

# CAMPAIGN AGAINST DEATH PENALTY

## SIGNATURE CAMPAIGN BY SIKH STUDENTS FEDERATION FOR SEEKING CLEMENCY FOR DEVINDER PAL SINGH BHULLAR, DHARAMPAL AND PIARA SINGH.

139 countries around the globe have either abolished the death penalty in law or in practice. Last year Kenya stayed the execution of about 4000 prisoners, who were awarded death penalty. India has not executed any prisoner for death penalty after 2004 and before that the last execution took place in 1997. However till India decides to do away with the death penalty, it's essential to draw attention to the prisoners who are facing death penalty in this country which are totaling **48** in number in relation to whom petitions seeking clemency are pending before the President Of India.

10<sup>th</sup> October 2010 is observed as World Day against Death Penalty. Lawyers For Human Rights International (LFHRI), an organization working to promote the cause of Human Rights, started signature campaign for impressing upon the President of India to grant clemency to 3 prisoners who were considered to be most deserving to be set free. The cases of Devender pal Singh Bhullar from Delhi, Dharam Pal from Haryana state and Piara Singh from Punjab state were selected. Sikh Students Federation in order to promote this cause is conducting signature campaigns in various colleges, Universities and other educational institutions.

**1) Devender Pal Singh Bhullar** did his Bachelors in Mechanical Engineering in 1990 and started teaching in the same college and had taught for more than a year, when on 29<sup>th</sup> Aug 1991 an incident took place in the city of Chandigarh, where an attempt was made to kill the then SSP of the city, Sumedh Singh Saini and his car was hit by a remote controlled explosion. The Chandigarh police suspected that Devender Pal Singh Bhullar behind the attack. Police raided his house and abducted his father and his maternal uncle in December 1991 and they were tortured to death in police custody. *(The CBI has now in the year 2008 registered a case against Sumedh Singh Saini IPS and his associate police officers for this crime on the orders of the Punjab & Haryana High Court, Chandigarh).* The whole family of his was harassed by the police. An Engineer friend of Bhullar namely Balwant Singh Multani, whose father Darshan Singh Multani was a serving Indian administrative Service officer of Punjab was also abducted during the same time and detained in Chandigarh police custody by Sumedh Singh Saini, the said IPS officer and was also



tortured to death.

On 10<sup>th</sup> Sept 1993 an incident took place in Delhi, where the car cavalcade of the then president of youth congress namely Maninderjit Singh Bitta was attacked by a remote controlled blast. The police of Chandigarh and Punjab were already looking for Devender Pal Singh Bhullar due to the Chandigarh blast incident and the police thought that the Delhi incident also had the same pattern of blast and so the Delhi police also starting looking for Bhullar.

Devender Pal Singh Bhullar although innocent, but fearing elimination by the police through Torture or Fake encounter, he decided to go to Canada, in order to save his life, and while he was in transit at Frankfurt airport of Germany, was taken in custody on the basis of improper documents. After remaining in custody with German authorities for 1 month, was ordered to be deported to India. Devinder Pal Singh Bhullar was handed over to the Indian Authorities at Indira Gandhi International Airport, New Delhi on 19.1.1995.

It is notable that DPS Bhullar is sentenced to death by designated Court of Delhi, but there are many flaws in the formation of this decision.

Capital Sentence awarded to (Prof.) Devinderpal Singh Bhullar was confirmed by the Supreme Court of India in a **"split decision"** as justice M. B. Shah, who was heading three judges bench of the Supreme Court had acquitted Bhullar, as there was no sufficient evidence against him.

133 witnesses of prosecution failed to identify Bhullar or to support so-called confessional statement during trial.

He is sentenced to death on the sole basis of "confessional statement", alleged to have been made by

was in police custody. Hon'ble Justice M. B. Shah, while acquitting Bhullar, labeled this statement as "***tailor made confession***".

The petition filed on behalf of Devinderpal Singh Bhullar, under Article 72 of Indian Constitution, is pending before the President of India since 14<sup>th</sup> Jan 2003. More than 7 years have passed and such petition is still lying undecided. He has already served more than 14 years in prison. As per the Doctor reports he is suffering from Depression since 4 Years, Hypertension since 6 Years and Arthritis and Cervical since 4 years. Out of the total 24 Hours of a day he spends almost 22 hours in his 7 x 9 feet cell, suffering a slow death in the special cell No- 2 of Tihar jail No - 3 , New Delhi since 25<sup>th</sup> Aug 2001, ie. the day of his conviction.

**2) Dharam Pal** S/o Chander Singh, (now detained in Ambala Jail), accused in case FIR No. 187 dated 10.6.1993 under Section 302/34 IPC of Police Station Sadar Sonapat was awarded death sentence by the Court of learned Sessions Judge Sonapat on 5.5.1997, his appeal was dismissed by the Hon'ble High Court on 29.9.1998 and his further appeal to the Hon'ble Supreme Court was dismissed on 18.3.1999. Now after dismissal of his mercy petition filed before Hon'ble Governor of Haryana, his mercy petition is pending before your Honour since 7.2.2000.

Dharam Pal was visited by Mr. Navkiran Singh Advocate, General Secretary of Lawyers for Human Rights International on 1.10.2009 and was found in a pitiable condition, living in sub human conditions in a dingy cell in which there is no cross ventilation nor is it accessible to sun light and as per the version of the jail staff no electricity can be provided to the prisoners who are facing Death Penalty, due to security reasons. Since, last one year Dharam pal is just taken out for permitting him to have bath in the small enclosed area outside his cell or once in the morning for visiting the lavatory. Otherwise he has to use a small hole in the back wall of his cell as a urinal and a plastic pot for his excreta. The lawyer found it difficult to even stand in front of the cell, what to talk of living in that cell. Dharam Pal was found living the life of a forlorn prisoner who is rarely visited by his family, who are too poor to afford visiting the Ambala jail from District Sonapat, which is more than 200 km away. He informed the Human Rights Lawyer that his family has only visited him once a year in the last two years. Dharam pal was suffering from depression and though he is aged around 44 years he looks to be 65 years old, due to the pitiable and depressing conditions of the cell. It is also very alarming that though solitary confinement has been condemned by the Hon'ble Supreme Court of India as far back in the case of Sunil Batra in 1978, but solitary confinement is being still used in the cases of death sentence prisoners. It exhibits the sick mind of the jail authorities. The prisoner who is awaiting execution of his sentence since last 12 years and his mercy petition pending since last more than 9 years deserves to be given the relief of conversion of his death sentence to life imprisonment and given a chance to live.

**3) Piara Singh, aged 82 Yrs** S/o Atma Singh is detained in Amritsar Jail and is accused in FIR No.226 dated 21.11.1991 registered under Section 302/307/460/148/149 IPC, 25/27/59 Arms Act, Police Station Chhehrt. Piara Singh was convicted by the court of Sessions Judge Amritsar on 15.1.1996 and his special leave petition was dismissed by Hon'ble Supreme Court of India on 28.2.1997 and his mercy petition is pending before the Hon'ble President of India, since November 1997. Mr. Navkiran Singh Advocate, General Secretary Lawyers for Human Rights International visited Piara Singh on 16.8.2006 and It came to his knowledge that Piara Singh for the initial 7 years were never allowed to even come out of the cells and later on when an Hon'ble Judge from the Punjab and Haryana High Court visited the jail, he gave him the relief to be taken out of the cell once in the morning and once in the evening. That Piara Singh case has been taken to be a classic case of Human Rights violations, as Piara Singh who is at present around 82 years of age is suffering from various diseases like depression, Cervical Spondyllysis, Allergic Rhinitis, Osteo arthritis in both knee joints and old case of glaucoma, besides other old age illnesses. He is behind the bars since 21.11.1991, which is more than 18 years.

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Join us to secure clemency in these extreme cases of victims of death penalty....

Do sign the petitions prepared in this regard

**SIKH STUDENTS FEDERATION**

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