



REPORT

SAMBHAL VIOLENCE

2024



JEM TEAM VISITED SAMBHAL

on 2nd December, 2024

This report is based upon the interviews with the Advocate Zafar Ali (President Sambhal Shahi Jama Masjid Committee), Families of Victims, Local Citizens and representatives of Jamiat Ulama Sambhal.



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SAMBHAL

A TAPESTRY OF HARMONY AND HERITAGE

Sambhal, a city with a rich historical legacy, has long stood as a symbol of communal harmony and economic vibrancy. For centuries, Hindus and Muslims have lived and worked together, contributing to the region's cultural and economic fabric. A prime example of this unity is the thriving bone and horn handicraft industry, an age-old tradition that reflects the spirit of collaboration and craftsmanship. Today, this industry continues to flourish, with annual exports exceeding Rs. 400 crore to markets around the globe.

The Handicraft Welfare Association, representing artisans from both Hindu and Muslim communities, plays a pivotal role in preserving and promoting this traditional craft. Sambhal's cultural and economic significance is further bolstered by its status as Asia's largest mentha oil market, a bustling hub that engages hundreds of thousands of people and makes substantial contributions to the regional economy.

Despite its enduring resilience, Sambhal faces contemporary challenges that threaten its economic stability. Factors such as demonetization, fluctuating currency exchange rates, and declining groundwater levels have adversely impacted the mentha oil industry. Nevertheless, the city's enduring spirit of perseverance and community cooperation remains a testament to its strength and unity in the face of adversity.

SAMBHAL VIOLENCE

A THREAT TO HARMONY

Sambhal, a city historically known for its communal harmony, is now embroiled in a contentious legal battle that threatens to disrupt its peaceful coexistence. A group of Hindu petitioners, led by notorious right-wing figures like **Vishnu Shankar Jain**, a lawyer involved in high-profile cases such as Gyanvapi and Krishna Janmabhoomi, and **Mahant Rishiraj Giri**, the head of the Kalki Devi temple in Sambhal, have filed a lawsuit against the **Shahi Jama Masjid Committee**.

The crux of the dispute lies in the claim that the Shahi Jama Masjid, a significant Islamic place of worship, was originally a Hindu temple dedicated to Lord Kalki. The petitioners allege that the temple was forcibly converted into a mosque during the Mughal era. They cite historical and religious texts to substantiate their claim, asserting that Sambhal holds immense religious significance for Hindus, particularly as a site associated with the future avatar of Vishnu, Lord Kalki.

The legal challenge seeks to establish the Hindu origins of the allegedly disputed site and secure access for Hindu devotees. The petitioners argue that the site is protected under the **Ancient Monuments and Archaeological Sites and Remains Act, 1958**, and that the public has the right to access it.

This legal battle has ignited tensions within the city and raised concerns about the potential for communal tension. The outcome of the case could have far-reaching implications for the delicate balance of religious harmony in Sambhal and may set a precedent for similar disputes elsewhere in India.

As the legal proceedings unfold, it is crucial to maintain peace and understanding between different communities. A peaceful resolution, based on mutual respect and dialogue, is essential to preserve the city's long-standing tradition of communal harmony.



VIOLATION

OF THE PLACES OF WORSHIP ACT. 1991

The Places of Worship Act of 1991 is a key piece of legislation in this case, but its applicability is recently contested. The Act's core purpose is to prevent the conversion of religious places and preserve their character as they existed on August 15, 1947. This essentially means that a place of worship cannot be converted from one religion to another after that date.

However, the Sambhal case hinges on the claim that the Shahi Jama Masjid was originally a Hindu temple. If the court upholds this argument, it would effectively mean it is violating the basic premise of The Places of Worship Act of 1991.

Here's where the controversy arises. The Act explicitly excludes the Ayodhya dispute, which was settled by the Supreme Court in 2019. This exemption has led some to argue that the Act cannot be applied retroactively to other disputes like Sambhal.

On the other hand, the petitioners in the Sambhal case, and possibly Justice Chandrachud's observations in the Gyanvapi case, suggest that the Act doesn't necessarily bar courts from determining the religious character of a place of worship. This interpretation, if accepted, could open the door for challenging the status of other religious sites.

The legal manufactured complexities surrounding the Act and its interpretation in the Sambhal case highlights the fragility. Upholding the Act's core principles and addressing the concerns around its applicability in such disputes is crucial.

CHRONOLOGICAL DEVELOPMENTS IN THE SAMBHAL VIOLENCE

The series of events surrounding the survey and subsequent violence at the Shahi Jama Masjid in Sambhal have raised significant concerns. Regarding the chronological advancements in the case, JEM team engaged in a discussion with Advocate Zafar Ali, the President of the Shahi Jama Masjid. Below is a comprehensive detailing of the key proceedings as shared by Advocate Zafar Ali. The incidents span from November 19, 2024, to November 24, 2024, and highlight critical administrative decisions, survey proceedings, and the resulting clashes.

1 NOVEMBER 19, 2024 (TUESDAY)

- ❖ 12:00 PM: Advocate Zafar Ali notices saffron-clad individuals near the court, prompting concerns. Upon inquiry, the Peshkars confirmed that a petition had been filed regarding the survey of the Shahi Jama Masjid.
- ❖ 2:00 PM: Petitioners push for the survey, which is approved by Aditya Singh, Senior Division Civil Judge of Sambhal. Importantly, the Masjid Committee was not informed about the hearing or the decision to conduct the survey prior to the court order.
- ❖ 4:00 PM: Umesh Raghav is appointed as the Advocate Commissioner to conduct the survey. However, the court order does not specify a date or time for the survey.
- ❖ 5:30 PM: The Kotwali Inspector informs Advocate Zafar Ali that the survey will begin imminently.
- ❖ 6:00 PM: Advocate Zafar receives the official survey notice. At the mosque, the following officials are present:
 - ❖ Dr. Rajendra Pensia (District Magistrate, Sambhal)
 - Vandana Mishra (Sub-Divisional Magistrate)
 - Krishna Kumar Bishnoi (Superintendent of Police)
 - Advocates Vishnu Shankar Jain, Gopal Sharma, and Prince Sharma (DGC-Civil)
 - Approximately 50 police personnel.
- ❖ 6:00 PM–8:30 PM: The survey commences with videography and photography. Upon inquiry, the Kotwali Inspector hints that the survey

might not be completed that day, indicating that further surveys could occur later.

2 NOVEMBER 23, 2024 (SATURDAY)

- ❖ 6:15 PM: The ADM of Sambhal informs Advocate Zafar Ali that Dr. Rajendra Pensia (DM) wants to meet him in Bahjoi. Advocate Zafar declines, citing health reasons.
- ❖ 7:00 PM: Vandana Mishra (SDM, Sambhal) calls Advocate Zafar, requesting a meeting at his home.
- ❖ 8:15 PM: Anuj Chaudhary (Circle Officer, Sambhal) and Vandana Mishra (SDM) visit Advocate Zafar's residence. During the visit:
 - Vandana Mishra hands Advocate Zafar a notice stating that the Survey Commissioner had requested Dr. Rajendra Pensia's approval for another round of the survey. The officials instruct Advocate Zafar to keep the matter confidential until the survey details are confirmed.
- ❖ 11:00 PM: No further communication is received from officials. However, a local news reporter informs Advocate Zafar that the survey will commence at 7:00 AM the next day (November 24, 2024).
- ❖ Post-Midnight: Krishna Kumar Bishnoi (SP, Sambhal) confirms to Advocate Zafar that the survey will begin at 7:00 AM on November 24, 2024.

3 NOVEMBER 24, 2024 (SUNDAY)

- ❖ 5:00 AM–6:30 AM: A heavy police presence of 100–200 personnel, led by Krishna Kumar Bishnoi (SP), surrounds the Shahi Jama Masjid.
- ❖ 6:30 AM: Advocate Zafar Ali receives a call from Kotwali, asking him to come as the survey is about to begin. Upon arrival:
 - Umesh Raghav (Survey Commissioner) hands Advocate Zafar the survey notice. When Advocate Zafar attempts to raise objections, Vandana Mishra (SDM) snatches the notice, claiming that it had already been served.
- ❖ 7:00 AM: The survey team, led by Umesh Raghav, enters the mosque, and the survey commences.
- ❖ 8:30 AM: Vandana Mishra instructs the mosque authorities to empty the “Hauz” (water tank). Notably:

- This instruction did not originate from Dr. Rajendra Pensia (DM) or Umesh Raghav (Survey Commissioner). DM only suggested checking the depth of the Hauj with a stick.

4 INCIDENT WITH THE HAUZ

A peculiar incident involving the draining of water from a local mosque's Hauj (water tank) ignites rumors and speculation. The loud expulsion of water captures the attention of nearby residents, prompting a crowd to gather in curiosity and concern. The forceful drainage of water is unclear, but it contributes to escalating tensions and various theories about the purpose of the action.

5 CROWD AND CLASHES

Anuj Chaudhary (CO, Sambhal) instructs the gathered crowd to disperse. However, when individuals question the water drainage, the CO verbally abuses them and orders a lathi charge. This escalates tensions, and stone-pelting from the crowd begins. Dr. Rajendra Pensia (DM) and Krishna Kumar Bishnoi (SP) intervene, requesting Advocate Zafar Ali to calm the public. Zafar Ali's appeals lead to approximately 75% of the crowd vacating the area. However, police open fire on the remaining crowd, resulting in five deaths.

6 POST-ARREST OF ADVOCATE ZAFAR ALI & PROTESTS

Advocate Zafar Ali, President of the Managing Committee of Shahi Jama Masjid, is arrested by Sambhal police after holding a press conference in which he alleges that the police were responsible for the deaths of certain individuals. In response to his arrest, around 200 advocates gather outside Kotwali to protest his arrest, demonstrating strong opposition to the police action. The Bar Association of the Chandausi Court announces a strike in solidarity with Advocate Zafar Ali and condemns the violence.

VICTIMS AND SURVIVORS OF SAMBHAL VIOLENCE

A STRUGGLE FOR JUSTICE AMID COERCION

The tragic events that unfolded in Sambhal during the November 2024 violence have resulted in the loss of five innocent lives, with many others injured. These victims were allegedly shot in a targeted police firing, and their families have been subjected to unimaginable pressure from the authorities. In addition to the grief of losing their loved ones, the families of the deceased were coerced into signing or providing thumb impressions on pre-drafted statements, often under duress, that falsely implicated civilians rather than the police officers responsible for the deaths. According to the families of the deceased, these are the narratives of how their loved ones lost their lives.

MOHD. KAIF (18 YEARS OLD) ●

A resident of Turtipura Illaha, Kaif was the youngest of six siblings and worked as a roadside toy seller to support his family, as his father was already suffering from health problems, Kaif was the bread winner for the family. On the day of the violence, Kaif was shot in the rib cage, with the only bullet exiting from his back. Despite his family's attempts to seek justice, the police pressured them to sign a statement that falsely claimed that Kaif had been shot by a civilian. The family, many of whom are illiterate, was coerced into putting their thumb impressions on the application that had already been written by the police.

MOHD. AYAN (17 YEARS OLD) ●

Ayan, the youngest of four siblings, lived in Mohalla Kot Garvi. His father had passed away earlier, and he helped his mother with family responsibilities. On the day of the violence, Ayan was shot in the rib cage, and although he was rushed to the hospital, he did not receive proper treatment and later passed away. After his death, Ayan's elder brother, Kamil, and two sisters were frequently summoned by the police for questioning. Despite the family's overwhelming grief, the authorities pressured them into signing documents falsely accusing civilians of the violence, instead of holding the police accountable for Ayan's death.

BILAL (22 YEARS OLD) ●

Bilal, the fourth of six siblings, worked with his father, a fruit vendor, and managed a ready-made garment shop near Shahi Jama Masjid. On the day of the violence, Bilal was shot in the rib cage and leg, allegedly due to police-targeted gunfire. His elder brother claims that the police intentionally neglected his brother's treatment in the hospital. Bilal's brother believes this harassment

was in retaliation for Bilal's statement to a local news channel, where he accused the police of responsibility for the violence. The family, already in shock, was pressured to sign pre-drafted statements by the police, which falsely implicated civilians.

NAEEM GHAZI (35 YEARS OLD) ●

A sweet shop owner from Kot Garvi, Naeem Ghazi was a father of two sons and two daughters. His lifeless body was found in front of the Shahi Jama Masjid, but the police refused to allow anyone to touch it. Naeem's 60-year-old mother, already in poor health, was devastated by the loss. On November 25th, the police visited the family home and forced Naeem's brother, Tasleem Ghazi, to place his thumb impression on a piece of paper, falsely stating that Naeem had not been killed by police bullets. The family, many of whom are illiterate, was subjected to tremendous pressure from the authorities to accept a fabricated narrative.

RUMAN KHAN (45 YEARS OLD) ●

Ruman Khan, a cart vendor from Hayat Nagar, was the sole breadwinner of his family, which included four children. On the day of the violence, Ruman was shot in the chest, and his son claimed to have seen the gunshot wound. However, the family refused an autopsy, honoring Ruman's wishes. Despite this, the police pressured the family into signing documents that falsely claimed civilians were responsible for his death. Ruman's family, already in mourning, was coerced into providing their thumb impressions on these pre-written documents, reflecting the deep manipulation and harassment they faced from the authorities.

In the aftermath of the violence, the families of the deceased found themselves not only grieving but also battling the system. The police, who were meant to protect them, played a role in perpetuating the injustice by forcing the families to implicate civilians instead of acknowledging the police's involvement. The trauma inflicted by the loss of their loved ones was compounded by the authorities' relentless manipulation.

The police have arrested 35 individuals, including three women and three minors, and have filed cases against over 400 people in connection with the recent violence. The Uttar Pradesh government has ordered a judicial inquiry into the matter. District Magistrate Rajender Pensiya stated that posters featuring the identities of those involved will soon be displayed, and other officials stated a reward may also be announced for information leading to their arrest.

Reports suggest that many male members of the affected families have disappeared from their homes, allegedly due to intense pressure from the police. According to the families, police officials arrived at their homes in the middle of the night, creating a climate of fear and exerting significant pressure on them.

DEVELOPMENTS IN THE SAMBHAL SHAHI JAMA MASJID CASE FOLLOWING RECENT VIOLENCE

On Friday, November 29, 2024, the Supreme Court of India intervened in the ongoing legal dispute regarding the Sambhal Shahi Jama Masjid, directing the trial court in Uttar Pradesh to temporarily halt proceedings related to the case. The court also issued an order to keep the report prepared by the court-commissioner sealed until the mosque committee approaches the Allahabad High Court for further adjudication. This directive came in response to a petition filed by the mosque committee, which challenged a civil court order permitting a survey of the mosque to determine whether it was constructed over the site of a former temple. The petitioners argued that such a survey could potentially inflame religious tensions.

The bench, comprising Chief Justice Sanjiv Khanna and Justice Sanjay Kumar, clarified that it was not making any observations on the merits of the case itself but stressed the need to ensure that the situation did not escalate further. The court emphasized the critical importance of maintaining peace and harmony in the region and instructed the district administration to take all necessary steps to preserve public order. The case has been scheduled for further hearings in the week commencing January 6, 2025.

Amidst this legal development, the Uttar Pradesh government has taken steps to address the violence that erupted in connection with the mosque controversy. In response to the recent unrest, a three-member committee has been constituted by the state government to investigate the incidents of violence. The committee is led by former Allahabad High Court judge Devendra Kumar Arora, with former Indian Police Service officers Amit Mohan Prasad and Arvind Jain also serving as members. The committee's mandate is to conduct a thorough inquiry into the violence and submit a detailed report within two months, outlining the causes and providing recommendations for addressing the situation.

In the wake of the violence, the local authorities took immediate measures to restore law and order. Internet services were temporarily suspended in the region, and prohibitory orders were enforced to prevent further disturbances. To restore peace and calm, the police conducted flag marches in affected areas. These measures were aimed at ensuring that the situation did not spiral out of control and that normalcy was gradually restored.

By Friday afternoon, November 29, 2024, internet services were restored, and the authorities were able to ensure that the situation remained calm. The Friday prayers, which are significant for the local Muslim community, were conducted peacefully, signaling a return to relative normalcy. The prompt response of the authorities, coupled with the peaceful conduct of prayers, helped ease tensions in the area. However, the government and law enforcement agencies remain on high alert, awaiting further developments as the legal and investigative processes unfold in the coming weeks.



RECOMMENDATIONS

1. Administration and police officials must perform their duties in accordance with the law.

It is imperative that administration and police authorities uphold the principles of justice and impartiality while carrying out their responsibilities. Their role should reflect ethical conduct and professionalism, ensuring that law enforcement remains free from biases or prejudices. Instances of negligence, partiality, or unethical behavior during crises erode public trust and escalate tensions. Therefore, strict adherence to legal and moral obligations must be ensured.

2. Adequate compensation should be provided to the families of those deceased in the violence.

The families of individuals who lost their lives in the violence must be adequately compensated to alleviate their economic and emotional distress. Compensation should not be treated as mere formality but as a gesture of accountability and support from the authorities.

3. Victim families should be safeguarded from police harassment and intimidation.

Victim families often face undue harassment and intimidation from law enforcement, which adds to their suffering. Authorities must ensure that police officials do not target or harass victims or their families in the name of investigation. Independent monitoring mechanisms should be implemented to hold officials accountable for any harassment, ensuring that victims are treated with dignity and respect.

4. Innocent individuals must not be framed under fake and fabricated charges.

Innocent people should not bear the brunt of law enforcement's failure to investigate cases diligently. Fabricating charges against individuals without credible evidence only deepens distrust in the justice system. Authorities must exercise due diligence in identifying perpetrators and ensure that no innocent individuals are falsely implicated in violent incidents.

5. Those proven innocent should be released without any delay or unnecessary legal hurdles.

Immediate steps must be taken to release individuals who have been wrongfully arrested or detained. Lengthy legal procedures and bureaucratic delays often result in prolonged suffering for the innocent. Swift action to release such individuals will help restore faith in the

RECOMMENDATIONS

justice system and prevent further injustices.

6. Authorities must refrain from pressurizing the public to name individuals under duress, such as coercively demanding "10 names" of alleged perpetrators.

Forcing members of the public to identify or name individuals under pressure violates basic principles of justice. This coercive tactic not only undermines the integrity of investigations but also increases the risk of implicating innocent individuals. Investigative agencies must rely on credible evidence and due process rather than pressuring residents to give arbitrary or forced names

7. Local courts should conduct proceedings and make decisions strictly under the provisions of the *Places of Worship Act, 1991*.

The *Places of Worship Act, 1991* must serve as the guiding legal framework for resolving disputes related to historic religious sites. Courts should ensure that decisions align with the provisions of this Act, which prohibits the conversion of places of worship and protects their status as of August 15, 1947. Strict adherence to this law will help maintain communal harmony and prevent unwarranted tensions.

8. A judicial probe should investigate the U.P Police's actions, particularly the firing incident in *Sambhal*, which led to the death of 5 residents.

A judicial inquiry must be conducted into the police firing incident in Sambhal, where five residents tragically lost their lives. The probe should determine the circumstances leading to the use of lethal force, assess its justification, and hold officials accountable for any lapses. Transparency in the inquiry process will ensure justice for the victims and help prevent similar incidents in the future.

9. The current judicial probe should be broadened to ensure accountability and transparency regarding all aspects of the violence and related incidents.

While a judicial probe has been initiated, its scope must be expanded to include all facets of the violence, including police actions, administrative failures, and systemic lapses. A comprehensive and transparent investigation will ensure that the root causes are identified, accountability is established, and corrective measures are implemented to prevent recurrence of such incidents.

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Justice and Empowerment of Minorities (JEM) is an Initiative of Jamiat Ulama-i-Hind, the country's oldest and Largest socio-cultural organisation of Indian Muslims.

JEM's mission is to safeguard the human rights of country's Minorities while countering hate speech targeted against them. It endeavours to collect, collate and present cases of harassment, in any form, perpetrated against the minorities by right-wing elements. It's aim is to promote Rule of Law and access to justice, equal rights, citizen's security and human rights, in addition to defending and empowering religious minorities, marginalised and persecuted individuals, groups and communities through Advocacy.

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