

PEOPLE'S UNION FOR CIVIL LIBERTIES

Founder: Jayprakash Narayan; Founding President: V M Tarkunde

Press Note

1st December 2024

PUCL Condemns Harassment of and Malicious FIR against human rights Activist and National General Secretary Nadeem Khan of the APCR by Delhi Police

PUCL is shocked at the manner in which Delhi Police is conducting a targeted witch-hunt and harassment of human rights activist Nadeem Khan, at the instigation of a few social media accounts on Twitter. Today (30th November 2024), at 5 PM, four police personnel including the SHO of Shaheen Bagh Police Station in Delhi, came to a private residence in Bangalore where Nadeem Khan was staying, and attempted to detain him without any warrant or notice.

From 5pm till 9pm, they sat in the hall of the first floor of the house and coerced Nadeem to come to Delhi "voluntarily" with them under "informal custody". This was purportedly for investigation in an FIR filed that very afternoon in Delhi. FIR number 0280/2024, Shaheen Bagh, Police Station, N. Delhi. The said FIR was filed at 12:48 PM in Delhi and the concerned Police Station officer arrived in Bangalore at Nadeem's brother's house at 5pm, as if in hot haste, without first bothering to issue notice under Section 35(3), or having any authority in the form of an arrest warrant to come to his house and to demand that he return to Delhi with them. It was only at 10.45, after 5.45 hours of badgering Nadeem, that the officials pasted a notice under Section 35(3) of BNSS, asking him to appear at the Shaheen Bagh Police Station. For nearly six hours, they continued to harass and intimidate Nadeem Khan and members of his family, as well as trespass on the residence of his brother in Bangalore.

The offences under the FIR are Section 196, 353(2) and 61. The punishments for all of these offences are less than 3 years, and as per Arnesh Kumar v State of Bihar, as well as Section 35 of the BNSS, the law prevents Nadeem's arrest arising out of the current FIR, since the punishment is less than 7 years. Despite this the SHO along with the other Police Officials continued to criminally intimidate him and members of his family, forcing him to accompany them to Delhi without any due process.

Nadeem Khan is the national general secretary of the Association for Protection of Civil rights, a national level organisation working to uphold Human Rights. Prior to this FIR, yesterday on 29.11.2024, at approximately 9 PM, 20-25 officials arrived at the APCR office in Delhi without providing any notice, without an FIR copy, without any attempt at contact through publicly available numbers or providing legal justification for their actions. Since the office was closed at night, they enquired from

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the security guard about APCR National Secretary Mr Nadeem Khan and other members and employees of the organisation.

The fact that 20 police officials came to the APCR office even before the FIR shows their malicious intent. They were going after the constitutional work that APCR does especially fighting cases of mob lynching, hate crimes. They are using this FIR as an excuse to target one of the forces behind APCR.

This morning, a few police officers returned and enquired about the office bearers. When asked about the basis for this enquiry, the Head Constable Yogesh of Shaheen Bagh police station refused to share the details with the lawyers present in the office. The Head Constable also misbehaved with the lawyers and threatened them with dire consequences. Lawyers representing APCR also went to Shaheen Bagh Police Station to ask about the reasons for the police raid but received no answer.

PUCL condemns the harassment, intimidation and illegal detention of Nadeem Khan by Delhi police personnel. Their conduct violates all the basic norms of due process and established law. We are also extremely concerned at the manner in which this investigation has been initiated, where a clearly vitiated social media campaign has sought to create pressure on police and state officials to take criminal action against those who are fighting to uphold civil liberties and constitutional values.

The basis of this FIR is that Nadeem Khan was involved in putting up an exhibition highlighting recent incidents of hate crimes and hate speeches in India. The exhibition also displayed recent judgments of the Supreme Court like Tehseen Poonavala v Union of India where they have passed guidelines for dealing with cases of mob violence.

It is obvious to us that this is clearly an attempt to punish and criminalise the exercise of freedom of speech, as well as the advocacy of civil liberties and constitutional rights.

The PUCL demands that:

- 1) FIR be immediately quashed.
- 2) This harassment of Nadeem, his family be stopped. A compensation to the family must be paid for this harassment.
- 3) An FIR against the SHO of Shaheen Bagh Police station for criminal intimidation, harassment, trespassing must be registered.

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