



## Human Rights Defenders Alert - India

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**April 8<sup>th</sup> 2015**

**Shri A. K. Parashar**

National Focal Point - Human Rights Defenders & Joint Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in).

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Punjab: Mr. Surat Singh Khalsa subjected to torture in detention while on fast for prisoners' rights – Regarding***

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the ill-treatment of Mr. Surat Singh Khalsa, a human rights defender, who is on a fast demanding the release of political prisoners, who had been arrested under draconian TADA law during the Punjab militancy period and are still in prison long past their terms, by the Ludhiana police in Punjab.

**Source of Information on the Incident:**

- The Regional Coordinator for the North of India
- Media reports

**The Human Rights Defender:**

Mr. Surat Singh Khalsa served as a teacher in government primary school and resigned from his government job in protest against the mass killings of the Sikhs in

1984 during the genocide of members of Sikh community. Since 1984 he has been involved in social activities and has actively participated in public protests to demand prisoners' rights and justice and accountability for human rights excesses perpetuated on prisoners from Sikh community.

Mr. Surat Singh Khalsa has been in the forefront of the struggle for prisoners' rights and human rights abuses in the state of Punjab since 1984. He was arrested in January 1986 under the National Security Act and imprisoned for demanding the release of Sikh prisoners arrested in connection with the 1984 anti-Sikh pogrom and Operation Blue Star. He was kept in custody in Patiala, Ambala and Jammu prisons during that period. M. Surat Singh Khalsa has been fighting for the human rights of political prisoners and especially the release of Sikh political prisoners who have completed their term of imprisonment.

### **The Perpetrators:**

Ludhiana Police

Mr. Mukhvinder Singh Khullar, the Additional Deputy Commissioner of Police, Crime Branch, Ludhiana (identified by Ms. Sarvarinder Kaur, the daughter of the HRD, as the officer who was in charge of the operation)

### **Date of Incident:**

- 8<sup>th</sup> of February, 2015 (The date on which he was put under police supervision while at Ludhiana Civil Hospital)
- 26<sup>th</sup> of February, 2015 (The date on which the HRD was legally arrested)

### **Place of Incident:**

Husanpur Village in the Ludhiana District in the North Indian State of Punjab

Civil Hospital, Ludhiana

### **Incident detail:**

According to the sources, Mr. Surat Singh Khalsa embarked on a fast unto death protest on January 16, 2015 at his ancestral house at Husanpur village, district Ludhiana demanding release of political prisoners who had been arrested under draconian TADA law during the Punjab militancy period. He went on fast at his residence as he was not granted permission to stage protest in a public place. These are prisoners who have completed their terms of imprisonment years back and are

still languishing in jail. Under the law these prisoners have to be given remission which they have been denied by the Punjab government due to an interim stay by the Supreme Court of India in the Rajiv Gandhi assassination case titled Union of India Vs. Sriharan & Ors.

On the 8<sup>th</sup> of February, 2015, a group of 50 persons comprising of personnel from the Punjab Police, CID, IB and Doctors came to his house and took him to the Civil Hospital, Ludhiana where he was kept under police supervision. Police tried to force him to break his fast which they could not succeed. On the 26<sup>th</sup> of February, a police team along with doctors came to his ward and arrested him legally. Since then he has been under detention. He has been detained under section 107 & 151 of Cr.P.C (Criminal Procedure Code) on charges of breach of peace.

Police and doctors have been forcing him to take fruit juice but he has been resisting and refusing to break his fast. Police has been threatening his family and visitors. They also threatened his daughter Ms. Sarvarinder Kaur repeatedly that they would arrest her as well. On the same day the police arrested 4 persons, including Ravinderjit Singh, the son of Mr. Khalsa. Two of the arrested persons were released later on the same day. But Ravinderjeet Singh and Damandeep Singh were not released and still remain in jail.

Mr. Surat Singh Khalsa is being mentally and physically tortured in the police custody. He has been denied the company of his family and the visitors. Doctors with the help of police have fixed a food pipe through his nose into stomach. The force-feeding tube has been stitched forcibly on his forehead against his wishes which amounts to inflicting torture, inhuman, cruel, degrading and illegal treatment on him. Ms. Sarvarinder Kaur says she is not allowed to visit her father and every time she has to take permission from the court to visit the hospital to look after him. Mr. Surat Singh Khalsa faces additional risks to his health due to infection over his stitches which can be fatal for him.

**Appeal :**

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Ludhiana

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the detention and torture in custody of Mr. Surat Singh Khalsa, immediately remove the stitches on his

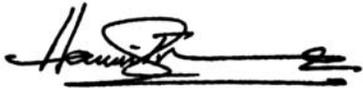
forehead fastening the tube for force-feeding and drop all the false charges against him.

- Take immediate action on the perpetrators for the torture being inflicted on the human rights defender by arresting them and using all provisions of law, ensure that the rights of Mr. Surat Singh Khalsa are protected.
- Guarantee in all circumstances the physical and psychological integrity of Mr. Surat Singh Khalsa and members of his family, who are still under risk of further attacks from the perpetrators.
- Ensure provision of reparation, compensation, apology to the defender for the physical and psychological sufferings he underwent because of this assault and charges, and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Surat Singh Khalsa;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. Surat Singh Khalsa in the State of Punjab to ensure that in all circumstances they carry out their activities as writers without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels
  - Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Punjab to also take necessary steps to establish a state focal point for HRDs in order that HRDs in the have a new protection mechanism in their own state.
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Punjab to convene a meetings of all state human rights institutions in the state [ women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within the State of Punjab for the protection of the rights of human rights defenders.

- Recommend urgently and speedily during the pendency of this complaint, the State Government of Punjab in collaboration with the NHRC Focal Point on HRDs and the SHRC Punjab to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Punjab in collaboration with the SHRC Punjab to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1 of the Declaration on Human Rights Defenders).
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)  
Honorary National Working Secretary