



***Khalsa Human Rights demand the immediate release of Kulbir Singh Barapind and Daljit Singh Bittu, the dropping of all charges against them and an investigation into these incidents of false arrest***

**Issues:**

1. Democratically elected Sikh political leader, Kulbir Singh Barapind, remanded on the basis of Punjab Police's unsubstantiated charges
2. Daljit Singh Bittu, Sikh activist, facing similar baseless sedition charges to ones he has been acquitted for in 24 previous cases.
3. When both were produced in separate courts on 25 September media were told that they were physically and mentally tortured during five days of police remand.

Kulbir Singh and Daljit Singh have joined the mainstream political democratic system, yet are being harassed and persecuted by being continuously falsely arrested, released when no evidence is found and then arrested again on more false unsubstantiated charges. Khalsa Human Rights as a UK-based NGO:

- Believe this is an attempt to suppress political momentum being gained and halt democratic activity. The families of Kulbir Singh and Daljit Singh have also been subjected to harassment and are under great stress and continuous threat. This is Indian State terrorism against Sikh activists.
- Reliable evidence to indicate the rights outlined in the Universal Declaration of Human Rights have been violated in the cases of Kulbir Singh and Daljit Singh. We present evidence to demonstrate their mistreatment, violation of liberty and security and disregard to their privacy and family life.
- Seek to pursue a three tiered parallel action nationally through UK Members of Parliament (MPs) and the UK Foreign and Commonwealth Office (FCO); Members of the European Parliament (MEPs) and at the European Commission and at the United Nations Human Rights Council (UNHCR) to ensure that these violations of human rights are addressed.

**1. False arrest and remand of Kulbir Singh Barapind**



Kulbir Singh, the recently elected President of Akali Dal Panch Pardhani, is a democratically elected member of the Shiromani Gurudwara Prabhandak Committee (SGPC; a statutory body) and was falsely arrested on 20 September 2012.

It is noteworthy that the only member of the SGPC from the entire Doaba region of Punjab who won the recent election against the ruling Shiromani Akali Dal (SAD; Chief Minister of Punjab Badal's party) candidate has been targeted by Punjab State Police on baseless claims resulting in him initially being remanded for five days, although this has been extended.

**Violation to the right to be protected from mistreatment:**

Goraya Police presented Kulbir Singh to the Chief Judicial Magistrate (CJM), alleging serious offences against him and demanding ten days remand, the court remanded Kulbir Singh for five days. This is despite:



1. Kulbir Singh's house being searched without a search warrant.
2. 36 hours after the illegal search the police when challenged by the media had no evidence to account for their decision to remand Kulbir Singh for a series of alleged offences.
3. The Superintendent of Police, Rajinder Singh admitting 36 hours after the search of Kulbir Singh's house that no explosive materials were found as alleged.

*"Yes, we could not find any explosive material from his residence even after thorough search," Superintendent of Police (detective) Rajinder Singh.*

Alleged offences relate to Indian Penal Code Sections 120-B (Criminal Conspiracy), 121 (Waging War against the State), 121A (Conspiracy to Wage War against the State), 25A of the Arms Act, Sections 3,4 and 5 of the Explosive Act and 17,18,18A,19, 20, 38, 39, 40 of the Unlawful Activities (Prevention Act).

### Violation of the right to liberty and security:

1. Kulbir Singh's council Advocate Kashmir Singh Mallhi informed the court that a house search was conducted without a warrant.
2. Police claimed that it had received urgent and instant information and had no time to secure a search warrant.
3. Advocate Mallhi challenged the claim as Kulbir Singh was already arrested on the intervening night of 19 and 20 September, 2012 and was in Ludhiana Jail hence it was not possible for Goraya Police to obtain alleged urgent information from him.
4. The alleged urgent and instant information was not presented to the court.

### Violation of the right to private and family life:

Police claimed to have recovered seditious literature which they believe could provoke rebellion. Yet after repeated attempts for a list of the material, the Times of India and the Indian Express reported, that the seized so called seditious literature consisted of:

1. Books and magazines freely available in the market. For example, one of the seized books 'Who killed Karkare' is available in bookshops while the seized Shaheedi directory was released at Akaal Takht earlier this year.
2. Some of the material deemed seditious would be found with any top mainstream Sikh leader.

Five days after the arrest under sedition charges, the police have now sought retrospective expert views to determine if the material was actually seditious.

The Police also claim to have recovered a pistol from the house search; however these claims were ridiculed by Kulbir Singh's wife Khushveer Kaur (on the left in the image below alongside Daljit Singh's wife) who stated:



*"It is ridiculous to suggest that we shall keep a weapon at home when we know that police keep an eye on us and my husband had already been arrested a day back," she said. "Policemen showed me a pistol without much search inside my room as if it was lying on my bed."*



Given that the police found it difficult to objectify their claims of seditious literature being present in the house, to the point where supposed literature has not even been released, it is unlikely that the pistol was that of Kulbir Singh.

Even more dumbfounding is the evidence in direct relation to the charges placed against Kulbir Singh. It appears that an alleged planted pistol, no explosives and unaccountable and supposed seditious literature have led to a tyranny of serious charges relating to conspiracy to wage war against a political leader who is in the minority of larger political forces.

## **2. False arrest of Daljit Singh Bittu**



Persecution of Kulbir Singh is by no means an isolated misuse of police power and injustice against Sikh activists. Ludhiana police has obtained production warrants of Daljit Singh Bittu, former President of Akali Dal Panch Pardhani, it is suspected that he could be charged under Unlawful Activities (Prevention) Act (UA(P)A) and other laws.

According to human rights organisations and legal experts amendments made to the UA(P)A 2008 were aimed as a replacement of notorious TADA and POTA laws, that were repealed through abuse and deemed inhumane by the United Nations. Daljit Singh has faced an array of abuses of justice:

1. Daljit Singh has been charged in more than 24 false cases by Union and State Governments in India but he has never been convicted in any case
2. Recently he was acquitted on three different counts of sedition as the trial courts found that charges of sedition were ill-founded against him
3. Due to these false cases he has had to spend more than 12 years in various prisons in India without any conviction

About a dozen organisations, including International Human Rights Organization (IHRO) and Sikh Students Federation, term the arrests of Sikh leaders as “State terrorism”.

Representatives of the above organisations told the media that laws like UA(P)A are being misused to quash political dissent. Badal (who faces a lawsuit in the USA) has remained silent on the false arrests; it is suspected that the Badal led Punjab Government and the Indian state are targeting Akali Dal Panch Pardhani leaders due to their political ideology.

### **Actions:**

1. We ask UK volunteers to send this briefing to MPs asking them to make representations to the Foreign and Commonwealth Office and to raise the issue with the Indian and Punjab Government through the Indian High Commission in London
2. We ask volunteers across Europe to send this briefing to MEPs asking them to make representations to the European Commissioner for Foreign Affairs
3. We urge human rights groups across the globe to raise this with the UN Human Rights Council and secure an investigation into the continued abuse of human rights in India against the minority Sikh community