



SIKH HUMAN RIGHTS GROUP
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7/3/2021 BRIEFING PAPER, INDIAN FARMERS, ARREST AND DETENTION Re: 26TH of January

The Sikh Human Rights Group (SHRG) has received highly credible evidence, in the form of 20+ police reports or First Instance Reports (FIRs) as they are known in India, from Mr Veer Singh Sandhu (the senior advocate who is currently overseeing the cases) and other lawyers that many unsustainable allegations and charges have been made by the Indian police against individuals who are alleged to have been involved in the protests on the 26th of January 2021. SHRG has also received evidence of torture while in custody.

The decisions of the magistrate in some of the hearings sums up what lawyers and SHRG say.

'A Copy of this order be sent to DCP, Outer District for necessary information regarding the procedural irregularities noticeable in the case diary for appropriate action against the concerned police officials.'

And another on the 'grievous' injuries claimed by Police Officers *'Therefore, it cannot be said by any stretch of imagination that the nature of injury is grievous'*.

The Delhi Police arrested over 250 people. Many were falsely implicated according to their lawyers. Almost all of them have received bail. 20 are still waiting decision.

Broad FIRS with 'gaps' were written before any arrests or even before an incident. Then names were inserted as ordered from above without actually finding the evidence. After that, the named people, were detained from homes. In one FIR, there was one individual involved in a struggle with the police, the FIR names 33 people. There is no corroborative evidence anyone other than main accused was near the incident. The magistrate state.

'that many of the accused persons [or the named individuals in the FIR] have nothing to do with the present case [and/or] they have been falsely [included] in the present case'; **AAKASH SHARMA, Metropolitan Magistrate 08, Tis Hazari Courts, New Delhi**

'Further it is noticed that CCTV is already in the possession of the IO [investigating officer] since 30.01.2021 and efforts are to be made to identify the persons involved in the riots. However, more than 2 weeks have elapsed but no effort has been done to identify the persons involved. Further on the arrest memos of co-accused... the time of arrest is not mentioned in the arrest memo which a serious lapse and violation of Hon'ble Supreme Court judgement in D K Basu Vs State of West Bengal, 1997'. Whilst making no comments on the merits of the case against the accused persons it doesn't appear that custodial detention of the accused persons is required. Further it appears that charges have been trumped up against the accused persons' (statement of the magistrate)

It is also alleged but yet to be proven that the protestors came *'armed with swords, spears, rods, lathis and other dangerous weapons'*. However, again no evidence (for example in the form of pictures or descriptions of the aforementioned articles) has been provided by the police to the protestors legal counsel or otherwise to sustain this allegation.



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It is further alleged without any evidence that '71 policemen were injured' in the alleged attack by the detained individuals at Nagloi chowk. However, no evidence in the form of medical reports, video footage, pictures, verbal descriptions or otherwise has been provided by the police to protestors legal counsel or otherwise to substantiate this allegation..

Magistrates, unimpressed by medical reports of 'alleged grievous' injuries to police officers say, 'it cannot be said by any stretch of imagination that the nature of injury is grievous'.

This magistrates also dismiss allegations of rampant and gross violence alleged by police, as revealed by the judicial decision in **AAKASH SHARMA, Metropolitan Magistrate 08, Tis Hazari Courts, New Delhi**. 'that the applicants/accused persons were part of the peaceful protests and police on the pretext of verifying their documents [arrested them] and implicated [them] in the present case'. (in other words, people were detained indiscriminately)

ALLEGATIONS AGAINST THE FARMERS' LEADERS

Many of the farmer leaders have also been named in FIRS although they were not anywhere near tension spots. The primary allegations against the concerned individuals are as follows:

- (1) 'Four routes were agreed upon [between the Indian authorities and the farmers union leaders] for the Republic Day Parade but the farmers did not give an undertaking or a list of volunteers [who may be able to help the police manage the parade to the Indian authorities]'

However prior to the 26th of January 2021 nine meetings were held between the farmers unions leaders and the Indian authorities. Security and policing was discussed. The Farmer leaders the Police that they (farmers) had no crowd controlling training or skills and it was the police's primary responsibility to provide security and necessary protection against any possibility of breaches or violence. This was agreed.

CONSEQUENCES OF THE ARRESTS

Police in India do not act without orders from higher officers, who do not act without direction from a minister or official of the Home Ministry. These false arrests are made to intimidate people and others.

The consequences of a charge are that individuals end up going to courts for several months if not years. Individuals from Punjab who may have been arrested in Delhi will have to make several trips to Delhi over coming years, with implications of costs, legal bills and time.

Careers are destroyed as the record of a fabricated charge remains on the person's history. These tactics are used by Government to deter protestors.

EVIDENCE

The Sikh Human Rights Group is in receipt of several charge sheets, magistrates decisions and statements by victims. The statements in this documents are quoted from magistrates' decisions and hence cannot be said to be 'opinions' of SHRG.