

THE KHALRA CENTRE FOR HUMAN RIGHTS DEFENDERS

REPORT OF ACTIVITIES

Litigation

- i) The cases of the Punjab Police who were investigated by the CBI for torturing Sikh youth and killing them in custody and thereafter clandestinely cremating the bodies is now being argued in the Supreme Court. Mr. Colin Gonsalves appears for Chamanlal, the father of the deceased men. The case was sent to me by Rajvinder Singh Bains. The Trial Court in Punjab held that the sanction of government was not necessary to proceed with the trial. The High Court held likewise and dismissed the Appeal of the policemen. The Supreme Court is now hearing the Appeal.
- ii) 9 persons were sentenced to death by the Trial Courts and the death sentence references were confirmed by the Supreme Court. Thereafter, they filed mercy petitions. These mercy petitions were rejected by the President of India after a lapse of about 9 years. Thereafter the convict prisoners filed petitions in the Supreme Court seeking commutation of their death sentences on the ground of inordinate delay in the disposal of the mercy petitions which constitutes cruel, inhuman and degrading treatment. Stay of executions were granted by the Supreme Court at the last minute at the residence of the Justices. These petitions are pending.
- iii) In the meanwhile, Bhullar's petition was rejected by the Supreme Court on the ground that he was accused of an offence under TADA and that for terrorist offences the plea of delay would not be entertained by the Supreme Court. It was pleaded that the medical records which the Supreme Court found insufficient to justify a stay on execution were outdated and that the latest medical evidence showed that Mr. Bhullar was not fit for execution. In the 9 death sentence cases mentioned in the above paragraph the proposition that terrorist offences fall outside the usual consideration that delay in executions are a ground for commutation, is being challenged. The submission is that if death sentence syndrome is a justification for commutation it matters little what the charge is. Death sentence syndrome is per se actionable.
- iv) Sikhs for Justice have filed a case in the Punjab and Haryana High Court seeking rehabilitation (particularly housing plots) for those who were

evicted during the genocide of 1984 at Delhi. This petition was dismissed. It was sent to me by Navkiran Singh and I filed this Special Leave Petition in the Supreme Court. In the Supreme Court I requested the Court to allow the Sikh victims of the 1984 genocide to directly approach the Court instead of through Sikhs for Justice. This was allowed and now the families can file a case directly in the Supreme Court. I had to draw a delicate balance between what was essentially a correct petition and the name of the petitioner. If the petition was not filed then even the families would not be able to approach the Court as the Punjab and Haryana High Court order would become final.

- v) "Sadda Haq" was banned by the three governments of Punjab, Haryana and Delhi. The producer and director of the film approached us and a petition was filed in the Supreme Court which was heard immediately. The Court directed that the certificate ought not to be "U" and directed a limited review. The Court also specifically recorded the objection of the state governments to the effect that a screening of the film would create a law and order situation. The Supreme Court directed that the film should be permitted to be screened without any obstruction whatsoever. Pursuant to the Supreme Court order the Censor Board Certificate was altered from "U" to "A" and the film was screened in Punjab and Haryana to packed audiences.
- vi) Baljinder Kaur Vs. State of Punjab: This case pertains to murder of the son of Baljinder Kaur, who was killed by the accused but the incident was known as accident. The complaint regarding the inaction of the police authorities was filed in person by the complainant in the Punjab State Human Rights Commission.
- vii) Paramjit Kaur vs. State of Punjab: Paramjit Kaur complained about the false involvement of herself and the other members of her family in a false FIR registered on the complaint of the accused instead of registering the case against the accused. We appeared on behalf of the complainant.
- viii) Kalimuddin Vs. State of Punjab & Ors. CRM-M-13094-2012: Kalimuddin is around 65 years old person. His son Mohd. Tehruddin who was about 25 years old when he was murdered. His son was running a fruit shop in Mohali and had taken the shop alongwith its first floor on rent in the month of Nov. 2009. The owner of the shop was trying to disposes him illegally and forcibly from the said shop and got caused an attacked on him. His son moved so many representations to the police officials to protect his life and liberty but no action was taken against them. His son got a stay order on that shop to not to leave till the trial is pending. On 08.02.2011 his son

was abducted and was threatened either to withdraw the case or to get ready to be eliminated by the abductors hired by the owner. His son again moved a representation about his abduction to the police officials but again no action was taken against them. On 08.06.2011 his son was murdered and the police in connivance with the persons had camouflaged the murder of his son into an accident. A petition is moved in Punjab & Haryana High Court under section 482 of Cr.P.C. for directions to investigate into the murder through CBI or other independent agency.

- ix) A Writ Petition recently has been filed relating to the massacre of tribals by security forces in Chhattisgarh in May 2013. The state government has admitted that its forces made a mistake in killing innocent tribals and is offered compensation. The petition, however, seeks enhancement of compensation and an independent investigation by a Special Investigating Team consisting of officers from outside the state of Chhattisgarh to investigate and identify the officers involved in the killing and for their prosecution.
- x) A writ petition was filed relating to 1350 extrajudicial executions and enforced disappearances in the state of Manipur. This petition was filed on behalf of the widows and parents of the disappeared. The Supreme Court made a series of strictures against both the central government as well as the state of Manipur. The Court then appointed a high level Commission of Enquiry headed by a retired Supreme Court judge and including a former Chief Election Commissioner of India. This Commission submitted a report concluding that all the cases investigated were extrajudicial executions and that none of the persons killed had a previous criminal record and was certainly not terrorists as claimed by the security forces. The orders of the Supreme Court are at Annexure B-1& 2 collectively.
- xi) In Chhattisgarh, Kopa Kunjam, a tribal activist of an Ashram established by Vinobha Bhave was arrested on a false charge of abetting the abduction of certain persons by Naxalites. When the persons who were abducted were returned and made statements to the effect that Kopa Kunjam actually attempted to save them from abduction, a petition was filed in the Supreme Court for his release on bail, this was granted.
- xii) Together with Advocate Phoolka it is proposed that a petition be filed in the Supreme Court regarding the premature closure of a large number of cases by the police of the 1984 genocide. Secondly, certain case where the accused were acquitted because the police did not produce the eyewitnesses who were available will also be taken up. Thirdly, together

with advocate Navkiran a petition will be filed regarding the cases of Sikhs similarly situated and now in Punjab.

Conferences on Human Rights

- i) On 25.11.12 at Amritsar a consultation on Human Rights and Law in the Punjab was organized by the Khalra Mission Organisation in collaboration with Human Rights Law Network. A large number of activists, organizations and NGOs participated.

- ii) A national convention on the death sentence was organized by HRLN in collaboration with the Delhi Sikh Gurdwara Management Committee and a series of human rights organizations from across the country on 10th of May 2013. This was a huge success. Particularly important was the presence of Justice A.K. Ganguly, former Judge of the Supreme Court of India. He endorsed the stand taken by the speakers and made critical comments on the erratic approach of the justices in death sentences cases.

- iii) A state level convention on Human Rights Defenders was held at Allahabad on 18.3.12.

- iv) A state level convention on Human Rights Defenders was held at Lucknow on 13.5.12.

- v) A state level convention on Human Rights Defenders was held at Patna on 21 & 22.7.12.

Media team

Pursuant to 5 meetings held in various states, on defending the journalists who have been victimized for their writings a list of prominent journalists coming under attack as well as a list of journalists who can help coordinate the defence of these journalists has been put in place. In the next year this attempt will be consolidated and it is possible that we may need a full time person with a background in journalism to coordinate this unit as over 50 journalists in the country are currently facing restrictions on their human rights. Some are in jail.

Similarly, the media team will also work to highlight the attacks taking place on right to information activists all across the country. Many have been killed merely because they sought uncomfortable information. There are approximately 50 right to information activists currently under threat and about 5 have been killed. For the latter legal assistance in prosecuting the accused is of utmost importance.

Students and interns

The Students for Human Rights initiative has been consolidated and 2 national level consultations in which about 400 students each participated have been held. It is proposed to do another national level consultation in about 2 months time and a large national level consultation of 400 students in December 2013. To these meetings a core of volunteer activists will be generated to work on the activities of the Khalra Centre.