

INDIA

@Punjab police: beyond the bounds of the law

Amnesty International is concerned at a pattern of human rights violations committed by officers of the Punjab police acting outside their home state. There have been a series of incidents in recent years in which Punjab police have transgressed their operational jurisdiction, travelling, often in vehicles without number plates, to other Indian states to carry out under-cover operations which resulted in serious human rights violations. These included abducting wanted Sikh suspects who have subsequently "disappeared" or been killed in custody. Reports indicate that the Punjab police have been conducting such operations in states other than Punjab without seeking permission of the authorities of the states concerned or giving them prior information about their actions. This is illegal according to the Constitution of India: the responsibility for the maintenance of public order within the territory of a state and for the police rests exclusively with the state government concerned. As far as Amnesty International is aware, little progress has been made in investigations ordered into these allegations and in the majority of the cases those responsible have not been brought to justice.

HUMAN RIGHTS VIOLATIONS IN PUNJAB

For the last ten years grave human rights violations have been perpetrated in Punjab by the police in their efforts to suppress an often violent campaign for the establishment of a Sikh homeland in a state called "Khalistan". These violations include scores of "disappearances", extrajudicial killings, widespread torture, unacknowledged detentions as well as deaths in custody. Amnesty International has documented its concerns about these human rights violations for many years¹. The state and central governments continue to deny the occurrence of virtually all these human rights violations. For example, K.P.S Gill, the Director General of Police, Punjab, claimed during a visit to London in June 1994 that allegations of "disappearances" were entirely unfounded since they concerned young men who had left the country and were living abroad. However, there were often eye-witnesses to their arrest and court orders to produce some of the victims of such practices in court have been routinely ignored by police and senior officials. In recent months the government has claimed that the activities of Sikh militant groups, who have committed numerous human rights abuses themselves, have been nearly halted, that law and order has been reestablished and that with an elected state government in place since 1992, the situation in Punjab is now near normalcy.

¹ For the latest report see *An Unnatural Fate: Disappearances in the Indian states of Jammu and Kashmir and Punjab* ASA 20/42/93, December 1993. Earlier reports include: *Human Rights violations in Punjab; use and abuse of the law* (ASA 20/11/91) and *Response to the Indian Government's comments on Amnesty International's report on Punjab* (ASA 20/25/91).

Although reports of widespread human rights violations in Punjab have reached Amnesty International less frequently in the last eighteen months, Amnesty International continues to receive numerous reports that people "disappear" after arrest by the police and that suspects are tortured and killed in custody or extrajudicially executed. According to Punjab's Chief Secretary A.S Chatha,

*"complaints against the police are pouring in... Peace has encouraged people to express themselves"*²

Moreover, victims of human rights violations continue to be frustrated in their attempts to bring complaints. For example, several women on their way to present specific complaints to the National Human Rights Commission (NHRC) visiting the state in April 1994 were stopped and detained by the police in an effort to prevent them meeting with the commission. They were later released when the Chairman of the NHRC learnt of their detention and intervened on their behalf.

Even though existing legal safeguards in India's ordinary criminal law and procedure should provide some safeguards to protect people from unacknowledged detention, they are often simply not adhered to and prisoners in Punjab are kept in secret detention for weeks and sometimes months. This practice facilitates torture and "disappearances". According to Amnesty International's information, none of the perpetrators of such grave human rights violations have ever been brought to justice in Punjab.

Many of those who have been arrested or killed by the Punjab police are people described as wanted "terrorists". Large sums of money have been promised as a reward for their capture or even death by the Punjab government. These incentives may have contributed to the Punjab police mounting illegal operations outside the state without involving the police in the relevant state responsible. The Pioneer of 8 July 1994 reported that:

"the Punjab police are not willing to share this [money] with the force of any other state which they will have to do in the case of a joint operation. Thus the decision to act on their own."

HUMAN RIGHTS VIOLATIONS BY PUNJAB POLICE OUTSIDE THEIR JURISDICTION

² India Today 15 August 1994

Amnesty International has documented under-cover operations in West Bengal, Delhi, and Maharashtra by the Punjab police. This report gives details of two reported extrajudicial executions, one "disappearance" and one death in custody and several incidents of torture, including rape, attributed to the Punjab police in the course of operations outside Punjab. The two incidents of rape, allegedly perpetrated by members of the Punjab police reportedly occurred in Bihar and Andhra Pradesh while Punjab police were on election duty in those states.

In the majority of cases the concerned states have taken little action against the intrusion by the Punjab police into their state and the human rights violations committed in the process, although the West Bengal authorities have complained to the Punjab government and the central government in New Delhi on at least two occasions about operations by the Punjab police carried out on its state territory.

In recent years, the Supreme Court in New Delhi has taken serious note of the illegal conduct of the Punjab police, publically criticizing the police with "highhandedness and tyranny". For example, after a young couple had been illegally abducted and detained in Delhi by Punjab police in September 1993, the Supreme Court ordered that they be brought before the court. The Chief Justice told the Solicitor-General: "*Please tell your Chief Minister that the Chief Justice is sad at the state of affairs in the state*". The Supreme Court, he said, "*would not allow the Punjab police to keep the citizens at its mercy*".

In May 1994 the Supreme Court ordered the Central Bureau of Investigation (CBI) to probe two killings reportedly committed by the Punjab police in West Bengal in 1993. The West Bengal government claimed that their inquiries found that Punjab police personnel were involved in the killing, but the Punjab government firmly deny this.

The West Bengal state government reacted strongly to the killing of a suspected militant in Calcutta involving the Punjab police, which occurred in May 1994 (described below), saying the Punjab police's conduct was "sneaky and arbitrary".

Following this incident, the Union Home Secretary convened a meeting of all Director Generals of Police on 5 July 1994 to discuss concerns expressed by certain states following the intrusion by the Punjab police into their territories. One of the stated aims of the meeting was to try to work out a formula whereby the Punjab police would conduct their operations in cooperation with the respective state governments.

More recently, in September 1994, the Supreme Court in a ruling regarding the "disappearance" and possible death of seven members of one family by the Punjab police³ repeated its concern about the Punjab police saying it was:

³ Seven male members of a family from Bagga, Batta Behala, Amritsar, were picked up by a Deputy Superintendent of Police (DSP) and eight other policemen on 29 October 1991; they have not been seen since. A CBI

"deeply concerned about the safety of the citizenry at the hands of such an errant high-handed and unchecked police force".

The Supreme Court ordered the CBI to investigate the whereabouts of the men in September 1994 and ordered it to submit its report within a month. However, to Amnesty International's knowledge, these moves by the central government and those other states have not resulted in the thorough investigation of such human rights violations and the bringing to justice of those responsible. Amnesty International is calling on relevant state and central government to ensure that all investigations initiated are promptly completed and that the results are made public in full, that those found responsible are brought to justice and the victims or their relatives be promptly granted full compensation.

Reports of extrajudicial executions

West Bengal - A Sikh couple - May 1993

On 17 May 1993 a Sikh couple were shot dead by Punjab police at their home in Tiljala, West Bengal. The police reportedly suspected Bashir Ahmed and his wife Rani to be members of the Babbar Khalsa, an armed opposition group which fights for an independent Sikh homeland, "Khalistan".

Bashir Ahmed and his wife had reportedly left Punjab, moving to Calcutta in February 1993. They rented a house in Tiljala, near Calcutta. Punjab police claim that Bashir Ahmed was wanted in connection with over 30 murders including some of relatives of Punjab policemen.

Early in the morning of 17 May, a party of khaki-clad Punjab police reportedly raided the home of Bashir Ahmed and Rani. The couple who were both sleeping were shot dead in their bed. The police then bundled their bodies into a van and left. The West Bengal police had not been informed of the raid beforehand and were informed about the incident afterwards.

Following this incident the West Bengal government reportedly complained to the Ministry of Home Affairs of the central government that their jurisdiction had been infringed by the Punjab police.

The government of West Bengal stated in May 1994 that their investigations conducted so far suggested that Punjab police personnel were involved in the killing. The Chief Secretary of West Bengal sent a letter to his counterpart in Punjab complaining about the action by the Punjab police but received no response. A public interest petition regarding

inquiry was ordered by the Supreme Court in September 1994 and ordered to submit its report within a month. Amnesty International has no further information on the outcome of this investigation.

the police action was brought by a Supreme Court lawyer in May 1994. The West Bengal state government informed the Supreme Court during the hearing of the public interest petition that this was not the first time that Punjab police had launched a covert "counter-terrorist" operation in the state. The Punjab government however denied any involvement of their police in the incident during the hearing. During the hearing the Supreme Court said that it was "pained" to observe that the West Bengal government had received no reply from the Punjab government and that "the silence of the Punjab government is eloquent". The Supreme Court also observed that the police of Punjab were "becoming a law unto themselves" and ordered the CBI to inquire into the alleged "unauthorised and illegal counter-terrorist" operation by Punjab police. On 14 May 1994, both state governments agreed to such a probe. The CBI was ordered to send the court fortnightly progress reports.

In April 1995, the Supreme Court ordered the suspension and prosecution of five policemen for killing of Bashir Ahmed and his wife, following the completion of the CBI investigation which found them guilty of criminal conspiracy, abduction, murder and destruction of evidence. The judges expressed their concern at denials of police involvement without investigation by the Punjab government stating; "obviously these statements [denying Punjab police involvement] have been made without any investigation whatsoever and with a view to cover up the incident." The court ordered the Punjab home secretary to ensure that the five officials do not interfere with the case in any manner.

Amnesty International welcomes the conclusion of the CBI investigation and the Supreme Court orders to ensure that those found responsible are brought to justice, although it remains concerned at the length of time which has passed since the deaths and also the ordering of the inquiry in May 1994. The organization urges the Punjab government to comply with these orders without delay and to ensure that those found responsible are brought to justice and that the families of the victims are immediately awarded full compensation.

West Bengal - Karnail Singh - June 1994

On 21 June 1994, police from Punjab reportedly shot dead Karnail Singh at Uluberia, Howrah, West Bengal. Karnail Singh was a resident of Chhota Samana village, Ropar, Punjab, and reportedly a commander in Ropar district of the Bhindranwale Tiger Force, an armed opposition group demanding an independent Sikh homeland "Khalistan".

A team of nine policemen is said to have arrived in Calcutta from Fatehgarh Sahib district in Punjab on the evening of 21 June 1994 in order to try and apprehend Karnail Singh following a tip off that he was on his way from Calcutta to Bombay. Karnail Singh was reportedly shot dead, without any attempt made to arrest him, at a state entry tax checkpost at Uluberia Kuljuri village, Howrah, West Bengal. The Punjab police did not deny that they had killed him and had not told the West Bengal police of their operation. The latter were only informed by the Punjab police after the event. Punjab police claim that Karnail Singh

was armed and fired several shots at them, however, the West Bengal police state that although armed, the revolver carried by Karnail Singh had not been fired and he had not attempted to shoot the Punjab police.

After the shooting incident, the nine Punjab police officers were ordered to be kept in custody by the West Bengal police until their investigation had been completed but on request of the Chief Minister of Punjab they were released three days later. The West Bengal Chief Minister, Jyoti Basu, complained to the Punjab Chief Minister saying that there were: "established norms and rules so that the authority of the state is not encroached upon in an illegal or irregular manner by any other government or authority" and that the action of the Punjab police was "completely unacceptable" (Times of India 30 June 1994).

In response, the Punjab Chief Minister, Beant Singh, apologized for the unilateral action by the police team and explained that "the police team could not inform its West Bengal counterpart since it was in a hurry" (Times of India 24 June 1994). He assured the Chief Minister of West Bengal that the state government would be informed about such operations in the future.

Amnesty International is unaware that any subsequent action has been taken against the Punjab police for the apparent extrajudicial execution of Karnail Singh.

Reports of "disappearance"

Delhi - Gulshan Singh - April 1993

Gulshan Singh, son of K.K. Josh from Amit Vihar, Phase 2 Delhi, was last seen by several witnesses around 10pm on 3 April 1993 being gagged and forced into a van by men in plain clothes at Gurdwara Nanak Piao, a Sikh temple in north-west Delhi. He was driven away in a white Maruti van without number plates alleged to belong to the Punjab police.

Witnesses to Gulshan Singh's abduction told Amnesty International how they heard five or six men in plain clothes calling him from the eastern gate of the Gurdwara as Gulshan Singh was leaving. He went over to see what they wanted when the plainclothed men grabbed him. Witnesses then saw him being gagged and forced into a van.

Gulshan Singh's father sent telegrams to the Lieutenant Governor of Delhi, the Commissioner of Police and the Home Secretary but as far as Amnesty International is aware, none were responded to. He also filed a *habeas corpus* petition. As a result, the Delhi High Court ordered the Delhi Police Commissioner to produce Gulshan Singh in court on 12 April 1993. The police commissioner failed to do this and an official of the Operations Cell of the Delhi police stated in an affidavit of 8 April 1993 to the High Court that Gulshan Singh had not been arrested by the Delhi police and was not wanted for any offence. However, a press report in The Statesman of 20 April quoted official sources in the Home Ministry as saying that Gulshan Singh has been picked up by the Punjab police but that only

the Intelligence Bureau in Delhi had been informed of the operation. According to the report Gulshan Singh has been taken to Amritsar for interrogation in connection with a case there. On 22 April the Delhi High Court directed the Punjab state government to answer the *habeas corpus* petition and produce Gulshan Singh in court on 3 May 1993. So far, the state government has not complied with the High Court's order and the petition is still pending. Gulshan Singh's present whereabouts remain unknown.

Gulshan Singh had earlier been charged in connection with a bomb attack on Jagdish Tytler, the Union Minister for Surface Transport, in May 1992. However, he had been released on bail in June 1992 but had reportedly been under surveillance ever since.

Reports of deaths in custody as a result of torture

Bombay, Maharashtra - Dilbagh Singh - July 1993

Dilbagh Singh, aged 42, a Sikh businessman in Bombay, died in police custody on 6 July 1993 reportedly after torture. A Punjab police party led by a Deputy Superintendent had taken Dilbagh Singh and his brother Kashmir Singh away from their office on 3 July 1993. Concerned about their arrest, a delegation from a Sikh organization, the Sri Guru Singh Sabha, visited the police club in Bombay where the men were being held on 4 July 1993. They met Dilbagh Singh and said that he "looked dazed" and bore marks of severe assault. The next day the delegation were refused permission to meet Dilbagh Singh and when trying to visit them on 6 July they were told that Dilbagh Singh and his brother had been taken to Punjab.

Dilbagh Singh and Kashmir Singh were taken on the Frontier Mail train out of Bombay on 6 July 1993. During the journey police told Kashmir Singh that his brother had an accident and had fallen out of the train. They released Kashmir Singh at Kota train station where he waited for Dilbagh's body to be brought over for a post-mortem examination. Kashmir Singh claims that he and his brother were both tortured while in police custody and that Dilbagh Singh had been so badly tortured that he was unable to move and could not have jumped off the train on his own. He believes that Punjab police threw him off the train.

Senior Bombay police officials reportedly expressed dismay at the action of the Punjab police. The Bombay Police Commissioner is reported to have said that "if anyone has committed any wrong, he is answerable," and added that the complaint would be handled by the Crime branch of the Bombay police. He is reported to have demanded an explanation from K.P.S Gill, the Director General of Police, Punjab.

Kashmir Singh filed a complaint with the Bombay police who then registered a First Information Report against some Punjab policemen. An Amnesty International delegation visiting Bombay in January 1994 asked the Bombay Police Commissioner for the outcome of the Crime Branch investigation and was promised further information. However, Amnesty International has received none to date.

Reports of torture and ill-treatment

Delhi - beating of two journalists - July 1994

On 1 July 1994, a press conference was held in Delhi on the occasion of K.P.S Gill, the Director General of Police (DGP), Punjab, becoming the President of the Indian Hockey Federation. Two sports journalists from The Statesman, Rahul Bannerji and Abhijit Das, reportedly asked the DGP some questions regarding other candidates for the post, which reportedly irritated the DGP and his supporters. The two journalists claim they were forced out of the function hall by the DGP's security men, alleged to be members of the Punjab police, and beaten up. They say that they were then dragged out of the hotel to a white Maruti van without numberplates. They claim they were ordered to lie on the floor of the van and guns were held to their heads as they were taken to Parliament Street police station, where they were reportedly beaten. As a result of the beatings, Abhijit Das suffered a fractured nose and Rahul Bannerji suffered multiple injuries. Other journalists arrived at the police station to report the abduction of their colleagues by plainclothed men suspected of being Punjab police.

There were many complaints about the Punjab police action, particularly as the DGP was a witness to his security men dragging the journalists out of the hall where the press conference was being held and as he took no action to stop their ill-treatment. The Delhi Union of Journalists demanded the suspension of the DGP, Punjab. Its General Secretary said "the assault was a flagrant violation of basic human rights and a serious threat to the functioning of a free and fair press in the country". The Peoples Union for Civil Liberties, a nationwide human rights group condemned the incident saying:

"This is the highest degree of lawlessness which has by now become the identifying characteristic of the Punjab police".

One week after the incident, the DGP apologised in person to the two journalists, Managing Director and Editor-in-Chief of The Statesman for the incident. The Home Minister, S.B.Chavan, ordered the Commissioner of Delhi police to investigate the incident. He also reportedly told a delegation of journalists who presented him with a memorandum urging action against the DGP, Punjab that

"those found guilty in the alleged beating up of two sports journalists by the Punjab police would be punished irrespective of how 'high and mighty they are'".

However, Amnesty International is unaware that the investigation has been completed and that those responsible for the ill-treatment have been brought to justice, nearly one year after the incident.

Allegations of rape by Punjab police

Amnesty International is concerned at reports of rape allegedly by the Punjab police in the states of Andhra Pradesh and Bihar and is particularly concerned that no action is being taken by the Punjab government to investigate these allegations and to bring those responsible to justice. The organization expressed its concern regarding these allegations and the impunity of the police to the central and state governments immediately on receiving information of the incidents, but to date, no response has been received to our concerns or recommendations. Amnesty International believes that no investigation and prosecutions of those suspected of involvement in these violations has, despite some initial action such as the suspension of some police officers.

Andhra Pradesh - November 1994

In November 1994 Amnesty International received reports that members of the Punjab police posted in the central state of Andhra Pradesh to assist local police during state elections had been involved in raping a local *dalit*⁴ woman. A 20-year-old woman claims that she was raped by several Punjab police commandos at Garepalli village in Karimnagar district on 11 November 1994. She told local journalists that she had been dragged into the bushes, gagged and raped by six policemen. Local police allegedly refused to record her statement but journalists later took her to the local magistrate, the District Collector. He took her statement, noted that she had not come forward sooner for fear of reprisal and ordered an inquiry into the incident. Punjab police denied the reports of rape as "baseless and mischievous". The Andhra Pradesh government reportedly ordered the crime branch of the Andhra Pradesh police to investigate the allegations and nine of the Punjab policemen were suspended from duty and sent back to Punjab.

Bihar - February 1995

In Bihar, it was reported that armed Punjab police posted on election duty had been involved in the alleged rape of two women in Siwan on 18 February 1995. Armed policemen reportedly forcibly entered a house in the Lakshmipur area of the town on the night of 18 February 1995 and gang-raped two women, mother and daughter, at gun-point. District authorities have reportedly lodged a case of rape against 12 unidentified members of the Punjab armed police. The victims however failed to identify the alleged perpetrators in an identification parade.

CONCLUSIONS AND RECOMMENDATIONS

◆ Amnesty International is concerned about allegations of extrajudicial executions, deaths in custody, "disappearances" and ill-treatment by the Punjab police during illegal operations outside the state boundaries.

⁴ Members of Scheduled castes (castes which are recognized by the Constitution as being oppressed)

- ◆ It urges the central government to immediately order independent and impartial investigations into all the allegations described in this report and to take all necessary measures to ensure that the Punjab police do not perpetrate human rights violations either in or outside the state of Punjab.

- ◆ Amnesty International further urges the central and relevant state governments to ensure that all investigations initiated are promptly completed and that the results are made public in full, particularly in view of the fact that the majority of the investigations were instituted more than one year ago. Those found responsible for the violations should be brought to justice and the victims or their relatives be promptly granted full compensation.