability to resume their employment and education, further impoverishing their families.

Police repression continues to overshadow their lives: the police have threatened several of those released with false implication under the Unlawful Activities Prevention Act, 1967, which was added to four FIRs in January-February 2024. When asked regarding excesses at the time of arrest and during custody, officials at the Nuh district police headquarters denied that the police had committed any violations.

A. RAIDS AND ARRESTS

Local lawyers and residents described to PUDR how July 31 onwards, the police conducted indiscriminate raids on Muslim homes in several villages, harassing women residents, destroying the residents' personal belongings, and wrongfully arresting residents in the course of the raids, thereby creating an atmosphere of fear and terror. The police brazenly flouted constitutional guidelines around arrest, as laid out by the Supreme Court in *DK Basu* (1997). To list a few, neither the arrestees nor their relatives were properly informed of the grounds of arrest, and on several occasions, their family members learned of their arrest only after they were produced in court. Arresting officers often did not display name tags, and arrest memos were routinely made a day or two after arrest, showing a false date and time. Illustrative accounts of raids and arrests are discussed below.

1. Immediate aftermath

On the intervening night of July 31 and August 1, according to Naseeb, a 29-year-old resident of Nagina village, 45-50 police persons in plain clothes, including some personnel from CIA, descended on his house after midnight. He told PUDR that the police broke open the lock on the main gate, and on seeing Naseeb's mother, they beat her hands and feet so badly with lathis that her nails splintered. The police similarly beat Naseeb's father till the nails on his hand broke. The police dragged out Naseeb and his two brothers and took them to the police station. When Naseeb tried to ask the police on what basis he had been implicated in the violence, the police refused to answer him and merely said that he would not be released since directions to arrest him had come from the top.

As news of such raids spread and fearing wrongful police persecution of their male children, many parents decided to send their children away to their relatives' houses in other districts. Parents in Nalhar village told PUDR that

when the police raided them three days after the incident, they did not make arrests as their male children had all fled, and instead they wantonly broke doors and locks and destroyed shelves and other household items. Another parent, Rajpuri resident Dilshad, told PUDR that his elder son—a medical student and father of a 9-month-old child—his younger son and his nephew left the house on August 1 at around noon and were wrongfully arrested shortly after, from a petrol pump near their house. The police did not inform the family about the arrest, and the family's repeated efforts to call the police station to enquire about their children failed. Dilshad instead received news of the arrest from a friend of his son's who had by chance come to learn of the arrest. Dilshad did not go to the police station as he was afraid that he too would be wrongfully arrested. When Dilshad visited the local MLA's house, he met several other family members whose relatives had been missing for 4-5 days. It was only on consulting a list of arrestees at the MLAs house that those family members learned that their relatives had been arrested.

Some Nuh residents who, fearing arbitrary arrests, had fled to neighbouring districts were arrested from the districts they had gone to. For instance, Munawwar, a 22-year-old resident of Punahana tehsil, went to stay at his maa-si's house in Kama tehsil in Rajasthan. On August 5, when he had gone to the market with five of his brothers and friends, the Bharatpur police asked him for his Aadhaar card on seeing that his bike had a Haryana license plate. The police detained all six persons and took them to the chowki for questioning, where one officer (who was not wearing a name tag) slapped and beat up Munawwar particularly hard since he had asked the policemen why they were demanding his Aadhaar card. The police beat up the other five as well with laathis, and abused them with communal slurs, calling them *mulla*, *katwa*, and terrorist; and accusing Muslims of having abducted women during the Navratri yatra. The Rajasthan police then called Nagina PS officials, who reached Kama tehsil by noon and took the six of them and two others to the Nuh police lines. The Nagina PS officials further slapped and verbally abused Munawwar and the others during the car ride, demanding bribes from them and threatening to send them to the *kala pani* jail.

2. *Encounter-arrests and a death*

In mid-August 2023, at least two persons were gravely injured in a pattern of ‘encounter-arrests.’ In the first instance, the police shot an alleged accused in the leg while chasing him and another accused on a bike near the hills outside Sakho village in Tauru block (*The Print*, Aug 10, 2023). The police claimed that the duo first opened fire on the police while trying to flee. In the second instance, another accused was shot in the leg, again in Tauru block (*India Today*, Aug 22, 2023). The accused was allegedly hiding in an isolated house and opened fire on the police when he was apprehended. In both instances, the police claimed to have recovered country made firearms and cartridges.

One of the raids even resulted in a death. On August 2, the police raided a house in Singar village in Punahana Block and it beat one of the older residents in the house. The 52-year-old man, Jabbar Khan, later died. While the police maintained, as noted in a news report, that Khan died because of ‘shock’ and not because of police beating (*Newslaundry*, Aug 9, 2023), locals told the PUDR team that when the police detained Khan’s sons, it pressured them into silence by threatening that they would falsely implicate them in a murder case.

3. *Persons with additional vulnerabilities*

In the course of such wanton raids and arrests, the police failed to check even the ages of those they picked up. In at least two cases where PUDR spoke to the arrestees, the police illegally kept minors in police custody, in a flagrant violation of the Juvenile Justice (Care and Protection of Children) Act, 2015. In the early hours of August 1, Ayan, a 17-year-old resident of Padli village (Nuh Tehsil), was picked up from a relative’s house in Muradbas village along with five others, in a raid conducted by 40-50 uniformed policemen. He was illegally detained in police custody for over 24 hours, and given food for the first time nearly 20 hours after his arrest. He was further illegally remanded to police custody for a further three days before the court finally identified him as a juvenile and sent him to the juvenile correctional centre at Faridabad. In another case, 17-year-old Kamran, a resident of Aterna village in Nuh and Class X student, was arrested from his phuphi’s house in Punhana on August 6. The police beat

him with lathis and abused him. It was only when he was presented for remand in Ferozepur court that the judge asked Kamran his age. Though the police had told Kamran to say he was 19, Kamran told the judge his actual date of birth. Kamran was then taken to the juvenile court in Nuh the next day where he was remanded to a juvenile home in Neemka, Faridabad.

Persons with severe disabilities were not spared either. On August 7, a large police convoy raided the family home of a 52-year-old man, Asif, who has a 75% orthopaedic impairment. The police broke the terrace door, and wantonly destroyed several household valuables during the raid. They abused, beat and arrested Asif and his brother, on grounds of their phone location. Asif protested and told the police that he was disabled, and that his phone location would have showed Badkali Chowk on July 31 as he lived there. He asked the police if they had any photographic evidence of his involvement but the police did not engage with him.

Besides minors and persons with disabilities, Rohingya refugees were another vulnerable group targeted in the aftermath of July 31, 2023. On August 4, according to Ashraf, a resident of Sadiq Nagar which is one of the Rohingya settlements in Nuh, police officials including CIA officers came to their house and told him they needed to take his son Imran away for questioning. They assured him not to worry saying that they would let Imran go after questioning, and they also took Imran's laptop and mobile. Imran did not return that night and when Ashraf along with Rohingya community leaders went to the CIA office to enquire about his son, officers denied any knowledge. It was only 2-3 days later that Ashraf came to learn Imran was being held in a police station. Imran's colleagues at the office where he worked reportedly told the police several times that they had CCTV footage of Imran working in office the day of the July 31 violence but to no avail.

Another Rohingya refugee, Rafiq, told PUDR that he too had been arrested on August 4, when a CIA official came to the Nangli settlement where he lived and asked him to come along for questioning. Only after reaching the police station, Rafiq realised he had been arrested, and no one from his family was informed for days. Rafiq told PUDR that after keeping him in custody for

2-3 days, CIA officials told him they had no evidence on him and were turning him over to PS Sadar Nuh. During his first remand hearing in court, the judge apparently pulled up the police for arresting him without reason and asked them to finish their custodial interrogation, remanding Rafiq back to police custody. According to Rafiq, his further interrogation yielded no evidence as he had not left his home between July 31 and August 2, since the owner of the plot on which Rafiq lives had informed them about the violence. Rafiq said that months after his release on bail, he saw the CIA official who had detained him and when he asked the officer why he had arrested him, the officer told him they had a set number of arrests they needed to show.

A Rohingya community leader that PUDR spoke to also stated that there was little basis for the arrests of Rohingya refugees. According to him, Rohingya refugees in the area are routinely harassed by Foreigners Regional Registration Office (FRRO) and police officials, who stop them from leaving the area or hosting visiting relatives. As media reports corroborate, refugees are often detained for their alleged involvement in crimes, as they mostly work in petty trades such as garbage collection, selling of scrap or ferrying of passengers.

4. Long duration

The raids and arrests continued for over a month and the communal tenor and sheer brutality were repeatedly highlighted by residents and by lawyers. Several Nuh residents were arrested weeks after they returned to Nuh from relatives' homes in other districts. Some such arrests, made months after the incident, appear to show mala fide motives behind the arrest. Shamsher, who works as the helper of a truck driver and lives in Karaheri village in Nuh, told PUDR that he was working in Uttar Pradesh on July 31 and came home from work in mid-August.

For two months, he was not approached by the police. But then he got into a dispute with another resident, who influenced the sarpanch to implicate him in the Nuh violence cases as revenge. On October 14, 2023, 4-5 police cars came to Shamsher's house to arrest him, and the resident he had a dispute with accompanied the police as well. While the village sarpanch demanded Rs. 1

lakh from Shamsher, the police demanded Rs. 50,000 from him to release him, which Shamsher was unable to pay.

While raids were discontinued after a period of time, arrests are being made till the present day, and the police told PUDR that arrests may continue as investigation progresses. Residents from Nagina Block told PUDR that at least two persons were arrested in April 2024. According to a local lawyer, in April 2024, the police even threatened to implicate one of his clients, who was in Rajasthan on July 31, 2023 in the Unlawful Activities (Prevention) Act, 1967 (UAPA) cases if he did not compromise in a prior 2023 civil property dispute case.

5. Lack of remedies

Where local residents complained against the brutality of the raids, no action was taken. Local lawyers told PUDR about a case on the night of August 11, when the police raided a house in Moolthan village in Nagina Block and destroyed nearly all the domestic appliances, also breaking doors, windowpanes and mirrors. The Sarpanch of the village, an RSS worker, is an accused in the lynching of Nasir and Junaid in February 2023 (He was arrested eight months later; see *The Print* Oct 7, 2023). Local lawyers told the PUDR team that the Sarpanch's father had made allegations to the police that certain Muslim youth in his village were involved in the July 31 violence that day itself, based on which the police raided the Moolthan house that night. The family reported that after the raid, it found that 3.5 lakh rupees and 25 tole of gold disappeared. Unlike most deprived households which bore the brunt of raids, this house in Moolthan had a CCTV camera, and the resident recorded the raid and sent the footage along with a complaint to the DGP and the IG police of Haryana. Despite submitting evidence, no case has been made on the complaint of the resident.

B. POLICE CUSTODY

Arrestees and lawyers also described the brutal custodial violence that police, including CIA officers, inflicted on arrestees. The testimonies gathered show

a common pattern in the modes of torture used by the police beginning with the forcible locking up of large number of arrestees, as many as 20 or 22 in cramped, dingy and unsanitary lock up rooms. The arrestees were denied proper food and water for hours, and the toilet facilities were almost nil. Especially in the first few weeks of August, when the police indiscriminately raided homes and picked up juveniles, youth and even elderly men, several arrestees were forced to suffer the inhuman lockup conditions for at least two days before being produced in court, a violation of the fundamental right to court production within 24 hours of arrest.

1. Physical torture

These violations were accompanied with practiced forms of physical torture in the name of interrogation. During these sessions, the victims, while being subjected to harrowing forms of pain and humiliation, were forced to identify photographs, admit to the allegations made against them by the police, or sign on blank sheets or arrest memos showing a false date and time of arrest. The police often hit their faces with lathis if they resisted or did not do as the police wanted. Two arrestees that PUDR spoke to in court when they were first produced on August 20, 2023 said that the Haryana CIA officials had arrested them on August 18, and tortured and kept them in the CIA lockup overnight before transferring them to PS City Nuh on August 19. One of the accused told PUDR that in the CIA quarters, he had been made to strip down to his underwear and beaten. CIA officials rubbed a chappal against his teeth. The other accused told PUDR that he was also made to take his clothes off and beaten in the CIA quarters. While police stations did have CCTV cameras installed, several arrestees told PUDR there were no CCTV cameras in the rooms where they were kept before remand.

Besides such harsh beating which was carried out with wooden lathis, several young men were singled out for the ‘roller treatment’, a third-degree torture form using an iron roller weighing around 80 kilograms, often filled with cement so as to make it heavier still. The standard practice of the roller treatment begins with forced nudity, and lawyers reported seeing arrestees sitting naked

in several police station lock-ups, including the CIA station at Tauru. During the 'treatment', the arrested persons are made to lie down on the ground facing up. Their hands and feet are often tied up, or held by police officers, so as to not allow them to move or resist. Two-three officers then jointly roll the heavy roller on their thighs and genitals for several minutes at a stretch, which causes excruciating pain. One arrestee told PUDR that he was subjected to the roller treatment seven times on one day, till he felt like the veins in his thighs had been destroyed and fainted from the pain, and then again three times the next day. The significance of the roller treatment, like other torture methods, is that it leaves no visible marks on the victims. Hence, medical examinations do not show how a victim has been tortured in custody.

2. Communal abuses

Such physical torture was aggravated by persistent psychological and mental torture. Communal slurs were constantly hurled and many were abused with a common phrase that they looked like terrorists. Arrestees were asked whether they came from Pakistan. One Nuh resident told PUDR that the police made him, and 11 other arrestees who were in police custody with him, chant Jai Shri Ram several times.

3. Bribes

PUDR also learnt of several allegations of bribes that the police demanded from families of accused in lieu of torture. For instance, Ameena, the wife of an accused and resident of Jalapur village (Nagina Block) told the team that when she went to meet her husband in PS Nagina on August 1, the SHO demanded money. He threatened her that if she didn't give money, her husband would be badly tortured. Ameena's household depends on the meagre earnings that her husband made as an agent for the van rickshaws and he would get 10-20 rupees for each ride for which he would be able to fill the van with passengers. Despite her poverty-stricken household where she has to feed four children, Ameena arranged for 50,000/- rupees which she handed over to the SHO at the police station with the hope that her husband would not be tortured and harassed.

Ameena's is not an exceptional story as the allegations of bribes were made by many. When Ashraf, the father of the Rohingya refugee Imran, and a relative of Rafiq, the other refugee picked up on August 4, went to PS Sadar Nuh, a two-star officer asked them for Rs. 50,000 each as a bribe to release the two, threatened to falsely show recoveries of various weapons for them. Ashraf and Rafiq's relative were unable to pay this amount, and instead paid a lesser amount in return for the officer promising they would not falsely add graver charges on his son. Imran was later transferred to PS City Nuh, where Ashraf again had to pay a bribe simply to meet him. Imran was barely able to speak when Ashraf met him and was crying continuously. Imran later told Ashraf that the police officers had told him to either renounce his religion or stay in jail.

4. Illustrative account

The following representative testimony shows the above patterns: Shamsher, a truck driver helper, was arrested on October 14 in 2023, allegedly as his village sarpanch had falsely implicated him in the Nuh violence over a local dispute. Police officials stripped Shamsher naked, made him lie down on the floor, and tied his hands behind his back. 5-6 officials stood on the roller and rolled it up and down his thighs three times, for around 5-7 minutes each time. In addition, the police physically abused him in other ways. Shamsher described how he had shaved Allah into the side of his hair above his ears as this style had been trending recently. When one of the SIs saw this, he put his feet on Shamsher's neck and pressed down with force.

After two days of illegally keeping Shamsher in the PS lock-up, without producing him in court, the police took him to a doctor to get his medical check-up done. Shamsher said that though he told the doctor the police had beat him, the SI told the doctor that the 1-2 bruises on his body had been self-inflicted (roller torture rarely leaves visible marks on the victims' thighs). The doctor did not listen to Shamsher and accepted the SI's version. After the court remanded Shamsher to judicial custody on October 16, the police again tortured and beat Shamsher with wooden sticks in the PS before sending him to Nuh jail, as the village sarpanch apparently came to the PS and told the police to beat him more.

None of the torture methods that the police used are new or surprising. Even though Nuh district does not have a history of communal rioting, it is evident that the police repression that began with indiscriminate raids and large-scale arrests fitted the plan of interrogation methods which relies heavily on forms of torture. What is noticeable is the communal edge to the torture as the victims would be taunted, abused and harassed for their Muslim identity. And just as the excesses committed during the raids were never admitted to, despite complaints, the fact of torture has not been acknowledged either. The families of the accused are in no position to complain against the police for fear of harassment. When asked, the police denied allegations of custodial violence.

C. COURT PRODUCTION AND REMAND

1. Non-production

Nearly all the arrestees PUDDR spoke to described flagrant violations of the constitutional right to be produced before a magistrate within 24 hours of arrest. Most were illegally kept in police custody for two days before being taken to court, and their arrest dates were falsified.

When the arrestees were taken to court, in several instances, they were never actually physically produced before a magistrate but made to sit in the police bus in the court complex. Producing accused persons in court after arrest is a crucial safeguard, allowing courts to independently check whether the accused were beaten, whether they are juveniles, and whether they were lawfully arrested. Moreover, it provides an opportunity for the accused to meet with their family and lawyer, and enables the lawyer to obtain a copy of the FIR and remand papers, learn of the grounds of arrest, and ask the client about their treatment in police custody. But in cases where the arrestees were never actually produced before them, magistrates in Nuh continued to pass remand orders, including orders remanding the accused back to police custody. Family members were often unaware of when their relatives were being produced, or if they knew and reached court, they were not given time to speak to them.

2. Juvenile arrestees

The cases of the minors discussed above underscore the importance of physical production. In the case of one of the minors, who was illegally kept in police custody before being taken to court, the court ended up rubber-stamping his illegal custody in a police lock-up for a further three days since it did not insist on seeing him. After this three-day period ended, Ayan was finally physically produced in court, and the judge happened to recognise that Ayan was a juvenile since he remembered Ayan from a prior 2020 case in which Ayan was an accused. The police contested Ayan's age but the judge reprimanded them for not knowing the difference between a juvenile and an adult. Because of the judge's intervention, Ayan and his young cousin were not sent to jail but to the juvenile correctional centre at Faridabad. In the case of the other minor, Kamran, the police told him to tell the judge he was 19 when he was first produced in court after his arrest. Kamran however told the judge his actual date of birth, and was then sent to the juvenile home in Neemka, Faridabad.

3. Failure of safeguards

In some cases, even when accused persons were presented before a judge and complained to the judge about custodial violence, little effective action was taken by the court. In one instance, on August 20, 2023, two persons produced before the duty magistrate informed him that the Haryana CIA had arrested and custodially tortured them, and then transferred them to the local police station which illegally detained them for one further day in its lock-up before production. The judge directed that a medical exam be conducted, and granted the lawyer's request for a brief meeting with the accused at the back of the courtroom, outside the earshot of the police. One of the accused cried continuously as he recounted his custodial torture to the lawyer. At the end of this meeting, the judge asked the lawyer to show him her notes from the meeting. Despite the lawyer attempting to raise concerns that doing so would violate the sacrosanct confidentiality between lawyers and clients, the judge insisted on his demand. The judge told the lawyer that just as he had helped her by allowing her request

for a meeting with the accused, the bar should also similarly help the bench by agreeing to show him her notes. The judge further told the lawyer that she should not tell the media about the accused persons' claims. The judge claimed that he was looking out for the accused persons' best interests by saying this, as media attention on the case could prompt the CIA and the police to cover up evidence of their violations. The lawyer told PUDR that she had never heard of a judge making such a demand before, and that she believed that the judge's other remarks were an attempt to convince her to stay silent since he was afraid of the repercussions for him and CIA officials if the media covered the accused persons' story.

Other more routine instances highlight the mechanical nature of remand proceedings and the court's failure to hold the police to account. One arrestee told PUDR that when he and his co-accused were produced barefoot in court, the judge asked the police where their shoes were. The police falsely told the judge their shoes were in the bus, but the judge did not verify with the accused and accepted the police's statement.

The customary medical check-up before judicial custody failed to act as an effective safeguard as well. Arrestees reported that the police threatened them not to say anything about the custodial violence they had endured to the doctor. According to one arrestee, he did tell the doctor that the police had beaten him. But the accompanying police officer told the doctor that the 1-2 visible bruises on the arrestee were self-inflicted and the doctor's report reflected the police version.

D. JAIL CONDITIONS

The PUDR team spoke to around 15 individuals who were sent to judicial custody, all of whom described horrific overcrowding and living conditions in the Nuh district jail in Salamba. Some reported brutal physical violence and communal harassment by jail officials as well.

1. Living conditions

The jail's Mahila (women's) ward had been emptied out, with its female inmates transferred elsewhere. The women's barracks was then filled with inmates im-

plicated in Nuh violence cases, to 2-3 times its capacity. Inmates were left to figure out sleeping arrangements as best as they could on their own, and were forced to sleep on top of each other and sleep in shifts. They were allowed to go outside only for a limited time daily and initially, many were made to perform cleaning tasks in the jail. The inmates were not given adequate toilet facilities, and the water supply functioned only for part of the time. Some reported having to occasionally relieve themselves in the same barracks in which everyone slept or outside. The basic food provided was of poor quality, and there was no canteen. Provisions for inmates to purchase additional items such as shampoo was also started towards end-August.

Some inmates, including the two Rohingya refugees Imran and Rafiq, were placed in a separate high-security ward, without being told why they were sectioned off. Between 6-10 inmates shared a windowless cell. The triple-doored cell would be opened for 10 minutes at 6 AM for the inmates to be given food. The inmates were made to work in the jail premises, from digging holes for trees to cutting grass to cleaning the jail. For the rest of the time, they were not allowed to leave their cell in the high-security ward. Inmates reported that there was little respite from the heat, and by the time they left jail, they were considerably weakened by the lack of sunlight.

2. Physical and communal abuse

Several inmates reportedly suffered brutal physical violence at the hands of jail authorities. A 32-year-old resident of Nijampur village Imroz filed a writ petition in the Punjab and Haryana High Court averring that when he met his jailed brother Ali on December 13, his brother was unable to walk properly and had several visible injuries. His brother told him then that certain specific jail employees and police officers, including a constable, a line officer, and two SHOs, had assaulted him and several others on December 11, in front of CCTV cameras installed in the jail. According to Ali, the assault was so brutal that Ali's urethra was bleeding, but he was locked-up in the *chakki* and medical treatment was deliberately withheld. While jail authorities ignored Imroz's letter to them, the Chief Judicial Magistrate ordered a medical examination for Ali on Imroz's ap-

plication. Ali's medical examination on December 18 showed pain on his right shoulder, lower back, left thigh, left calf, left foot, right hand, and abdomen.

Another inmate, a resident of Nagina village named Irfan, filed an affidavit in Imroz's writ petition stating that on December 11, when he and six others including Ali tried to complain to the jail superintendent about their living conditions, they were brutally beaten by jail and police officials, who he named. According to Irfan's affidavit, the officials beat Ali and another inmate Abdul the most, hitting them with sticks, "kicking them, throwing them on the ground and putting pressure on their bodies." Afterwards, the officers "made us clean all the filth in the women's ward jail and threatened us that if you people want to avoid the jail case, then you will have to obey us." The next day, on December 12, Irfan and the others were "forced to sign on a blank paper. And threatened that if you did not sign and take the decision, we would send you to the worst jail." Irfan in his affidavit further averred that "the jail doctor, de-spite knowing everything, did not provide proper treatment to [Abdul and Ali] despite their more serious condition," showing his collusion. Irfan lastly stated that on December 13 when he was released on bail from all the cases he had been implicated in, officers pressured him to sign on a blank sheet of paper and since he refused, he was released later than other prisoners slated to be released. As on date, notice has been issued in Imroz's writ.

Some inmates reported communal abuse at the hands of jail authorities as well. According to one inmate, the guard at the main gate abused them and told them to chaant slogans of Pakistan Zindabad. According to another, jail authorities routinely abused the inmates in derogatory language and called them terrorists and anti-nationals.

The minors that PUDR spoke to were kept in the Faridabad juvenile home, and reported that one of the functionaries hit them and the other minor in-mates. They were only able to contact their families around two weeks after they entered the home.

3. Lack of contact with families and the court

All those sent to jail soon after the July 31, 2023 violence reported that there

was no provision to call family members for the first 3-4 weeks, and their family members were unaware which of the Nuh district jails the inmates were in. Mulakats were not allowed till the end of August either.

Many inmates learned of the cases they were implicated in only after call facilities commenced in end-August. In one instance, an inmate was shocked to discover he had been implicated in 17 cases when the jail superintendent flip-pantly asked him what he had done to have 17 cases put on him.

Inmates described remand proceedings, which took place via video-conferencing (VC) from the jail itself, as a sham. Inmates often were not informed that their virtual hearings were taking place. They would instead learn from some other inmate who had participated in jail VC proceedings that their appearances had been marked as well.

E. CURRENT STATUS

1. Bail and surety

The vast majority of the 441 arrested have been released on bail, though police officers could not furnish an exact number. Since Nuh remains one of the most socio-economically backward districts in India, arrested persons reported great difficulty in furnishing bail bonds. In addition, Rohingya refugees reported having to pay an additional amount to local residents to get them to agree to stand as surety on their behalf, since bail conditions included furnishing a local surety.

2. Trial and court appearances

Trials in all 60 FIRs pertaining to the July 31, 2023 violence are continuing. Accused persons who are out on bail told on PUDR that on trial dates, though they are required to report to the court by 10 AM, they are routinely made to wait till after lunch. The court naib then marks their appearance towards the end of the court day. Several accused persons reported regular verbal harassment by court officials.

Many also spoke of their inability to find or resume regular work or study after release on bail due to these day-long court appearances, adding to the

financial hardship their families have to endure. One of the accused who constructs huts with bamboo said that because the police gave him back his phone a month after he was released on bail, he lost several clients who used to contact him via his phone. One of the juvenile accused lost a school year as he was unable to give his exams from the juvenile home.

3. *Unlawful Activities (Prevention) Act, 1967*

While the police were unable to confirm a specific number, several accused persons arrested in August 2023 remain in judicial custody, particularly in those cases where charges under the Unlawful Activities (Prevention) Act, 1967 (“UAPA”) were added in January-February 2024. Though the UAPA provisions added, Sections 10 and 11, do not attract the additional bail restrictions that attach to terror offences in the UAPA, the mere invocation of national security laws like the UAPA can influence bail. News about the addition of UAPA charges in certain FIRs was first reported in the third week of February 2024 when bail was denied to an accused charged under FIR 257/2023 PS City Nuh (pertaining to the death of two Haryana Home Guards). It was reported that a supplementary chargesheet with UAPA sections 10, 11 was filed for this FIR on February 6 and bail was denied on the grounds that the accused “commit the same offence again, create pressure on witnesses, and violate conditions set by the honourable court” (*IE*, Feb 20, 2024). Apparently, these UAPA sections were added to FIRs 253, 257 and 401 a month before as evident from a news item which reported that the police filed status reports with these additions on January 8, 2024 (*TOI*, Feb 22, 2024). Shortly after, a similar inclusion of UAPA sections was done in FIR 149/2023 PS Nagina in which MLA Mamman Khan is an accused, but the news about it was reported only in the third week of February. It caused an uproar in the Haryana Assembly, where opposition members tried to prevail upon the government to revoke the sections. However, the Chief Minister refused on the ground that the government had no role in the police investigations (*TOI*, Feb 23, 2024).

Section 10 of the UAPA criminalises membership, or otherwise aiding the activities of, an association declared “unlawful” by the central government

under Section 3 UAPA, a declaration that further has to be confirmed by a Tribunal comprising a sitting High Court judge within six months of the government's declaration. Section 11 of the UAPA criminalises dealing with the funds of an association declared unlawful under Section 3 UAPA, if the central government has issued a prohibitory order on the use of funds under Section 7(1) of the Act. Both the UAPA sections invoked in the Nuh cases can only be applied if an "unlawful" association, declared under Section 3 UAPA, is involved. According to the Ministry of Home Affairs website, as per a document that appears to have been uploaded as recently as July 11, 2024, there are 22 "unlawful" associations under Section 3 UAPA. There is no reported or publicly available information on alleged links between any such "unlawful" association and the Nuh region, let alone what occurred on July 31, 2023.

Thus, why the police added UAPA charges to these FIRs, and why it did so clandestinely, remain unanswered questions, particularly since no arrests appear to have been made on the basis of these newer charges. Approximately, about 65-70 people are named in these four FIRs, of which most are out on bail. The cases of those still in jail, and the addition of UAPA charges, are discussed in greater detail in Chapter IV.

III. ANALYSIS OF BAIL ORDERS

Bail orders are publicly available on the Nuh district court website, and PUDR analysed a randomly-selected sample of 100 bail orders, focusing on any insights these orders might contain into the evidence supporting arrests.

A. METHODOLOGY AND SAMPLING

Of the 60 total FIRs, 14 FIRs were excluded for the following reasons. The 11 FIRs lodged at the Cyber Crime Cell Nuh were excluded, as their orders were not available online. FIR 138/2023 PS Nagina was excluded as a police official confirmed that no arrests had been made in this FIR. Lastly, the two FIRs involving charges under S. 302 IPC (murder) were excluded as bail considerations in murder cases are materially different and bail orders in both murder cases have been examined separately in-depth in Chapter IV. Of the remaining 46 FIRs, PUDR randomly sampled 25 FIRs, and four bail orders for each of the 25 FIRs, examining the court's reasoning in a total of 100 bail orders.

Of these 100 cases, the court dismissed six applications as the accused withdrew the bail petition. In five cases, the court allowed bail as the prosecution did not oppose the bail application: one of these five cases involved a juvenile, and the other four pertained to Hindu men arrested in FIR 84, City Tauru. Since these 11 cases did not involve any disputed points of law, the court passed truncated orders that do not contain any analysis or insight into police investigation. In the 89 remaining cases, the court passed detailed orders as the prosecution opposed bail, and these are analysed below. The court rejected bail in four cases and granted bail in 85. It is noteworthy that the only applications in our sample marked as 'Uncontested - Disposed,' where the prosecution did not oppose bail, pertained to a juvenile and to four Hindu men, while bail applications filed by Muslim men of age in our sample were invariably 'Contested' i.e. opposed by the prosecution.

Table 2: Bail order sample

S. No.	Status of Bail Application	Frequency in our sample
1.	Contested - Allowed	85
2.	Contested - Dismissed	4
3.	Uncontested - Disposed	5
4.	Uncontested - Dismissed as withdrawn	6
TOTAL		100

As the Supreme Court has laid down time and again, bail is not supposed to be decided on the merits of a case, and is instead supposed to examine factors such as whether the accused is at risk of absconding or intimidating witnesses etc. However, the gravity of the allegations against the accused and the evidence supporting these allegations are part of the factors that courts must examine in adjudicating bail. Bail orders thus contain insights into the quality of police investigation, whether there is evidence supporting the arrest and detention of an accused person etc. Moreover, there is no set template for bail orders, and it is ultimately up to the court whether to include a specific detail such as the basis of arrest, or whether a test identification parade was conducted or recovery made etc. The analysis below, such as the percentage of cases in which no recoveries were made or in which there is no video footage of the accused, is based on what the court explicitly notes in the paragraphs containing its reasoning and holdings in the bail orders. The actual percentage may be higher if the entire order or case file is examined.

B. ANALYSIS

The court's analysis in bail orders *prima facie* points to the questionable nature of several arrests. Of the 89 sampled cases where the court passed detailed orders, the court noted the lack of any independent or corroborating evidence for arrest in 81 cases (91%). In at least 26 cases, there was no evidence against the

accused except his own disclosure statement to the police in another case or the disclosure statement of a co-accused. Without recovery of incriminating material, the former is inadmissible at trial. Without corroborating material, the latter suffers from a lack of credibility, particularly given the widespread custodial violence that arrested persons reported to PUDR. In at least two cases, the only material against the accused was that the complainant had named them in his supplementary statement, days after his initial complaint, without any explanation of the delay, again raising concerns around the statement's reliability. In at least nine other cases, there was no incriminating evidence against the accused except "secret information" the police received or the statement of a police witness. Without corroborating material in the form of public eyewitnesses, recoveries, mobile phone location data, CCTV footage etc., a mere police statement too suffers from a lack of credibility, given near-ubiquitous testimonies of the abuse of police powers in the wake of July 31. As the court highlighted in several orders it passed in FIR 85/2023 PS City Tauru, it is concerning that despite being "a permanent resident of area where said incidents took place... no one has recognized or identified" the accused. Given that police largely arrested local residents, for crimes allegedly committed in broad daylight in public areas, the lack of public eyewitnesses is of grave concern across cases.

Other points that the court raised in the sampled bail orders also shed light on the nature of arrests and police investigation. In one of the cases, for example, the court noted not only that there was "no incriminating material available" against the accused till date, but also that the police had not sought his remand and that affidavits furnished by a village official and by the Chairman of the local District Council *prima facie* showed that the accused was in fact "helping the police" in pacifying the situation in a different village. In several bail orders pertaining to PS Nagina FIRs, the court repeatedly noted that there was no incriminating material against the accused in the form of any video footage or mention in the FIR, and no prior criminal background "except sixteen connected cases of same date of occurrence." Lawyers and arrested persons that PUDR spoke to also raised the point that the police had without basis booked multiple individuals in 17 PS Nagina FIRs, including one accused who has a

75% locomotive disability due to polio. In two of the sampled bail orders, the court held that being “implicated in 16 other FIRs of like nature of the same day of incident... is humanly not possible” not only for the disabled accused but also for the other arrestees. These cases are discussed further in Chapter IV.

In its reasoning for granting bail, the court noted the lack of recoveries from the accused in at least 52 cases (58% of the 89 cases with detailed orders), the absence of video footage of the accused in at least 43 cases (48%), and the lack of a test identification parade in at least 35 cases (39%). In at least 30 cases (33.7%), the court noted that the accused were not named in the FIR or no specific role was attributed to them. In nearly all the orders granting bail (94%), the court set the required amount for bail bonds at Rs. 50,000, and in five of the 85 orders granting bail (~6%), the amount was set at Rs. 1 lakh, which as discussed above, caused considerable financial hardship to many.

IV. SPECIFIC CASES

A closer look at bail orders and other documents in specific FIRs drive home several of the patterns of police excess discussed in this report. This Chapter first examines the cases in which the UAPA has been invoked, including the two FIRs involving charges of murder, and then turns to the overlapping FIRs lodged at PS Nagina, where multiple accused persons were implicated in all the PS Nagina FIRs pertaining to July 31, 2023.

A. UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967

1. FIR 149/2023, PS Nagina

FIR 149/2023 (PS Nagina) is based on a complaint made by one Prem, a shop-keeper, about the looting and burning of goods in his shop at Badkali Chowk. The FIR was filed on August 1 and a total of 43 accused were shown in its chargesheet. The complainant had identified four accused and stated that he did not know the names of several others. Halfway into the chargesheet, contrary to customary reason and logic, the police account turns to social media posts that were uploaded before the July 31 incident as some of the accused had confessed, in custody, to their participation in the violence at Badkali Chowk at the behest of posts circulated by MLA Mamman Khan which were reposted by them. Primarily, Khan's posts, as noted in the chargesheet, remind that justice had not been done for the murders of Nasir and Junaid in February 2023, that the police had failed in their duty, and that Monu Manesar should be taught the same lesson that he had served his victims. Based on the confessions made by those in custody, the investigation held that Khan is the 'chief conspirator' of the Nuh violence.

Khan was arrested on September 15, 2023 kept in police custody for four days before being sent to jail. He was released on interim bail on October 3 and granted regular bail shortly after in the four cases in which he was shown as an accused (FIR 137, 148, 149 and 150, all of 2023, PS Nagina). In his

bail order in FIR 149, the court observed that “there is no post from social media account of the applicant accused Mamman Khan inciting violence to a particular community against a particular community,” belying the police’s main allegations in the FIR 149 chargesheet. The court further observed that “he has been booked only on the disclosure statement of co-accused Owais,” who the court had already released on bail due to Owais’s “plea of alibi.” In Owais’s bail order, the police claimed that Owais had called the local MLA and disseminated Whatsapp messages to incite violence, later deleting these posts. However, as the court observed in its order granting Owais bail, the police was unable to furnish traces of such alleged deleted posts. The court instead noted that it found Owais’s alibi convincing, of CCTV footage showing that he was on duty as part of the Haryana Roadways’ checking staff at the Ferozpur Jhirka bus depot.

In other bail orders unconnected with Mamman Khan, the court accepted similar pleas of alibi, including in the case of a named accused in the FIR, Farooqui, raising grave concerns around the complaint’s credibility and police investigation. While granting Farooqui bail, the court observed that the investigating officer had conceded that his mobile phone location was “not on the spot” of the alleged offence and the GPS location of the vehicle Farooqui was in was also “away from the spot.” Farooqui’s lawyers had submitted to the court that according to his phone and GPS location data, he had been 500 km away from Nuh on July 31 and reached Nuh only on August 1 after the violence had completely abated.

The court’s observations in these three bail orders point to the weak nature of evidence against several applicants and the loopholes in police investigation in this matter. What thus remains wholly unclear is how the police’s alleged chief conspirator Mamman Khan is ‘connected’ with the looting and burning of a grocery shop, as the police does not claim he was there. Khan’s belated naming on the basis of disclosures made in custody, and the court’s findings in the above bail orders, suggest deliberate and motivated accusations and arrests, which are furthered by the inclusion of UAPA charges. Most importantly, despite being absent, if Khan is shown as connected with the violence on grounds

of his social media posts, this raises the question as to why Monu Manesar, Bittu Bajrangi and others escaped being likewise arrested and charged under the UAPA?

Box 2: A Political Vendetta?

The belated naming of Mamman Khan in FIR 149 is not without a reason as his involvement in the riots was first alleged by Monu Manesar. While Monu Manesar was responsible for spreading inflammatory messages via his incendiary social media posts prior to the violence, and despite stating that he would participate in the Braj Mandal Yatra, he adroitly stayed away. However, within two days, he accused Khan of fomenting the riots, and stated that Khan was responsible 'solely' for the violence of July 31 (*OpIndia*, Aug 2, 2023). The political colouration behind naming Khan was obvious as Khan had played a leading part in the Haryana Assembly in March 2023 (*HT*, March 21, 2023). Along with another Congress MLA, Khan had denounced the lynching of Nasir and Junaid in February 2023, and he strongly castigated the police's inaction and political indifference in not arresting the culprits. Monu Manesar was allegedly involved in the double murder of Junaid and Waris.

It is not difficult to see that Khan's addition to the FIR is suggestive of a political twist that has been unfolding in the legal aftermath of the July violence, a twist that became especially pronounced in the post-facto addition of UAPA charges. In the disclosure statement of a co-accused, it is stated that Khan had disbursed 500/- to the rioters before July 31, and had played a leading role in an inflammatory social media group prior to the riots. Undoubtedly, the police knew that confessions by a co-accused cannot be accepted in court, but then the point behind the exercise was clearly a political one in which the police supported the allegations made by Monu Manesar against Khan soon after July 31. But more than the political twist, the deliberate addition of UAPA charges to FIR 149 along with three other FIRs (nos 253, 257, 401) suggests a clear communalisation of the investigative agency in the Nuh episode.

2. FIR 253/2023, PS City Nuh

According to the chargesheet filed against 14 accused persons on November 24, 2023, the complainant PSI Suraj of PS Cyber Crime Cell in Nuh was on duty at the PS on July 31, 2023 when a mob of thousands surrounded the PS

and started throwing stones, while chanting that they would burn those in the PS alive. They drove a bus through the wall of the PS, then began firing on the police officials from the roof and set fire to government and private vehicles. They damaged goods kept in the PS police station and stole Rs. 5,000 and some documents from the PS. The police tear-gassed them and opened fire. The accused ran away when backup police forces arrived. The FIR was registered against unknown accused persons, though the complainant stated that he had video recordings and photographs of the accused. The chargesheet notes that during investigation, the police collected video footage from the complainant as well as from CCTV cameras installed at several nearby shops, whose owners also suffered damage to their property and vehicles during the attack.

Despite the availability of evidence and the gravity of the attack, the police investigation in the cases of several arrests does not inspire confidence. The first two persons arrested were the Rohingya refugees mentioned earlier, Imran and Rafiq. As discussed, Imran was implicated in the FIR despite his office colleagues offering to show footage to the police of Imran in office on July 31, and Rafiq was reportedly told by the CIA officer who first detained him that he had been picked up to meet a target number of arrests. Both were shown in police records to have been arrested on August 6, though Imran's father and Rafiq told PUDR they were picked up on August 4.

In its order granting Imran bail on September 12, 2023, the court noted that the police had “not seen the video’s and photo’s recorded / captured by the complainant till date to verify the presence” of Imran, though over a month had passed since the incident and arrest. The order further noted that Imran had admittedly been arrested based on secret information alone, with no recoveries “despite three days police remand.” Though the FIR and chargesheet contain charges under Section 307, IPC (attempt to murder), the court in its bail order for Imran noted that as per the police’s own reply “the injuries caused to the police personnels are simple in nature,” raising questions as to how an attempt to murder charge could be made out. The court had verbatim made the same observations in its earlier order granting Rafiq bail on August 10, 2023. The chargesheet filed on November 24, 2023 does not cite any further evidence

against the two, merely mentioning that the two admitted their involvement in disclosure statements to the police, evidence which is inadmissible at trial.

In fact, in the case of one Shahab, the chargesheet records that though he accepted his involvement in the alleged crime in his disclosure statement to the police, he was discharged on production before the court on August 12 since he was found to not be involved in the case! Disclosure statements to the police are anyways inadmissible at trial, and Shahab's incident casts further aspersions on the nature of police investigation that relies heavily on disclosure statements.

Court orders granting bail to several other accused in the matter, including Tanveer on September 14 and Usman on September 18 repeat the same observations regarding the lack of independent or corroborating evidence against them, as in Imran and Rafiq's orders. As late as January 24, 2024, the court's orders record that the "police has not seen the video's and photo's recorded/captured by the complainant till date to verify the presence" of various accused persons.

At least three minors were arrested in FIR 253, two of whom are also Rohingya refugees. In an order granting one of them bail on November 14, 2023, the court records that the only incriminating material available against the juvenile is a photograph of him allegedly at the spot of the offence. However, the court noted that the photograph "does not bear any date or time" and "place is also not identified."

Nothing in the chargesheet filed in November 2023 discloses any material basis for the addition of UAPA charges, which were reportedly added in January-February 2024 once most of the accused in FIR 253 had been granted bail.

B. UAPA AND MURDER CASES

1. FIR 401/2023, PS Sadar Nuh

FIR 401/2023, PS Sadar Nuh deals with the attack and murder of Abhishek, a 22 year old youth from Panipat, who had participated in the Braj Mandal Yatra. According to a complaint filed by his cousin, Abhishek was shot and attacked near the Shiv mandir at Nalhar on July 31, 2023. Based on the cousin's

eyewitness account and complaint, the police arrested 31 persons and charged them under various sections of the IPC including 302 and under sections from the Arms Act. Importantly, in the FIR, the complainant stated that he did not know the name of the person who shot Abhishek nor did he know the name of the person who attacked him with an axe. However, in the chargesheet which was filed on October 26, 2023, the complainant stated that he “now knows” that the person who shot Abhishek is Fahad (36 years), a resident of Barwa village (Nuh tehsil) and that the person who attacked Abhishek was Shoaib (22 years), a resident of Nalhar village. Both Fahaduddin @ Fahad and Shoaib were arrested in mid-October and were shown as the last two arrests in the chargesheet.

PUDR visited Shoaib’s residence and met his father and cousin. Shoaib was a graduate student in Nuh’s degree college when he was arrested. Shortly after his arrest, when the police challenged Shoaib’s bail application, his lawyer pointed out that no Test Identification Parade (TIP) had been conducted while Shoaib was in custody before being sent to jail on October 17. Shoaib’s lawyer told PUDR that the police sought to move an application for conducting a TIP and the court directed the police to the magistrate for obtaining permission, but the police’s request was denied. Shoaib continues to be in judicial custody, despite concerns with the evidence against him. The complainant’s belated realisation of his name raises suspicion and remains unexplained, as does the lack of any TIP or independent material supporting Shoaib’s identification.

Other bail orders in this FIR also point to concerns surrounding police investigation. For example, 49-year-old Usman, a resident of village Sakras Kuldehra, was arrested in the evening of July 31 from near the bus stand at Nuh town, according to his lawyer. Usman is a bus conductor and on July 31, he was on duty on the regular route between Ballabhgarh and Gurugram. As the order granting him bail on September 29, 2023 records, the bus owner filed an affidavit in court corroborating this. Other examples even raise concerns around the police’s alleged recoveries in this case. In the case of a 21-year-old resident of Moolthan village, Javed, the police claimed to have recovered a stick from him. While granting him bail on October 4, 2023, the court noted that Javed had

not been named in the FIR and no TIP had been conducted for him, “despite the fact that the complainant had stated that he could identify the assailants.” The court further noted the affidavit of a Tauru hotel owner, who deposed that Javed was his employee and had been at the hotel from July 31 till August 1 at noon. The only other evidence against Javed, belied by the hotel owner’s affidavit, were the disclosure statements of co-accused, which constitute weak evidence in light of the police’s failure to conduct a TIP.

On January 12, 2024, Sections 10 and 11 of the UAPA were added to this case, and a supplementary chargesheet under these sections was filed on February 6, 2024. The October chargesheet discloses little apparent basis on which charges pertaining to unlawful organisations or funding could have been added, and as mentioned above, unlike the terror-related provisions in the UAPA, Sections 10 and 11 do not attract any additional bail restrictions. Their mere invocation, however, has led to denial of bail for those arrestees still in custody. Rajpuri resident Dilshad’s two sons and nephew, whose cases were discussed in Chapter II, were arrested on August 1. While the nephew was granted bail on October 25 as his phone location was not at the spot of the alleged crime, Dilshad’s two sons, Zaheer and Bilal, remain in custody, though the evidence against them is similarly weak. Neither is named in the FIR and the only evidence against Zaheer mentioned in orders denying him bail is the disclosure statement of a co-accused. His father told PUDR that Zaheer had remained home all day on July 31. Against Bilal, the orders denying him bail additionally cite location data at different places in Nuh but it is unclear whether this data shows him to be at the alleged spot of the crime. In the latest order denying Bilal bail, dated July 4, 2024, the court refrains from discussing considerations pertinent to bail such as flight risk or the evidence against him, and merely cites the addition of UAPA charges as a reason to deny bail.

2. FIR 257/2023, PS City Nuh

FIR 257/2023 PS City Nuh pertains to the death of two Haryana Home Guards, Neeraj Khan and Gursev Singh. According to the chargesheet filed against three of the accused persons, Jamal, Hamid and Aqib, in November

2023, Inspector Ajay Kumar, SHO of PS Khedki Dola was directed to proceed to Nuh on July 31, 2023 to help with law and order arrangements. When he and other police officials reached the grain market gate near the Cyber Crime Cell police station in Nuh, a large crowd armed with deadly weapons gathered. They opened fire on the police party and threw large stones, blocking the road, and further pelted stones at the police. Of all those officers who sustained injuries during this incident, Home Guards Neeraj Khan and Gursev Singh later died. The FIR was registered against unknown accused, and no one is attributed any specific role in the FIR.

PUDR spoke to Salman, the lawyer for Hamid and Jamal. According to the chargesheet, an accused Shakeel in a different case, FIR 408/2023 PS Sadar Nuh, named them both in his disclosure statement. Strangely, Shakeel, who is a Rajasthan resident and is not from Nuh, was not made an accused in FIR 257. The chargesheet claims that on arrest, both Hamid and Jamal confessed to their involvement and that a country-made pistol and cartridge was recovered from the former; and a country-made pistol, four live cartridges and four empty cartridges were recovered from the latter. Moreover, the chargesheet describes a recording on Hamid's phone in which he allegedly told another individual on call that he was in Nuh and burning a Scorpio vehicle. Both remain in judicial custody.

Hamid and Jamal's lawyer told PUDR that Hamid's call detail records show he was in his home in Dhenkli on July 31. Salman said that in the audio recording, Hamid is merely heard to be asking what the situation in Nuh is and the other individual responds saying that the situation is terrible and that a Scorpio is burning. The burnt Scorpio is not part of FIR 257/2023. As for Jamal, Salman said that CIA officials had detained him a few days prior to his formal arrest, had beaten him, and had made him fire a country-made pistol which was later shown as a recovery from him. According to Salman, Jamal, a law graduate, had helped save processionists from the violence and directed them to safety via backroads. According to Salman and several other local residents and lawyers, the Home Guards had died in an accidental collision of two cars that day.

While the truth of these allegations will only be tested at trial, it is pertinent that the post-mortem reports for both deceased Home Guards do not show any bullet injuries. The cause of death for one is shown to be shock and haemorrhage following blunt force impact, and for the other, multiple injuries and resulting complications following blunt force impact. Since no cartridges are claimed to have been recovered from the scene, the link between the pistols allegedly recovered from Hamid and Jamal and the crime remains tenuous. Moreover, not adding Shakeel to FIR 257, on whose disclosure statement Ha-mid and Jamal were arrested, requires explanation.

Nothing in the chargesheet filed in November 2023 discloses any material basis for the addition of UAPA charges. According to Salman, when two others were arrested in January 2024, their remand papers showed sections under the UAPA, and the chargesheet filed against them in February 2024 shows UAPA charges as well. Salman speculated that the police may have added UAPA charges in response to media reports around that time that most of those accused in the July 31 violence had gotten bail.

C. PS NAGINA

This section looks closely at FIRs registered at PS Nagina, first, to examine the phenomenon of the same persons being implicated in multiple FIRs, often to the point of stretching believability, and second, to outline the account of the lone Hindu arrestee in Nagina FIRs, which emphasises the role communal and class considerations play in determining who the law impacts.

1. Overlapping cases

The first complaint of mob violence at Nagina's Badkali Chowk on July 31, 2023 was made by a Naib Tehsildar who said that 400-500 persons pelted stones on him and on police personnel and that they all had to run for cover (FIR 134/2023, PS Nagina). A similar complaint was lodged by an ASI who was also on duty (FIR 136/2023, PS Nagina). The time shown was between 2 and 3 PM and the next series of FIRs suggest that shop owners and hawkers

who hastily downed their shutters and fled from the area were able to assess the damage done to the properties around 5 PM. On August 1, the Nagina PS lodged 18 FIRs for the violence committed on July 31, primarily at Badkali Chowk (see timeline in Chapter I). As police officials confirmed to PUDR, no arrests have been made in one of these FIRs, whereas several overlapping arrests have been made in the remaining 17.

According to the police, 92 individuals have been arrested in these 17 cases, but since many have been charged in multiple cases, the police stated that the total number of arrestees (added across 17 chargesheets) is 587. This means that on an average each arrestee has been implicated in 6.38 cases (out of 17 cases). In a riot scene, as was the case in Badkali Chowk, this was not an impossibility as the sites of incidence are close by and an individual accused may well have been involved in 6-7 different cases of looting, arson or theft. However, since many were not identified by the complainant, the possibility of them being named by those in custody is apparent. What remains astonishing is that the team was told by local lawyers that 27 individuals (out of the 92 arrestees) have been implicated in 17 cases! For an individual to be accused in 17 discrete offences which happened at roughly the same time *prima facie* appears improbable, so much so that the unbelievability of multiple offences was noted in several bail orders (see Chapter III), where the court noted that being “implicated in 16 other FIRs of like nature of the same day of incident... is humanly not possible.”

Asif’s case best describes the absurdity and the human suffering of being an accused in 17 cases, as this 52-year-old man who runs a kabadi shop at Badkali Chowk has a 75% orthopaedic impairment. Asif resides near Badkali Chowk and, as he told the team, he has been living there for the last three decades. After the violence of July 31, Asif feared police harassment and asked his wife and daughter to go to his wife’s natal place. He too decided to temporarily shift to his ancestral home in Nagina village. On August 7, when he and his older brother were cooking lunch for themselves and their aged uncle, the police raided the house, and broke and destroyed their meagre possessions. The SHO and other police personnel were abusive as they beat the brothers and told Asif of his arrest because of his cell phone location. He protested and said that as

a disabled person, he had downed his shutters and was home near Badkali Chowk that afternoon. The police refused to listen to him and took him and his brother to Nagina thana in the presence of CIA police from Tauru. Fortunately, at the request of neighbours, the aged uncle was left alone. Once in the thana, Asif and his brother were subjected to communal abuse, and inhuman lock-up conditions. Like others, his jail experiences were harrowing. Asif was finally granted bail after two months of incarceration, but his brother stayed for another 10 days and he was an accused in the same 17 cases. Asif's economic situation is today precarious as there was no one to run his small kabadi shop while he was in jail. Further, he has to constantly travel to the district court in Nuh town, a distance that costs time and money. More recently, on account of a road accident, he has been unable to move as his polio-stricken legs have been put in a cast. Asif's case may be extreme, but it underlines the grim reality of the aftermath of Nuh.

2. The Hindu accused and selective prosecution

As per police records, there are a total of 14 Hindu arrestees out of 441 in the Nuh FIRs: seven are accused in a case in which a mosque was damaged two days after July 31 (FIR 85/2023 PS City Tauru); five are accused in a case of arson and beating of a shopkeeper on the night of July 31 (FIR 84/2023 PS City Tauru); one refers to Bittu Bajrangi, arrested in a confrontation with the police (FIR 413/2023 PS Nuh Sadar); and the last is Sameer, charged in multiple cases in Nagina (discussed below).

A few points are noteworthy. One, the police did not register any cases against the yatris, other than against Bittu Bajrangi, even while it was known that some of them were armed. Two, the case against Bajrangi was filed by a police official, but 15 days later, an uncommon practice. Three, a high-ranking police officer explained to the PUDR team that the Tauru cases should not be considered within the ambit of the July 31 events because the damage to the mosque was most likely a result of a short circuit and not arson (a version supported in several of the bail orders in the case), and that personal rivalry and not communal tensions underly the case of beating and arson.

The Bittu Bajrangi case documents suggest that there was a decision to downplay the role of armed Hindus. According to Bajrangi's bail order, the FIR under which he was arrested mentions that "15-20 persons were seen coming towards the temple" with "sword and Trisul type of weapon." However, no one besides Bajrangi has been implicated. Hence, it cannot be denied that there was a communal compulsion in the police's decision in not arresting Hindu offenders, even when they attacked the police.

It is entirely possible that, as the police stressed, the Tauru shop case was one of personal enmity, but many of the Nagina cases could have also had similar compulsions. Questions remain regarding the administrative distinction between mob fury and personal enmity. More importantly, the distinction between the 13 Hindu accused and Sameer, the lone Nagina youth, could not be more stark as he is accused in 17 FIRs lodged by the Nagina police.

Sameer is a 19-year-old Hindu youth who works in the family business of selling street food at Badkali chowk. He was picked up from his residence in Nagina village, on August 2, sometime in the morning for his purported involvement in the arson and looting of a Hindu sweet shop at Badkali (FIR 144). Like many others he was not named in the FIR and his arrest was shown as August 6, though he told the PUDR team that he was illegally kept in custody in Nagina PS for two days without being produced in court.

In his testimony to the team, Sameer said that he was slapped and beaten soundly in custody but was not subjected to the roller treatment or heaped with communal slurs. It is important to note that not all Muslim suspects were subjected to such extreme torture in Nagina PS. However, outside of the scaling down of physical torture, Sameer was given no other preferential treatment, as his lockup or jail conditions were not made any better.

Sameer repeatedly said that his religious identity was irrelevant even though he was the lone Hindu both in the lockup and in jail. When asked why he didn't feel nervous or isolated, he affirmed that both in the lockup and in jail, he was with fellow villagers, people he knew very well. He mentioned that several generations of his family have lived in Nagina village and have been carrying on with the family food business which Sameer joined after Class X.

Sameer's testimony confirms that his class and social relations can and do override religious identity, a fact that was reiterated by a community leader who stated that those who have been incarcerated in the Badkali violence (barring Mamman Khan), are working-class people. That Sameer is no different from others was highlighted by the confusion that the police showed as they initially stated to the team that Sameer was not a Hindu but a Muslim and that his name is Mohd Sameer and s/o Ali Sher. Perhaps such confusions are possible because some names are shared across religions, such as Sohail, and also because Sameer is like any other village youth of Nagina.

Sameer's case also highlights the police's selective use of Nuh violence cases against those with prior criminal cases. Sameer informed the team that he was released on bail in November 2023, after over three months of incarceration, after the judge agreed with his counsel that his arrest was baseless as there was no CCTV footage of the incident, no specific role attributed to him, and that the police did not conduct any Test Identification Parade to confirm his identity. However, within a short time, Sameer had to serve another jail stint as he had missed a court hearing (on August 25, 2023) in a prior case of 2022 (FIR no 303). In January 2024, his bail in the 2022 case was cancelled even while his counsel argued that it was impossible for him to have appeared in court as he was in jail and shown as an accused in 17 different cases. Without disputing the impossibility of appearing in court while being in jail, the police argued for cancellation of his bail on the ground that Sameer had misused his bail condition by participating in rioting and looting on July 31, 2023. The judge agreed, and Sameer was re-incarcerated for another two months in January 2024, after which he was granted bail. It is important to note that even while Sameer was given regular bail in the July 31 cases, the police used the FIRs against him to deny bail in the previous case. Clearly, the police instrumentally used the July FIRs to harass Sameer with re-incarceration.

V. CONCLUSION

A. SUMMARY

All the residents and police officers PUDR spoke to stressed the long-standing communal harmony in the Mewat region. They spoke of the violence on July 31, 2023 as an aberration, and underscored the prompt return to normalcy after July 31, with no further incidents of violence reported since, a fact corroborated by the peaceful manner in which the same yatra occurred on July 22, 2024.

So why did July 31, 2023 happen? Most Nuh residents emphasised the role of Monu Manesar and Bittu Bajrangi's social media posts in fuelling anger that they had escaped accountability for their previous crimes against Muslims. By-and-large residents blamed outsiders from neighbouring districts for the violence, citing how previous yatras had happened without incident.

But the state's narrative of July 31, as recorded in FIRs and chargesheets, does not reckon with these factors. Police officers merely emphasise the return to peace, and the success of community-based policing in Nuh. There is a wilful ignorance surrounding the concerns that Mewat residents face: the impunity afforded to perpetrators of lynchings, state harassment against them and continuing socio-economic hardship.

Not only did the state response to July 31 ignore these larger factors, it instead perpetrated fresh violence against impoverished sections of the citizenry. The state selectively targeted Muslim homes and shops for illegal demolitions, carried out without adequate notice, as was documented in numerous media reports and obliquely noted by the High Court of Haryana and Punjab in an order dated August 7, 2023. The criminal justice system was weaponised against local residents almost immediately after the violence on July 31, 2023 ended. Raids were carried out with excessive force and indiscriminate arrests made, including encounter-arrests. These were often accompanied by brutal custodial torture, including torture with rollers, and communal abuses. The police

reportedly enriched themselves at the expense of those arrested, demanding money from hapless relatives in return for promises that they would not invent evidence against the arrestees and would torture them less. Those accused continued to face verbal and physical harassment in jail, including at least one reported instance of a brutal assault by jail authorities, as well as overcrowded and unsanitary living conditions. Persons with additional vulnerabilities, such as juveniles, individuals with disabilities and Rohingya refugees, were not spared any of the police excesses.

Bail orders and other documents in the cases registered for the July 31 violence raise grave concerns around the bona fides and quality of police investigation in several cases. Most glaringly, a person with a 75% orthopaedic disability along with several others was implicated in seventeen different FIRs pertaining to the same time period, a fact that the court in various bail orders noted was “humanly not possible.” The highly-belated naming of the local MLA Mamman Khan in an FIR pertaining to the burning of a grocery shop, and the court’s disapproval of the police’s tenuous attempts to link him to the crime through social media posts, cast further aspersions on police investigation. Even in grave crimes such as the attack on the Cyber Crime Cell PS in Nuh, where there is widespread CCTV footage available, the investigation appears wanting, almost apathetic to finding out what actually happened. As discussed above, several arrests in this case were based on secret information and disclosure statements alone, with no independent or corroborating evidence. As the analysis of a random sample of bail orders in Chapter III shows, such concerns around the quality of police investigation are not isolated, with the court noting the lack of independent or corroborating evidence in 91% of cases. All these lend credence to what residents and lawyers characterised to PUDR from the earliest days of the fact-finding as the large-scale and baseless targeting of innocent residents. When asked, the police told PUDR that no inquiries had been initiated into police officials for any of these concerns and denied that they had committed any violations.

Lastly, Sections 10 and 11 of the UAPA, which can only be applied in cases involving “unlawful” associations declared under Section 3 UAPA, were inexplicably added to various FIRs in January-February 2024. As bail orders

discussed above reflect, accused persons who have been in custody for nearly a year have been denied bail as a result, though there appears to be no material alleging or showing links between any “unlawful” association and the July 31, 2023 incident in Nuh.

Given the oft repeated non-communal history of Nuh district, and the many yatras that crisscross the land, it becomes important to identify the factors that led to the July 31, 2023 altercation and to provide a true account to the people of the district and those outside. The police investigation seems to show that the culprits shall not be brought to book, and the reality of the happenings shall always remain shrouded in a haze. What the state has managed to do is to brutalise a random set of Muslim youth, destroy the homes and livelihoods of another set of unconnected people and further the communalisation in society and of the functionaries of the state.

B. COMMUNITY ORGANISATIONS AND LOCAL POLITICS

Given the nature of harassment caused by police actions, the question arises as to who helped the accused and their families. For a large number of individuals who had been arrested and released on bail, the major support came from local community organisations, and not from elected representatives who, as the team was told, acted in partisan manner. Several residents of Nagina block stated that the police arrests were aided by local panchayat politics as the election to the 325 panchayats in the district had happened in November 2022, and some of the unsuccessful candidates acted as local informers against those who were known to be supporters of rival contenders. This was emphasised in the case of Nagina village where it was stated that the police zoned in on specific individuals based on the inputs provided by an unsuccessful candidate who is a well-established local politico affiliated to the ruling party. Similarly, it was narrated that the elected representative in Maroda village nowhere assisted the accused as they were known to not be his supporters.

It is indeed ironic that while panchayats elsewhere in the state, such as in Mahendergarh, Jhajjar and Rewari had been proactive in passing boycott resolutions against Muslim traders, testimonies suggest that some of the Mus-

lim elected representatives either politicised their personal grievances against accused individuals or failed in their duties in assisting families of the accused. While it is impossible to verify the nature of panchayat politics or know about the nature of village rivalries, it remains a fact that community organisations are better able to inform and aid families of accused in times of repression.

C. COSTS OF REPRESSION

Repression is much more than individual harassment caused in police or in judicial custody or in legal battles. The costs of repression are both punitive and pecuniary. Though the vast majority of those arrested have been released on bail, they suffered weeks of incarceration and financial and logistical difficulties in organising surety. Not just the accused, but also their families have borne the fear of police harassment, and they have been compelled to survive in the absence of breadwinners, pay legal costs, and provide for bail sureties. As noted earlier, the overwhelming population of the Nuh accused belong to labouring families who struggle in their daily lives. Yet, while Nuh remains the poorest district of Haryana, there are hopes and aspirations as a number of accused are students, first-generation learners studying in school and in colleges. The July 31, 2023 incident has undermined the potential future of these youth as they are either in judicial custody or are tied to the district courts attending to court hearings in cases in which they have been granted bail. One Muslim businessman had told the team that the Hindu business community begrudged Muslim economic progress, and that the state actions following the July 31 incident have deeply damaged the prospects of the community.

The fallout of the Nuh violence has been especially hard for those accused who have been charged in multiple cases as their families have had to provide individual sureties for each bail application. The team was told that in Nagina as many as 27 accused have been implicated in 17 cases. The sheer bail costs have been prohibitive as many do not have resources for 17 separate sureties of 50,000/- each. Under the circumstances, families have had to depend on the goodwill of relatives and neighbours and friends in meeting the bail costs. Hence the costs of freedom from custody have been very high.

More importantly, since almost all cases have been committed to trial, bail means limited freedom as the accused have to attend regular court hearings. For those who are implicated in several cases, the number of court hearings are simply staggering. Frequent court appearances impact their ability to resume regular employment and education, further impoverishing families in what Niti Aayog placed at the bottom of its list of least-developed districts in the country.

In PUDR's interaction with the police, the latter painted a buoyant picture of Nuh's developmental future and its road to success. However, in the very first visit to Nuh town, the PUDR team was told by community elders that the Nuh episode had pushed back the region and its people by as many as 50 years. The contrasting viewpoints illustrate the ways in which the state and people understand Nuh's present and future. For the people of Nuh who have been struggling to come to terms with the aftermath of July 31, 2023 repression has become a material fact of their daily lives.

DEMANDS

PUDR demands

1. An independent inquiry into police excesses committed in the aftermath of the July 31 violence in Nuh district, including indiscriminate arrests, excessive violence during raids, custodial torture, creation of false evidence, extortion for bribes, failure to produce before court within the stipulated period in the Constitution, and violations of the Juvenile Justice Act; along with the initiation of departmental action against erring officers and compensation to survivors;
2. An independent inquiry into abuse committed by Nuh District Jail authorities, including the failure to provide sanitary living conditions for inmates, reports of communal abuse and alleged assault on inmates on December 13, 2023; and
3. Removal of charges under Sections 10 and 11 of the Unlawful Activities (Prevention) Act, 1967

