

BEFORE THE PUNJAB STATE HUMAN RIGHTS COMMISSION, sector-34, Chandigarh.

complaint/petition no. of 2011

UNITED SIKHS through Mejindarpal Kaur,
Resident of 1039/ 4-26, Chownk Baba Sahib, Galiara,
Darbar Sahib,
Amritsar (Punjab)

versus

State of Punjab and others

Complaint / petition with a prayer for the conducting of investigation pertaining to the incident (dated 12th/13th of august , 2011) at Village- Udhampur Nallan, police station - Morinda, Dist.- Ropar, by a special investigation team headed by an officer of Indian Police Service Rank , with a prayer to add the offences 295-A, 153- A, 153-B of Indian Penal Code in the said criminal case, or any order / direction for the proper investigation of the case, in the interest of justice.

Repectfully showeth--

1. The complainant/ petitioner (hereinafter petitioner) is a UN-affiliated, international non-profit, non-governmental organisation and it works as a civil and human rights advocacy, human development and human relief organisation aimed at empowering those in need, especially disadvantaged and minority communities across the world.
2. The UNITED SIKHS has its offices around the world e.g. India, USA, UK, Canada, France, Belgium Pakistan , Australia and in other parts of the world. In India it is registered in Panjab under the Societies Registration Act 1860.
3. The petitioner NGO, in India, provides humanitarian relief for e.g every month it provides a pension to affected families of debt ridden farmers who have committed suicides in the Sangrur District of

Punjab. In Africa, UNITED SIKHS has recently started humanitarian relief efforts to feed the hungry in Kenya, Ethiopia, Somalia, etc.

4. In furtherance of its advocacy role in the community, the petitioner in March 2011 filed a complaint to the Judicial Magistrates, Mohali, following the wilful removal of a Sikh's turban by two police officers at the Mohali stadium.

5. The NGO is filing this petition through its legal director.

6. The brief facts of this case are--

Udhampur Nallan is a village which falls under the jurisdiction of the Morinda police station, district Ropar ; this is a small village inhabited by approximately 240 people and majority of these are Sikhs ;the people of this village are smallholder-farmers and they live peacefully; the inhabitants of this village have had a Gurudwara Sahib for about 40 years and they have employed a Granthi Sikh for sewa of this Gurudwara Sahib who during the night returns to his home in Morinda which is approximately a 7 to 8 kilometers distance from this village; on the intervening night of 12th /13th august, 2011 , the Gurudwara Sahib was locked by a sevadar and it rained heavily and continuously for 24 hours; a woman sewadar came to Gurudwara Sahib at dawn to perform sewa but she was shocked to see that there was no lock on the doors; when she went inside she was shocked to see that five sacred Saroops of Sri Guru Granth Sahib, 15 sacred gutka sahibs , other pothian and the amplifier system was not in their proper place and were missing; the sewadar informed the sarpanch and president of the gurdwara who in turn informed the other villagers; the village inhabitants of the village started searching for the Saroops whilst it was raining, but all in vain; at about 8am they approached the police chownki at Latehri which falls under the jurisdiction of the Morinda police station; it was raining heavily at that time ; the police arrived soon afterwards and arranged a search operation by village inhabitants when the rains subsided at about 4pm and at last they found that the missing Sacred Saroops, holy gutka sahibs were found in a disused well nearby; the Sacred Saroops were removed from the well and after conducting a religious ceremony of Ishnaan they were restored to their holy place before final rites were performed on 14th August 2011 in Goindwaal Sahib ; the Punjab Police has registered a case of theft in a dwelling house, etc. and added an offence under section 380 of IPC along with an offence under section 457 IPC for lurking house -trespass/ house breaking by night. However, the police has not added the offence under section 295-A IPC relating to injuring the religious sentiments of Sikhs nor an offence under section 153-A of IPC relating to an act which is prejudicial to maintenance of harmony and offence committed in a place of worship, nor offence under section 153-B of IPC relating to assertions prejudicial to national integration;

7. The police have to date not traced the culprit but has tried to discharge their duty by registering an FIR for the lesser offences of theft under section 380 and 457 of IPC. This, however, is not an ordinary case. The police is the law enforcement agency of the state and they very well knew that various sections of the INDIAN PENAL CODE should have been added to the FIR e.g. 153-A, 153-B and 295-A, but they have not used their powers properly for unknown reasons.

8. The case should be handed over to an investigation team headed by an IPS officer rank or any officer which this court may deem fit and the enquiry should be conducted in a time bound manner for the following reasons:

9. The SGPC elections are imminent and tensions arising from this incident can have an undesired impact on the community which the perpetrators may have intended and which intention should not be allowed to bear fruit;

10. The incident took place barely days before the hearing date for cases of anti Sikh activities by sect leader Piara S Bhanjarawala whose dera is a mere 40 km from this village and whose sect followers have previously been convicted for sacrilege against Sri Guru Granth Sahib Ji

11. This instant case in Udhampur Nallan was a well planned one where the perpetrator(s) removed all five Saroops of Sri Guru Granth Sahib Ji from the Gurdwara , the Chaur sahib (fly whisk) and other religious books and scriptures and threw them in the well nearby making no attempt to hide the items; further there was no sign of forced entry nor was golakh money (community donations) or anything of monetary value stolen save an amplifier system which is hitherto uncovered;

12. There is a risk of repeat offending as all Gurdwaras practice an open door policy and are therefore vulnerable to such attacks if left unchecked;

13. The instant case should be investigated thoroughly to do justice to religious freedom which benefits the whole community, Sikh or otherwise; these type of cases should not be ignored by the state law enforcing agencies as these type of incidents, if left unchecked, can lead to turmoil in the affairs of the state ; the law of land should prevail to secure peace and justice for all.

14. The constitution of India guarantees everyone the right to life as per article 21, right to religion as per article 25 and equality before law as per article 14. This Honourable Court has powers under section 12(d) of the protection of the Human Rights Act, 1993, to review the safeguards provided by or under the constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.

15. This Honourable Court has power under section 14 of the Protection of Human Rights Act, 1993, to get the case investigated from any investigating agency and to utilise the services of any officer; section 12 of this act further states that this Honourable Court can inquire into violation of human rights or abetment thereof; or negligence in the prevention of such violation by a public servant. The police has till date done nothing to protect the rights and feelings of society and every law abiding peace loving person feels that if this happens today in Udhampur Nallan then tomorrow it can happen anywhere, and the peace of society will be disturbed.