

Fact finding into the violence in D.J. Halli and K.G. Halli by Bangalore Civil Society Organisations

Terms of Reference

Introduction: A controversial post on Facebook during the evening of 11th August went viral and resulted in a chain of disturbing events. Some sections of the community which felt deeply hurt by the post reacted violently in the DJ Halli police station limits. This was followed by police action to contain the rioting, which included firing - resulting in the death of at least three persons and injuries to many including among the police. Thereafter, curfew was clamped, which was subsequently lifted and prohibitory orders are in place. Post the incident there was very deployment of police and Rapid Action Force (RAF) within the limits of DJ Halli and KG Halli police stations.

There have been widespread reports of targeting of innocents and employment of arbitrary arrests, especially of dozens of young men from the area. Normal life has come to standstill. There are also reports of people in the area not being allowed to come out of their homes.

At least 3 fact finding teams have organised unofficial investigations into the incident - one by Congress, second by BJP and a third by a group called Citizens for Democracy.

Honest Fact Finding: Fact finding in such conflict situations, especially those that involve communal conflict, require extraordinary care in undertaking the critical exercise, for it is meant to assist restoration of communal harmony, restore faith in democratic and law enforcement agencies, and most critically extend relief and comfort to those affected by the violence and strife. It therefore needs an earnest exercise in effort as it is in perception.

This is an exercise that is undertaken to assist in building peace and harmony, and for reconciliation. Equally critically it is a socially transformative exercise which helps build confidence in the population of the directly affected area, and in the general public as well. Such an exercise also assists in strengthening the hands of the justice delivery systems, with careful attention to due process so no innocent person suffers. Most importantly, such efforts build systems of confidence in the public to put an end to efforts of those promoting communalisation and destruction of democracy.

Background to the affected region:

Communities who live in the region share how during the lockdown their area faced extreme containment and surveillance measures. For instance securing supplies and reaching food for all was a serious challenge to relief organisations. Many faced resistance from police and government agencies enforcing the lockdown.

These areas are largely inhabited by the working class, particularly daily wage earners. These communities have suffered for months due to the lockdown, and now continue to suffer from the violence and its aftermath, particularly the harsh clampdown that has been enforced on movement, trade, and just about every ordinary activity that the rest of the city enjoys without a thought.

Rationale for this Fact Finding by Civil Society Organisations: Taking into account the totality of the situation in these areas, several civil society organisations have come together in a meeting held on 16th August and decided to undertake a bipartisan fact finding that would help establish the facts that led to the unfortunate incidents of 11th August, and assisting in promoting efforts that protect human rights and promotion of constitutional values, particularly of advancing communal harmony and safeguarding against efforts of communal and mischievous elements intent on disrupting syncretic traditions of India. With this in view, the following terms of reference have been formulated.

Objectives of the Fact Finding

1. To examine if key representatives of the State and its instrumentalities, including those in key political positions, performed their Constitutional obligations to maintain peace

- and harmony, and the rule of law, in the run up to the conflict and subsequently?
2. Examining the role of the media around the incident.
 3. To document various facts and factors that seeded the violence, including documenting events leading up to the outbreak of the violence
 4. To listen carefully to the voices of various vulnerable and impacted communities, so as to document facts that could be crucial to ensure the ends of justice is met truthfully.
 5. To establish the nature of human rights violations due to the violence and the post-violence measures.
 6. To examine the efficacy of the measures undertaken to tackle the violence.
 7. To examine the necessity of several of the post-violence measures enforced.
 8. To examine if the narrative that has been propagated by the state and its instrumentalities has been influenced by the ideological predispositions of the party in power.
 9. To examine if there was harmonious interaction between different arms of the State to perform their designated roles as per law?
 10. To examine if there were sufficient and adequate steps taken, particularly by the Police, to diffuse the conflict, even avoid the conflict?
 11. To examine if elected representatives cutting across ideological and party affiliations stepped out and made genuine efforts to address the protesters, and dissuade them from turning violent?
 12. To examine if there was any active engagement by religious, inter-religious and political leaders, with the disturbed mob, in an effort to diffuse the situation.
 13. To examine if there were any efforts to help defuse the tense situation by propagating ideas of registering protest in democratic and lawful manner against hurt caused to personal and community feelings, and of expressing discontents in constructive ways.
 14. To examine and document efforts from various religious and political identities in helping build peace, plurality and coexistence in a diverse and interdependent society.
 15. The fact finding needs to also lead to conversations on the need to refrain from any form of religious fundamentalism and explore ways of registering protests and expressing discontent in constructive ways.

Terms of Reference

1. The Fact Finding Team will develop a timeline of events that led to the violent outbreak on 11th August in DJ Halli and surrounding locales of Bengaluru.
2. Develop a detailed narration of the events that led to the violence of August 11, under the following parameters:

Social Media company efforts:

- a) The duration and extent to which the offensive message was shared on Facebook and other social media.
- b) Efforts undertaken by Facebook and other social media in responding to the offensive post, including steps taken to address the implications of the post
- c) To document the extent to which Facebook and other social media played their due role within the framework of the Constitution of India, and applicable police laws and norms, to apply their voluntary standards in addressing, even blocking/deleting, the allegedly offensive posts that triggered the violence.

Police efforts:

- d) Did the police act as per protocol in containing the communal situation that was developing.
- e) Did the police take adequate measures and initiate sufficient efforts prior to initiating steps that resulted in firing on the crowd, resulting in the death of at least three individuals.
- f) Did the police undertake adequate measures to advance peace in the conflict zone, post violence particularly.
- g) Did the police undertake sufficient investigation prior to incarcerating hundreds of individuals on their alleged offences of partaking in the violence.
- h) Did the police in tackling this communal situation act per applicable protocols and

guidelines.

- i) Did the police work with a strategy of bringing law and order in place with effective measures.
- j) Were the police under any pressure to yield to political and communal demands.
- k) Were police measures proportionate to the scale and intensity of the violence, during the violent outbreak and thereafter.
- l) Was deployment of police and RAF proportionate to the situation.
- m) Was enforcement of, and duration of enforcement of, Sec 144 under IPC, proportionate to the conditions of the situation.
- n) To document if there was violation of human rights by the police during interrogation or when arrests were undertaken.
- o) To examine the history of relationships between DJ Halli and KG Halli Police Stations and the people within their jurisdiction, with a particular view of identifying if any prevailing tensions fuelled the outbreak of violence.

Political efforts:

- p) To examine the role played by the elected representatives representing the area (Councillors, MLAs and MP) and other political parties around the incidents of 11th August and thereafter
- q) To examine the role of messages issued by key political leaders, including (or especially) those on social media, in fueling or containing the violence.
- r) To examine if key political leaders acted in conformance with Police Commissioner's appeals and efforts to promote peace, and particularly appeals that required not to advance, or exacerbate, communal tensions.
- s) To examine if there were any political reasons for the outbreak of the violence, and if the offensive message was employed to fuel these political tensions.
- t) To examine if there were particular efforts to mobilise a violent mob and to target their violence against particular individuals, families and communities.
- u) To examine if the mob was mobilised external to the area of the violence, or if they were local and reactive.
- v) To examine if there were any pre-meditated efforts to triggers and channelise the violence.

Impact:

- w) To identify to the best extent possible those who were injured, grievously, or those who died as an outcome of the violence and its aftermath.
- x) To examine the attack on media persons on August 11.
- y) To examine if there was a deliberate or reactive effort to attack the media.

3. Post violence actions:

- a) To examine the rationale and document basis of mass arrests undertaken.
- b) To document legal grounds being framed against those alleged of participating in the violence
- c) To document if the due legal process has been followed in undertaking arrests and interrogations.
- d) To document and examine if adequate legal support has been extended to victims of violence and also those who have been arrested
- e) To examine conditions of families who have lost members in the violence, police firing and its aftermath, and to ascertain if they are supported with adequate legal support.
- f) To examine whether the police injured in the violence have been taken care of
- g) To document if any of these deaths could have been avoided.
- h) To examine if imposition of curfew for days after the violent outbreak was necessary or disproportionate
- i) To examine how various communities responded to the violent outbreak, especially in containing the violence, and also subsequently in extending relief and

rehabilitation to the impacted.

- j) To examine if any efforts were undertaken to reach out to the affected communities with the view of tackling the spread of COVID-19 and assisting those infected with due and effective treatment.
- k) To examine if efforts are being made to build mutual confidence and harmony between the communities, and with the police and other arms of the state.

4. Documenting the background of the situation

- a) To document the alleged role of one Naveen, accused of spreading the malicious message first on Facebook, which is alleged to have triggered the violence.
- b) To document if the said Naveen, or any of his associates, are in any way instrumental to fueling communal tensions and the outbreak of violence.
- c) To examine if the said Naveen had any malicious intent in sharing the alleged offensive message on Facebook, if he was an instrumentality in a wider conspiracy of causing violence, or if he was merely careless in spreading the offensive message/s.
- d) Is the area prone to communal violence?
- e) To establish if the demographic profile of the area, especially religion and caste, class composition, and economic status, has anything to do with the outbreak of the violence.

5. Alleged role of the media in targeting and labelling a particular community as prone to violence:

- a) To document and analyse the manner in which the media has played its role in reporting on events that led to the violence and its aftermath.
- b) To document and analyse if the media has had sufficient basis in framing the violence as operative of a wider terror networks
- c) To document and examine if the media has reported objectively, or if there has been subjective interpretation of events.

Members of the Fact Finding Team

Sr. No.	Name of the Representative	Organisation/ Designation
1	Nina Nayak	Former Chairperson, Karnataka State Commission for Protection of Child Rights and former Member, National Commission for Protection of Child Rights
2	Cynthia Stephen	Independent Journalist and Policy Researcher
3	V Nagaraj	State Convenor, Dalita Sangharsha Samiti (Samyojaka)
4	Mohanraj	State Convenor, Dalita Sangharsha Samiti (Bhimavada)
5	Advocate Niyaz Moosa	Association for Protection of Civil Rights
6	Leo Saldhana	Co-ordinator, Environment Support Group
7	Geeta Menon	Stree Jagruti Samiti
8	Prof YJ Rajendra	President, People's Union for Civil Liberties, Karnataka
9	Irshad Ahmed Desai	Movement for Justice

10	Madhu Bhushan	Gamana Mahila Samuha
11	Advocate Clifton D'Rozario	All India Lawyers Association for Justice
12	Hebbal Venkatesh	State Convenor, Dalita Sangharsha Samiti-Karnataka
13	Vijay Kumar Seethappa	Swaraj Abhiyan - Karnataka
14	Firdouse Khan	Forward Trust
15	Gandhimathi K	All India Progressive Women's Association
16	Tanveer Ahmed	Movement for Justice
17	Shanmugham P	Peoples Democratic Forum
18	Swathi Seshadri	All India Peoples Forum
19	Mallige	Karnataka Jana Shakti
20	Alwyn D'Souza	Indian Social Institute
21	Dr. Siddarth Joshi	Independent Researcher
22	Ganesh G	People's Democratic Forum
23	Manu Chowdhuri C	Gamana Mahila Samuha
24	Shilpa Prasad	All India Lawyers Association for Justice