

PUCL Editorial: We are all Dimagi Naxals!

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WE ARE ALL DIMAGI NAXALS!

On 15th August, 2026, on the 80th anniversary of India's independence, Prime Minister Modi, identified a new threat, the so-called 'Dimagi Naxal'. In the Prime Minister's words, while the armed Naxals had been defeated, the ideology continues to live. Those who embodied it needed to be identified and isolated, he announced.

While this labelling of an opposition is something we are used to, from the Prime Minister, considering his previous coinages of 'Tukde Tukde Gang', 'Khan Market Gang', 'Andolan Jeevi' and 'Urban Naxal', there was something new about this coinage. By using the word 'Dimagi', the Prime Minister seemed to imply that the very act of thinking is an offence. The Prime Minister shockingly disregards the constitutional imperative under which the right to think enjoys unconditional protection.

Article 19(1) of the founding document of international human rights law, the International Covenant on Civil and Political Rights (ICCPR) states that, 'Everyone shall have the right to hold opinions without interference.' The only basis for restricting opinions under Article 19(3) is when opinions are expressed through 'print', 'art', or 'any other media'. The basis for restricting opinion are grounds such as 'national security or of public order (ordre public), or of public health or morals.'

There is no limitation on the right to hold opinions. The right to hold opinions without interference is crucial as the human personality develops through this right. When one uses the word 'conscience', it is fundamentally about the right to hold beliefs which may be at odds with what the family, society or nation thinks. It is about allowing for the development of individual opinion, regardless of what the collective may think. The Preamble to the Indian Constitution, by setting liberty as one of the constitutional ideals, sanctifies the idea that people can think differently and to protect the right to be different is at the very heart of the Indian Constitution.

The Prime Minister through the coinage of 'Dimagi Naxal', expresses his reservations about this constitutional guarantee according to which each individual should be allowed to develop in accordance to his or her way of thinking. For the Prime Minister, when such free 'thought' aligns with the ideology of Naxalism, a crime is in the offing. However, it may not be too far from the truth, to say that for the Modi regime, you may fall under this category simply for disagreeing with their policies, raising questions or criticising them.

The Prime Minister by creating this new national enemy called the 'Dimagi Naxal', who has to be 'identified' and 'isolated' is declaring himself in alignment with the criminalisation of thought crime in Orwell's dystopian novel, 1984. As per Orwell, 'the essential crime that contained all others in itself' was the 'Thoughtcrime'. In Orwell's totalitarian state, citizens were terrorized into submission by the 'thought police'.

The right wing ecosystem latched on to this idea of a 'thought crime' and sought to 'identify' and 'isolate' all those who disagreed with the policies of the Union Government as 'Dimagi Naxals' on social media. When a pillar of the establishment such as former Home Minister, P. Chidambaram (who was himself guilty of human rights violations committed in the name of eradicating Naxalism) tweeted that 'I am proud to be a Dimagi Naxal', something had changed.

Modi's previous attempts at 'identifying' and 'isolating' those who opposed the policies of the BJP government through disparaging labels such as 'Urban Naxal' and 'Tukde Tukde Gang' did not see the political class resist by embracing those labels. In the past it was mostly left to courageous civil society voices, be it Girish Karnad who wore a placard saying, 'I am an Urban Naxal' or Arundhati Roy who called herself 'a proud Andolanjeevi' to challenge the government's narrative of labelling all opposition to its policies as 'anti-national'.

The new vocabulary of protest while using satire, also drew from the history of India's independence movement. This was best embodied in the formation of the online Dimagi Naxal Party which gathered a strong online following in just a few hours. The Dimagi Naxal Party declared that its manifesto is to 'question everything', 'think critically', 'seek facts' and 'follow the Constitution 'claiming the tradition' of Bhagat Singh, who they noted 'inspired rational thinking, scientific temper and fearless questioning'. Bhagat Singh in their estimation 'read more books in jail than most cabinets read in a term' and was therefore the quintessential 'Dimagi Naxal'.

The pushback seems to have made the Prime Minister realise that Indians used to the constitutional protection of the freedom of speech and expression will not easily submit to the policing of thought itself. The icons of Indian independence, be it Bhagat Singh or Ambedkar, were fierce advocates for the freedom of thought and this historical current could not be delegitimised so easily.

Pushed to a damage control mode, in a rare comedown, the Union Minister for Parliamentary Affairs, Kiren Rijju was forced to clarify on X that, "PM @narendramodi ji didn't say opposition leaders as Dimagi Naxals. Only following are Dimagi Naxals: 1. Who support Maoists and reject Indian Constitution. 2. Who stand with separatists & support Article 370. 3. Who want to cut chicken neck to separate North-East from India."

However, this clarification did little to address the crucial question as to whether the BJP was willing to abide by the values of the Indian Constitution. If according to Rijju, the Prime Minister meant that Dimagi Naxals were those who supported Maoists and rejected the Indian Constitution, the best response comes from the archive of human rights lawyering. When eminent human rights lawyer and former president of the PUCL, K.G. Kannabiran was asked in court as to 'why should Naxalites who do not believe in the Constitution take shelter under it?', he replied, "When such issues come before the court, it is your values and not their values that are on trial. It is the values enshrined in the Constitution and the values of the state that are under test." Simply put, the expression of a viewpoint which rejects the Constitution is protected speech under the Constitution.

The second category created by Rijju is the support for Article 370; this has been voiced by politicians, media and civil society. It cannot be a criminal offence to voice a political opinion at odds with the way the Modi government has responded to the Kashmir issue.

Regarding the third category, it must be noted that there is a test laid down by the Supreme Court as to

when speech can be restricted under the sedition law. In *Balwant Singh v. State of Punjab* in 1995, the Supreme Court adjudicated the question as to whether shouting slogans including, “Khalistan Zindabad” in a crowd the day Indira Gandhi was assassinated amounted to sedition. The Supreme Court noted, “We find it difficult to hold that upon the raising of such casual slogans, a couple of times without any other act whatsoever the charge of sedition can be founded.” In simple terms, even the advocacy of the viewpoint that the “chicken neck should be cut to separate North-East from India” is not an offence. It is only when such advocacy becomes incitement to the act that the statement can become a criminal offence. In *Shreya Singhal v. Union of India*, the Court held that discussion and advocacy of any cause, however unpopular, lies at the heart of Article 19(1)(a), and that only incitement may be restricted.

What cannot be forgotten is the context in which the Prime Minister made his remarks. Just a month ago, a wave of student protests initiated by the Cockroach Janata Party had pushed the government on the backfoot and forced the resignation of the Minister for Education, Dharmendra Pradhan. Clearly the label of ‘Dimagi Naxal’ was nothing other than a preemptive move to target the burgeoning student movement now spanning both Gen Z and Gen Alpha.

In the time going forward it is likely that we will see even more critical speech. We will also see new forms of association both online and offline to ventilate the grievances of all those dissatisfied with the current government. We are also likely to see more protests by students, workers and all those dissatisfied with the status quo.

The constitutional protections of speech, association and assembly are likely to be tested as never before. It is up to ‘we the people’ to ensure that our freedoms are not taken away.

We are all Dimagi Naxals!

PUCL Bulletin Editorial Board

PUCL-K CONDEMNS THE FIR FILED BY THE BENGALURU POLICE AGAINST UNIDENTIFIED PERSON HOLDING POSTERS ABOUT UMAR KHALID AND SHARJEEL IMAM

PUCL KARNATAKA

28th July, 2026

The FIR against the unknown person who held a poster on Umar Khalid and Sharjeel Imam is ill judged and wrongly conceived besides being completely unjust and unconstitutional.

Political expression through reels and posters which cross the boundaries of polite expression ought not to be dealt with through the criminal law, rather they demand political engagement!

PUCL-K unequivocally condemns the FIR allegedly registered based on the complaint of Sub-Inspector Sulochana against an unidentified woman who was carrying a poster carrying slogans such as ‘Sharjeel Imam Zindabad’ and ‘Umar Khalid Zindabad’ and ‘Bengaluru Police Ukhad Le’. The poster was held at a protest on 24th July, 2026 at Freedom Park, when around 1,000-1,500 youth had gathered to demand the resignation of Education Minister Dharmendra Pradhan.

On the basis of this poster, the police have registered an FIR (Cr. 233/2026) under Section 192 of the BNS which pertains to a person who ‘wantonly gives provocation knowing that such provocation will cause the offence of rioting to be committed.’

PUCL- K submits that the FIR is an ill-conceived disproportionate response by the Bengaluru police to a perfectly constitutional expression of opinion. It boggles the mind to think of how the police are making

the case that a poster such as this is of so extreme a provocation that a riot is likely to arise.

There is no material in the complaint to even indicate that the poster led to any affray which verged on a riot. If anything, it appears that the police were the only ones to be provoked enough to register an FIR!

Going beyond the mystifying logic of the police in filing an FIR, what is more damning is that this FIR falls foul of Indian citizen's constitutionally protected right to speech and expression under Article 19(1)(a). Surely a poster regarding the unjust incarceration of Sharjeel Imam and Umar Khalid is protected speech?

In the details of the FIR, it is recorded that Umar Khalid and Sharjeel Imam are accused under anti-terror charges. We would like to remind the Bengaluru Police that when the PUCL along with AILAJ and Bahutva Karnataka organized a discussion on the book 'Umar Khalid and His World', and the BJP, Hindu Janajagruti Samiti and others called for the cancellation of the event, the Bengaluru Police not only cooperated, but also ensured that any threat to law and order was dealt with following due process.

PUCL-K had argued then, and we argue with greater urgency now, that Umar Khalid and Sharjeel Imam are not convicted of any charges and there is no law violated when civil society argues that the arrest was unjust and therefore they must be freed. Umar Khalid and Sharjeel Imam, anti-CAA activists and scholars themselves, have spent almost six years in jail without trial even beginning. PUCL-K has repeatedly condemned the instrumentalization of the investigation into the horrifying Delhi pogrom to manufacture a false narrative that the violence was the result of a conspiracy by anti-CAA activists. (Read our position paper on the SC judgement denying bail to Khalid and Imam.)

Demanding their release, the release of all political prisoners as well as pressing for the repeal of draconian laws such as the UAPA does not provoke riots, and is well within our fundamental right to freedom of speech and expression protected under Article 19(1)(a).

While the police in Delhi, Bihar, Assam and Mumbai have come under fire for curtailing the right to freedom of assembly by filing cases against protesters during the students protests, the Bengaluru Police have been praised for the non-violent manner in which the protests were handled through a Standard Operating Procedure (SOP) As per the Commissioner, Seemant Kumar Singh. The SOP is based on the understanding that, the people the police deal with 'may be farmers, students, women, workers, or any other group. Whatever the group or the nature of the crowd, one thing is certain, they are part of society and live among us. They are not our enemies, and the police cannot treat them as enemies.'

However, it is disappointing that the Bengaluru Police have not applied this understanding to the freedom of speech and expression as well. Protests in Bengaluru have been limited to a designated venue, as per the Licensing Order 2021, ie, Freedom Park. The students and youth protestors raised their grievances through slogans, songs, artwork and other peaceful means without violating any laws. Despite that, the Bengaluru Police filed an FIR targeting legitimate speech by the young unidentified person, sending a chilling message to every young person who dares to express an opinion.

We are equally troubled by the FIR filed and the subsequent arrest of a shop worker for an allegedly abusive reel against the Prime Minister. This reel is one among thousands of videos, posters and artwork by the Gen Z, reveling in expressions which may cross the boundaries of polite expression. In large numbers, such videos as well as slogans and artwork have criticized the BJP government and the Prime Minister for being undemocratic, promoting divisions based on caste and religion, abusing state machinery to pocket profits in collusion with corporates, staying silent on human rights violations taking place in Manipur, and many other issues. The Gen Z protests across cities in India and videos and artwork on social media have shown that such political expression is shared by lakhs of young people, who are demanding change in non-violent ways.

We urge you to see these reels as an expression of anger which must be dealt with politically and not through the criminal justice framework. While they may breach conventional notions of decorum, it should not invite criminal prosecution by the police.

The FIR against the unknown person who held a poster on Umar Khalid and Sharjeel Imam is ill judged and wrongly conceived besides being completely unjust and unconstitutional. Further, political expression through reels and posters which cross the boundaries of polite expression ought not to be dealt with through the criminal law but rather engaged with politically.

The prosecution against all such speech, be it the posters on Umar Khalid and Sharjeel Imam or the reels with intrinsic political messages expressed in language which appears distasteful must be withdrawn immediately and unconditionally. What is urgently required is a political engagement with the concerns of Gen Z rather than criminalizing the mode of expression of these concerns as crossing the boundaries of decency.

Arvind Narrain, President
Shujayathulla, General Secretary

People's Union For Civil Liberties – Karnataka

PUCL BIHAR CONDEMNS THE ILLEGAL DETENTION, HANDCUFFING AND HARASSMENT OF PUCL MEMBERS FOR RAISING VOICE AGAINST DENIAL OF DUE PROCESS TO DETAINED STUDENTS

PUCL BIHAR

31st July, 2026

The People's Union for Civil Liberties (PUCL) places on record its serious concern and strong condemnation of the conduct of the Bihar Police, in particular the SHO, Gandhi Maidan Police Station, in connection with the illegal detention and mistreatment of Akash Keshav, Advocate-on-Record, Patna High Court and Mr. Vрати Kumar, law graduate from Calcutta University, social worker, and independent filmmaker/director, both members of PUCL, on the 26th and 27th of July 2026. At times, advocate Akash Keshav has assisted the Patna High Court as Amicus Curiae.

Background

PUCL, in its meeting held on the 26th of July 2026, decided to extend legal support to students who had been detained or arrested by the police in connection with NEET student protests. Both Akash Keshav and Vрати Kumar were part of PUCL's legal support group. On the night of Sunday, 26.07.2026, when they reached the Gandha Maidan Police Station to ascertain the status and welfare of the detained students, they were informed that the detainees were being produced before the learned SDJM at Chhajju Bagh. Then they reached the Chhajju Bagh residence of the SDJM.

What Happened Inside the SDJM's Residence at Chhajju Bagh?

Initially, both Akash Keshav and Vрати Kumar observed the proceedings of the open court for a while. When they found that the students were being sent to judicial custody without following due process, they raised their objection with the court. None of the students was informed of the specific charges against them. They were not provided with copies of the First Information Report (FIR), which violated their basic legal rights. Advocate Akash Keshav, who was in his proper lawyer's robes, sought that copies of the FIR be furnished to the detainees, that their statements be duly recorded, and that the court proceedings be recorded. These objections and demands were met with hostility from police personnel and persons in plain clothes present in the courtroom. The SHO of Gandhi Maidan Police Station, Mr Akhilesh Kumar

Mishra, declared, in a vindictive manner, that since he had been injured during the protest, all students produced before the SDJM must be sent to jail as a punishment. Advocate Akash pleaded that despite his sympathy with the SHO for having sustained injuries during the student protest, that could not become the basis for collective punishment of the students presented before the SDJM.

Breath Test, Imposition of Sections 37 of the Bihar Prohibition and Excise Act, 2016 and 132 of BNS

PUCL notes with grave concern that when advocate Akash Keshav, as an officer of the court, persisted in making submissions on behalf of the detained students, police officers reportedly turned aggressive and physically cornered advocate Akash Keshav, Vrati Kumar, and other advocates present. The SHO of Gandhi Maidan Police Station threatened to prosecute Akash Keshav unless he stopped raising objections on behalf of students. When they did not give in, he ordered the premises doors locked, and — without any direction or permission from the learned Magistrate — arranged for a breath analyser and compelled both Akash Keshav and Vrati Kumar to undergo the test on the spot, without the device being calibrated or tested and, subsequently, without any blood or urine confirmatory test being conducted. On the strength of this breath analyser reading alone, both Akash Keshav and Vrati Kumar were taken into custody by the SHO, Gandhi Maidan, while denying their production before the presiding Magistrate, and whisked them off to the Kotwali Police Station, where they were held overnight. The SHO, Gandhi Maidan, with the help of a staff member, himself prepared the arrest memo at Kotwali Police Station and asked Akash Keshav and Vrati Kumar to sign it. When they demanded a copy of the FIR, they were squarely denied it. This clearly establishes that the police officers had no respect for the due process of law and deliberately implicated our two members, defenders of human rights, in a false case.

Handcuffing and Finally Release on PR Bond

The following morning, on the 27th of July, they were taken to a nearby hospital in handcuffs, examined and declared fit, and thereafter brought back into custody. Even at the hospital, their urine and blood samples were not taken. Despite repeated requests for removal of the handcuffs, they were paraded in handcuffs, first within the police station, then at the Hospital and later, at around 2:00 PM, through the premises of Patna Civil Court, in full public view — a practice contrary to established guidelines of the Hon'ble Supreme Court and Hon'ble High Court on the use of handcuffs, which permit their use only in exceptional circumstances and never routinely or to humiliate an accused. The handcuffs were removed only after members of the legal fraternity present at the court premises intervened and objected.

Both Akash Keshav and Vrati Kumar were thereafter produced before the Learned Special Judge (Excise). Upon hearing the arguments of the Public Prosecutor and advocates for Akash Keshav and Vrati Kumar, the learned judge released them on Personal Recognisance (PR) Bond and reprimanded the Investigating Officer (IO) of the Kotwali Police Station for handcuffing them.

Misuse of Media to Malign Reputation

PUCL further notes with concern that, following their release, the police released the arrest-memo photographs of Akash Keshav and Vrati Kumar to the media and the SHO, Kotwali Police Station, gave statements to the print, electronic and social media, resulting in newspaper reports and videos that portrayed them as having been intoxicated and having misbehaved with a lady judicial officer. PUCL views this as a deliberate and malicious attempt to malign the reputation of two individuals who were performing the legitimate duty of safeguarding the legal rights of young detainees, and to deflect attention from the violations of the due process of law by the police during the proceedings of the court.

PUCL states that:

1. Every detainee, including minors and students, is entitled under law to be informed of the charges against them and to be furnished a copy of the FIR without delay.

- 2.No police officer has the authority to detain, coerce, or intimidate an advocate or a social worker for making legitimate submissions in open court on behalf of detained persons. In a travesty of justice, where section 132 of the BNS should have been imposed on the SHO, Gandhi Maidan, for obstructing an officer of the court (in this case, advocate Akash Keshav) from discharging his duty, it was advocate Akash Keshav and Vрати Kumar who were victimised by the police.
- 3.The use of a breath analyser or any other test on a citizen, without the permission of the court within its premises and without following due procedure (including calibration and confirmatory testing), and the consequent detention on that sole basis, is wholly illegal.
- 4.The parading of any person in handcuffs through public places, absent the specific circumstances recognised in law, is a violation of binding judicial guidelines and an affront to human dignity.
- 5.The release of their photograph and a one-sided, unverified narrative to the media by the police was deliberately done to prejudice public opinion against them. It violates not only procedural propriety but also the person's right to be presumed innocent until proven guilty.

PUCL Demands that:

- The FIR filed against Akash Keshav and Vрати Kumar be quashed.
- An independent inquiry, preferably under the supervision of the Hon'ble Patna High Court, should be instituted into the conduct of the SHO, Gandhi Maidan Police Station, and other police personnel involved in the incident that occurred on the night of the 26th of July.
- Strict action should be taken against the erring officers for illegal detention, coercive testing without judicial sanction, unauthorised use of handcuffs, leaking photos, giving irresponsible statements to the media, and mental harassment of Akash Keshav and Vрати Kumar.

PUCL reiterates its commitment to upholding the rule of law, the independence of the legal profession, the protection of human rights defenders, and the constitutional rights of citizens, and will continue to monitor this matter closely.

Sarfaraz, General Secretary, PUCL Bihar State Unit

**CONDEMN THE VINDICTIVE USE OF NSA AGAINST PRANAB DOLEY –
RELEASE HIM IMMEDIATELY! STOP THE CRIMINALISATION OF ADIVASI
AND INDIGENOUS DEFENDERS IN KAZIRANGA FORTHWITH!**

JOINT LETTER

3rd August, 2026

We, the undersigned people's movements, organisations, trade unions, democratic rights groups and concerned citizens, strongly condemn the invocation of National Security Act against Pranab Doley, Indigenous rights activist from Assam and Convener, Greater Kaziranga Land and Human Rights Protection Committee, one day after the Golaghat Sessions Court granted bail to him, in the false, retaliatory and vindictive case launched against him and other Adivasi and Indigenous defenders by the Assam police.

Pranab Doley, convenor of the Greater Kaziranga Land and Human Rights Protection Committee (GKLHRPC), was arrested on 12th July 2026 in connection with a case filed by the Assam police at Bokakhat Police Station under Sections 61(2), 191(2), 191(3), 190, 329(3), 324(2), 324(3), 221, 132, 121(1), 121(2), 351(3), 74, 326(g) and 62 of the Bharatiya Nyaya Sanhita (BNS), in retaliation to a protest held on 28th June 2026 against the proposed Hyatt luxury resort project at Inglay Pathar near the Kaziranga National Park and Tiger Reserve. Four other activists – Amit Nag, Brijit Kutum, Bhaskar Saikia and Rajib Pegu – were also arrested in connection to the same case, while several others have been falsely implicated and face the threat of arrest.

The Sessions Court at Golaghat granted bail to Pranab and the above four activists who were

linguishing in Golaghat district jail, by its orders dated 29th July 2026. A day later, the Assam Government invoked Section 3(2) of the National Security Act (NSA) by its order dated 30th July 2026 against Pranab Doley, clearly with a view to defeat his bail granted by the Sessions Court and to continue his unjust incarceration. The NSA permits preventive detention without trial or formal charges for up to 12 months.

The NSA detention order was served on Pranab's family only on 31st July 2026 in the afternoon, while the bail formalities were being completed pursuant to the signed bail order copy being made available the same morning, with a view to get Pranab released on bail. This action of the government to use the draconian NSA against Pranab to prevent his release is highly condemnable; a blatant attempt to circumvent the process of law. Infact, while granting bail, the Additional Sessions Judge in the order questioned the manner in which the criminal law had been deployed against the movement. The court observed that the dispute arose from deep anxieties over environmental degradation and its impact on the socio-cultural life of local Tea workers and their families (from the Adivasi community). It noted the absence of video evidence supporting several police allegations and emphasised that criminal law cannot become an instrument for suppressing community concerns where ecological preservation and indigenous survival are at stake.

Questioning the state action against the activists, the bail order goes on to state – “It is also germane to mention here that in cases involving marginalized groups like the Tea Tribes, structural inequalities prevent local communities from negotiating on equal terms with corporate or state entities. In such a scenario, treating the activists or community leaders as ‘external disruptive element’ will not yield any fruitful result in the long run and hence, including the social activists and community leaders in the dialogue process would ensure fairness and balance in the power dynamics for a sustainable solution.”

The Real Issue: Land, Livelihoods and Kaziranga

Pranab's arrest and subsequent incarceration under NSA is directly linked to the land and environmental struggles in which he has been involved. Pranab and GKLHRPC have stood with the local communities in raising questions of land rights, displacement, ecological destruction and the future of communities living around one of India's most ecologically sensitive landscapes. For several years, Indigenous and Adivasi communities around Kaziranga have opposed the transfer of their lands for commercial and tourism projects, including Hyatt's proposed luxury resort at Inglay Pathar/ Hathikuli ('frequented by elephants'). Inglay Pathar, the proposed site of the hotel project, is situated near the Kohora (Central) Range of Kaziranga National Park. It serves as an important habitat and movement corridor for elephants and is locally revered as a 'playground for elephants'. (...)

Pranab Doley, along with other Adivasi and Indigenous defenders, has been raising precisely these democratic questions. To portray such activity as a threat to “national security” turns the meaning of national security on its head.

The NSA Order: Raising Even More Serious Questions

According to the communication informing grounds of detention under NSA provided on 31st July 2026, the Assam Government lists out protests that Pranab Doley has ostensibly been part of and the protests cases filed against him; it cites alleged road blockades and damage to public property, Pranab's foreign travel in the last decade and alleged “suspicious foreign transactions” among the grounds for preventive detention. The Sessions Court in Pranab's bail order had already observed, while considering the question of foreign travel and funding, that any legitimate concerns could be investigated through documents without requiring Pranab's continued incarceration. The grounds cited in the order only go on to expose the vindictive and arbitrary nature of state action against Pranab for being a socially and politically active citizen and defender of rights, rather than being in any manner prejudicial to the security of the state or maintenance of public order as alleged.

The NSA is a draconian law conferring extraordinary powers upon the executive. Its use against a land-rights activist immediately after he receives bail raises profound constitutional questions. If the government possesses evidence of an offence, it must place that evidence before the court and allow Pranab the full protection of his rights guaranteed under law. Preventive detention cannot become an alternative available to governments whenever ordinary criminal proceedings fail to keep an activist behind bars. **The timing therefore cannot be ignored: the court grants bail on 29th July 2026; the government invokes the NSA on 30th July 2026.**

This is not merely the matter of targeting one activist. It strikes at the independence of the judicial process itself. Bail granted by a competent court cannot be rendered meaningless simply because the executive dislikes the outcome. Moreover, this sets a dangerous precedent where judicial orders granting bail to citizens can be subverted by the state, by abusing the process of law and employing extraordinary and preventive detention laws. If allowed, such vindictive state action would pose a serious threat on the right to bail of an accused, which is an important legal safeguard linked to the valuable right of personal liberty protected under Article 21 of the Constitution.

Defending Land and Environment is Not a Threat to National Security

There is an increasingly disturbing pattern across India in which those resisting land acquisition, displacement, environmentally destructive projects and corporate takeover of natural resources are subjected to criminal cases, prolonged incarceration and prosecution under extraordinary laws. Governments cannot be permitted to convert dissent and disagreement over development policy into questions of national security.

Adivasi and Indigenous communities asserting their rights over land and for protection of the environment and natural resources, are not enemies of the nation. Farmers defending agricultural land are not threats to national security. Environmental defenders questioning projects near Kaziranga are not threats to public order. Peaceful dissent, democratic mobilisation and solidarity with affected communities are constitutional rights, not crimes. These rights are essential in a democracy and fundamental to an active citizenry.

Pranab Doley and the other Adivasi and Indigenous defenders are today facing reprisals for exercising these valuable rights to protect and realise human rights. Following the arrests of Pranab Doley, Amit Nag, Brijit Kutum, Bhaskar Saikia and Rajib Pegu, on 17th July 2026, several UN experts – Working Group on the issues of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the rights of Indigenous Peoples, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders – in their statement, also communicated to the government, expressed concern over their arrest and detention which could undermine the legitimate work of those defending Indigenous Peoples' rights in the context of business activities, and called for their immediate release. The vindictive and arbitrary action initiated in this case against the Adivasi and Indigenous defenders for exercising their legitimate rights as human rights defenders, must be taken back immediately.

Hence, we collectively demand:

1. Immediate revocation of the NSA detention order against Pranab Doley and his immediate release.
2. Withdrawal of the instant case filed against activists and community members, including Pranab Doley, Amit Nag, Brijit Kutum, Bhaskar Saikia, Rajib Pegu and all other named in the case and opposing Hyatt's proposed luxury hotel project at Inglay Pathar near Kaziranga National Park, and an immediate stop to further arrests in the case, in particular of Geeta Gowala, Minali Gowala, Srimoti Kishan and other community members who are facing an imminent threat of arrest.
3. Release of all activists and community members imprisoned in connection with the land struggles in Assam, including Adit Chandra Rabha who is currently in jail following his opposition to a proposed Satellite Township project at Barduar, and withdraw all such fabricated and politically motivated

cases.

- Immediate end to the use of preventive detention and extraordinary laws to suppress democratic movements, environmental defenders and Indigenous and land-rights activists.
- Independent investigation into the allegations of police excesses, procedural violations and the criminalisation of communities opposing the Kaziranga luxury resort project and strict criminal action against the erring officers.
- Full disclosure and transparent review of land allotments and the proposed tourism and infrastructure projects around Kaziranga, with meaningful participation of affected communities and full protection of their constitutional and legal rights.
- Protection of Indigenous, Adivasi, peasant and forest-dwelling communities across Assam from forced displacement and corporate appropriation of their lands, forests and commons.

The Assam Government must understand that a judicial order granting liberty cannot be subverted in this fashion with preventive detention. The Constitution cannot be suspended whenever citizens challenge the government's model of development.

We call upon all citizens and civil society groups across India to stand with Pranab Doley and the communities of Kaziranga.

(Signed by 62 civil society organisations). This is an edited version. The full version of the statement is available on the PUCL website to read.

PUCL MAHARASHTRA CONDEMNS THE WRONGFUL PROSECUTION OF TISS STUDENTS AND ARREST OF ABHIRUP PAUL IN MUMBAI IN CONNECTION WITH A STUDENT GATHERING ON CAMPUS

PUCL MAHARASHTRA

14th August, 2026

PUCL Maharashtra is deeply concerned and distressed at the recent developments related to the prosecution of nine Students of the Tata Institute of Social Studies (TISS), the denial of anticipatory bail to two students and arrest of Abhirup Paul, in connection with a student gathering held at the TISS Mumbai campus in October 2025 to commemorate the death anniversary of Prof G N Saibaba.

We strongly condemn the political targeting and victimisation of innocent young students by the TISS Administration and the Mumbai Police. We are equally concerned about the manner in which the matter has been handled by the Sessions Court and the total silence of the higher Judiciary.

Denial of Bail on Unlawful and Arbitrary Grounds

In denying bail to two out of the nine students implicated in the case, being Abhirup Paul and ex-TISS student Kamakhya Das, the Sessions Court created an artificial distinction by placing them on a different footing from the other students who were granted anticipatory bail by the Sessions Court. The justification offered by the Court was that, while the said two accused students had participated in the commemoration event of Prof. G. N. Saibaba along with the others, the fact that "Maoist literature" was found in their possession suggested that they were attempting to influence other students towards their ideology. While the Court acknowledged that there are multiple judgments holding that the mere possession of Maoist literature, by itself, does not constitute a criminal offence; it failed to apply the same principle in the instant case and wrongly held that that possession of such literature demonstrated the ideological, and therefore criminal mindset of the students.

In addition to being contrary to law, the conclusion drawn by the Sessions Court is entirely erroneous and completely disregards principles of critical thinking, inquiry, research and education itself, which

promotes curiosity and a wide understanding and review of different perspectives and theories, to arrive at a finding or opinion. Such an imputation drawn by the Court, solely on certain literature recovered from the electronic devices of the accused students, is untenable both in law and in reason and against the Constitutional rights of the students.

While the FIR itself was filed on 13th October 2025, the anticipatory bail order was pronounced by the Sessions Court after a delay of ten months. During the pendency of the anticipatory bail hearings, all the students had cooperated with the investigating agency and had been interrogated at length. Despite the well-established legal principle that 'bail is the rule and jail is the exception', the Sessions Court, while arbitrarily denying anticipatory bail to the two students, failed to justify the requirement for their custody, particularly when the FIR itself had been lodged in October 2025.

What is however even more appalling is that shortly after the denial of anticipatory bail, the police arrested Abhirup Paul from his residence on 7th August 2026, denying him the opportunity to challenge the order. While seeking his remand, the police made allegation based on visits purportedly made by him in rural Maharashtra for field work, which is a legitimate and essential part of academic learning and research. He is currently in judicial custody. Meanwhile, Kamakhya Das, who filed an appeal in the Bombay High Court from the Sessions Court order, has been granted interim protection from arrest on 14th August 2026 by the High Court.

Freedom of Expression & Dissent

Another facet stressed upon by the Sessions Court and the prosecution was the alleged raising of slogans by the students to release Umar Khalid and Sharjeel Imam. While the students denied raising any slogans at the commemoration event, there is nothing unlawful or illegal about raising slogans in support of student defenders who have been in jail for six years without trial or bail. Their prolonged incarceration without trial raises grave concerns regarding due process and fundamental rights, and has been raised time and again by citizens groups, civil society organisations, political representatives, lawyers and even former judges.

The Indian Constitution guarantees citizens the right to freedom of speech and peaceful assembly under article 19(1)(a) and 19(1)(b). These freedoms necessarily include the right to express dissent, question government policies and articulate opinions that may be unpopular or critical of those in power. This is precisely the democratic right that students must be free to exercise on university campuses.

Hence, we find the action by the Mumbai Police and TISS administration shocking and a violation of fundamental rights of peaceful, law abiding citizens. It is also a frontal attack on academic freedoms, which promotes democratic spaces within campuses, recognizes student engagement with different ideas and opinions and exercise of their fundamental freedoms. More broadly however, this episode reflects an increasing and disturbing pattern in the last decade to crush dissent in campuses and colleges using illegal threats of prosecution, intimidation and even force against students. This wrongful prosecution of the TISS students seems to be yet another attempt to create target students to evoke fear in the larger student population, thereby creating a 'chilling effect' across campuses.

Autonomy and Institutional Character of Educational Institutions

It is appalling that the TISS administration set off the criminal machinery against its own students, in connection with a peaceful gathering organized by some students on campus, even if it was in disagreement with the same. Existing internal / institutional processes were bypassed in favour of criminalizing students without even offering them an opportunity of hearing, thereby rendering them vulnerable to serious consequences for a completely harmless and legitimate act of organizing a small gathering on campus. Moreover, the nature of allegations and fishing inquiry being conducted in the criminal investigation, with questions being raised on field work, literature and reading material, sets a

dangerous precedent in criminalizing inquiry, curiosity, critical thinking, research and thought itself, which are must in social science education. Allowing such vindictive criminal action founded on clearly fictitious premise to continue, raises questions on the academic and institutional character of the institution.

The conduct of the TISS administration in the entire matter is disappointing and follows a trend of vindictive actions taken against scholars on campus in the recent past, and reflects the fall of this once celebrated institution. This will only erode the confidence of prospective and existing students and their parents in the institution, when internal processes do not appear to be fair and credible safeguards, affecting the credibility of the institution.

We maintain that Universities must remain spaces where students can debate, dissent and engage with contested ideas without fear of arbitrary disciplinary action or criminal prosecution.

PUCL Maharashtra accordingly demands that:

- Abhirup Paul be immediately released from jail and all other students be protected from arrest in this false case launched against them
- The TISS administration immediately withdraw all complaints against the students
- The Mumbai Police close the FIR and end the wrongful prosecution of the TISS students for the exercise of their constitutionally protected rights

We appeal to the academic, teacher and student community to speak up against this unjustified and unprincipled actions of the TISS administration, which threatens academic freedoms and scholastic pursuit in the country.

We also appeal to all Universities and Colleges to protect institutional autonomy, academic freedoms and to free themselves of ideological and administrative capture; to ensure that campuses provide space for free thought, dissent and dialogue, and safeguard scholars on their campuses.

We believe that the right to dissent is fundamental to democracy and that educational institutions must remain places where that right is protected, not punished.

Shiraz Bulsara Prabhu, President
Sandhya Gokhale, General Secretary
People's Union for Civil Liberties, Maharashtra

LETTER TO THE SC-APPOINTED HIGH-POWERED COMMITTEE FOR THE ARAVALLI HILLS PRESENTED AT THE AJMER CONSULTATION

JOINT LETTER

9th August, 2026

To
The Chairperson, SC-Appointed High-Powered Committee for the Aravalli Hills,
Dr. Kanchan Devi, Director General,
Indian Council of Forestry Research and Education (ICFRE),

Members
Dr. Subhash Ashutosh, Ex-Director General,
Forest Survey of India;

Dr. Rajendra Kumar Sharma, Director (Retd.),
Geological Survey of India;
Brij Mohan Singh Rathore, Former Joint Secretary, MoEFCC – Member;

Prof. Ashok K. Bhatnagar, Former Professor and Head of Botany at Delhi University. Member,

Special Invitees,

Professor Jagdish Krishnaswamy, Dean, School of Environment and Sustainability, Indian Institute for Human Settlements, Special Invitee,

Professor (Dr.) Laxmikant Sharma, Professor, Central University of Rajasthan, Special Invitee and

Amit Anand, Dy Inspector General of Forests, Member Secretary of the HPC. (GOI nominee)

Dear Madam and Sir(s),

We have come to you with a lot of hope. We hope that your committee would be instrumental in getting quashed the death warrant pronounced by the SC judgement of 2025 of reducing the Aravallis to just a range of hills above 100 metres height. Which according to the FSI would reduce the hills to a miniscule number of only 1048 totally. leaving 1.20,000 to be chewed up by the mining companies.

This would be the end of all forms of life in Rajasthan, the death of not only a mountain, but of a whole civilisation, a people, cultures and the biodiversity causing genocide of all, the animals, birds, trees, shrubs, bushes, grasses, fields and the finishing of all the water sources and water bodies, polluting the air and making our mountain areas unliveable and denying these upright hills which stand as the Aravalli range, to exist as a mountain range.

The job given to you is humungous, but the methodology adopted by you is not compliant to the task you need to undertake. This has deeply disappointed us. Why is the HPC, doing a skeletal road trip from Delhi to Udaipur, covering just two states and 9 districts, whereas the Aravalli, stands through 63/64 districts of five states, including Delhi, Haryana, Rajasthan, Gujarat and UP. (According to the FSI mapping in report, given to the MOEFF in 2025, reduced by the MOEFF to 37 districts).

Holding consultations in just a few of the Aravalli districts and that too at the district head quarter does not fulfil the criteria of a meaningful and effective consultation, which was expected of the committee. The committee must visit all the districts where the people are affected and visit the affected areas, not like what you undertook on the 7th and 8th August, where affected people including a large number of women and children, kept waiting for you from 8/9 am till late evening, waiting for atleast one member to see their doom, but none reached. This rushed trip just does not serve the purpose of meeting and listening to affected people.

Secondly, We would also like to record our disagreement with the manner in which these consultations are happening, it is far from being a two-way process, where committee members engage with us, instead this is just a one-way process of the public speaking to you in less than two to three minutes, the key issues, which may make or break the Aravallis. The committee cannot do a hurried job.

We would also like to know why no meetings have been fixed with the patients, activists and most importantly the doctors and hospitals to understand the extent of silicosis and other occupational diseases, caused by the reckless manner in which mining is happening;

Now let us get to the crux of the discussion: The key issue is not between legal and illegal mining, but between mining and NO mining. All reports have stated that the so-called legal mining are also operating in an illegal manner. You have to hear the people and visit the actual mining areas, to understand this in its entirety and deduce how mining licenses have been given, without meeting the parameters provided in law.

We are appalled by the damaging and destructive nature of mining in the Aravallis of Rajasthan and

Haryana and its impact on the natural environment and human health. Remember that the Honble Supreme Court of India was constrained to put a ban on mining way back in 2002-2004, about 20/25 years ago. It was only thereafter, that the Rajasthan mining department floated the 100 metre approach - claiming only that the portions of hills above 100 m would be classified as Aravallis – in a brazen effort to undercut the supreme court ban.

This attempt of the Government of Rajasthan to subvert the ban, was noted by the SC in its order of 19.02.20210, when it directed the Forest Survey of India to identify the Aravallis, including the complete hills, and not just the peaks or parts that are above 100 m. Based on the 3 degree approach, with a buffer, the FSI delineated 41,481 km2 as aravallis in (then) 15 districts of Rajasthan.

Subsequent to this the Central Empowered Committee in its report No. 3 of 2024, also recommended that the FSI approach should be used across all Aravalli states to delineate the Aravallis. We therefore insist that the 3 degree approach of the FSI has been verified on the ground and is a tried and tested approach to delineate the Aravallis in Rajasthan. This 3 degree approach should be the baseline approach to delineate the Aravallis in all Aravalli states.

The CEC further stated that the Aravalli notification of 1992 – applicable in Rajasthan (Alwar) and Haryana (Gurgaon and Nuh), uses revenue record land type terms of gair mumkin pahar etc to determine the Aravalli areas. This approach has been tested on the ground and has worked over the last 34 years and should not be abandoned in favour of any new definition.

The 100 m approach recommended by the Committee of Secretaries and accepted in the 20.11.2025 order of the SC was subsequently stayed by the order dated 29.12.2025.

It is worth noting that the SC too only accepted the 100 m after the MoEF counsel - ASG Ashwariya Bhati claimed that more area would be covered by the 100 m approach – in a claim that defined both commonsense and mathematical logic. This was noted in the order dated 20.11.2025 of the SC, that the definition as suggested by the Committee is adopted, since a larger area would be included as part of the Aravali Hills and Ranges. “

The new High Powered Committee must lay to rest – once and for all – the exclusionary and disastrous 100 m approach that originated from the mining department of Rajasthan, was rejected by the SC on 19.02.2010, but resurrected by the Committee of Secretaries and peddled to the SC, which was misled into believing that the 100 m approach would include larger areas of the Aravalli Hills and Ranges.

It is also imperative that the HPC examine the extent of Aravalli in the states of Gujarat, Rajasthan, Haryana and Delhi, and in Uttar Pradesh (such as Govardhan etc) and in Madhya Pradesh, to get a comprehensive assessment of the total areas of the Aravallis across the 64 or more districts identified in the Forest Survey of India report of September 2025.

We also wish to emphatically state that till these discussions do not include liability fixed on mine owners for every harm caused to humans including deaths and also the widespread environmental damages leading to health issues, the loss of biodiversity, water sources and livelihoods of communities, unless such firm decisions are taken, there can be no honest discussion on mining or sustainable mining. There can be nothing sustainable if the result is killing people and other inhabitants and the water bodies and rivers of the region.

The myth of the revenue mining generates is also important to expose, as the total revenue from mining (as percent of total revenue receipt) is only 4.25%, (total revenue from mining - Rs. 13,875 crores Total revenue receipts - Rs. 325,740), making mining the fifth largest contributor of the total revenue generated by the State of Rajasthan. The top revenue contributors being 1. State Goods and Services Tax - Rs. 72,500 crores. 2. Value Added Tax - Rs. 33,800 crores . 3. Stamp and Registration Registration - Rs. 18,750 crores. 4. State Excise: Rs. 21,000 crores. This pushes Mining to fifth position. 5. Non-ferrous

Mining and Metallurgical Industries - Rs. 13,725 crores, followed by Transportation Tax - Rs. 11,000 crores, which is the 6th largest contributor.

We need to ask ourselves as to what is mining adding to, even if revenue be the main focus, then too it is not coming to the state and the people, as by design, it never gets collected as the stakes of doing mining without giving royalty is much higher. The State is compliant in this model of loss of revenue to the state exchequer.

We hope that you will come back soon and engage with us more meaningfully, so that we can then address how to save whatever of the Aravalli is left today, and hand over this mountain legacy that we inherited safely to the next generation.

(Signed by 10 organisations and other individuals)

FACT-FINDING REPORT BY PUCL BIHAR - DEATH OF BHARAT BHUSHAN TIWARI IN AN ALLEGED POLICE ENCOUNTER ON 17 JUNE 2026

PUCL BIHAR

11th August, 2026

Fact-Finding Team: Kishori Das (former PUCL Bihar State General Secretary/Vice-President and current State Executive Committee Member, team leader), Umesh Kumar Singh (Life Member, PUCL Bihar, Sitamarhi) and Jalandhar Yaduvanshi (Member, PUCL Bihar).

1. Background and Methodology

Following extensive media and social-media coverage of the death of Bharat Bhushan Tiwari, son of Kashinath Tiwari of village Bilauti (PS Shahpur, district Bhojpur), in a police encounter on 17 June 2026, PUCL Bihar constituted this fact-finding team, which visited Bilauti on 25 and 26 June 2026.

The team questioned the victim's family, villagers, eyewitnesses and officials, and inspected the site of the incident. It examined all FIRs registered in connection with the case, the settlement records (basgeet parcha) of families displaced from Jobinia village by erosion caused by the Ganga floods and resettled about 1.5 km south of Bilauti at the Badhar (floodplain), and records relating to funds disbursed under the Chief Minister's Housing Scheme. The team met the Station House Officer (SHO), Shahpur, the Circle Officer and the Block Development Officer, and reviewed statements of political leaders and experts, along with videos of the incident that circulated widely on social media.

2. Family's Account

Bharat Bhushan Tiwari's father, Kashinath Tiwari (70, retired police official) stated that on 16 June 2026, 20–25 police personnel came to his house without explanation and asked him to report to Shahpur police station the next morning. When he and other family members went there on the morning of 17 June, they were taken into custody. His account was corroborated by villager S.K. Tiwari and others present. A younger relative interrupted the interview, citing Kashinath Tiwari's ill health and asking that further questions be directed to the family's lawyer.

Villagers described Bharat Bhushan Tiwari as the middle of three sons, an unemployed graduate who, after failing to secure government employment, began raising his voice against administrative corruption. According to his brother Chandan Tiwari, Bharat once confronted SDM Sanjeet Kumar over an alleged Rs 1,400-crore scam in development funds for Bilauti and Shahpur block, after which the SDM allegedly threatened to kill him and destroy his family. He had also clashed with a Shahpur police officer over a village land dispute, and repeatedly disputed with the Circle Officer and Block Development Officer over

the unresolved housing and waterlogging problems of the Jobinia-displaced settlers. Villagers said this mounting friction — worsened, they said, after he was humiliated by the Sub-Divisional Officer (SDO), Jagdishpur — left him under considerable mental strain, though the team found no medical record of any diagnosed illness. He reportedly sold a gold locket shortly before his death to buy an unlicensed pistol, without his family's knowledge, and had told people that he had recorded video evidence of corruption on his mobile phone, instructing that only his family should handle the phone after his death.

3. The Site and Eyewitness Testimony

The site of the alleged encounter lies on a kachcha (unpaved) road about 1.5 km from Bilauti, beside the huts of the Jobinia-displaced settlers. Local residents have fenced it with bamboo, intending to build a memorial there. Foundations for pucca houses under the Chief Minister's Housing Scheme are visible nearby.

The team separately questioned several eyewitnesses among the displaced residents — including Rajesh Bind, Narad Chaudhary, Dayashankar Chaudhary, Munna Prasad Chandravanshi, Harsh Chaudhary, Anita Devi, Sonvarsha Devi, Vinod Gond, Surendra Chaudhary and Nandki Devi — whose accounts were materially consistent. According to them, Bharat arrived around 8:00 a.m. on 17 June, as he did most days, to check on housing construction. A small police party of 8–10 personnel arrived around 9:00 a.m.; by 11:00 a.m. more than fifty police had gathered and surrounded him from all sides. Villagers who tried to intervene were driven back at gunpoint. Witnesses said they heard police fire three shots into his legs, causing him to fall; a policeman then approached and fired two more shots at close range near his waist, before he was dragged away and placed in a police vehicle that was driven away from the village. When his mother and sister-in-law tried to reach him, women police personnel abused and drove them back. Despite his injuries, Bharat remained conscious, waving and smiling from the vehicle and telling onlookers he would meet them again.

None of those interviewed described Bharat as having a criminal disposition; instead they credited him with actively helping the settlement obtain electricity connections, land-filling and redress of grievances, often arguing — and occasionally scuffling — with officials on their behalf, but continuing fearlessly despite that friction.

4. The Displaced Families of Jobinia

Around 70 families, mostly of the Mallah and Bind communities (traditionally fisherfolk), were displaced when the 2024–25 Ganga floods eroded their homes in Jobinia, about 18 km away, and were resettled at Bilauti under the Abhiyan Baseraa scheme, each receiving 3 decimals of land. Official records furnished by the Circle Officer, Shahpur (Mauza Bilauti, Thana No. 119, Sheet No. 01, Khata Nos. 657 and 157, Khesra Nos. 1162 and 1858, total area 5 acres 19 decimals) show the land was sanctioned under the signatures of the SDO Jagdishpur, the Additional Collector (Land Reforms), Jagdishpur, and the Circle Officer, Shahpur, with land also earmarked for a community building and Anganwadi centre. Socially, the settled families comprise 34 Mallah, 27 Bind, 4 Kadkar (Chandravanshi), 2 Gond, 1 Teli and two other families. Over 200 more displaced families — including 50 Yadav, 10 Brahmin, 100 Raidas (from Ballia, Uttar Pradesh) and 5 Gond households — have received no land and continue to live precariously on the river embankment.

Circle Officer Anand Prakash told the team the site had been chosen before his tenure; each family had received Rs 1,20,000 under the Chief Minister's Housing Scheme for pucca construction, and roads, hand-pumps and electricity had since been provided, with 28 more families allotted land during his own tenure and a township scheme proposed. The displaced residents, however, maintained that the site remains waterlogged for most of the year and offers no viable livelihood, since it deprives them of access to fishing. The team was unable to meet the SDM, DSP or SP, Bhojpur, who were attending on the judge of a newly constituted Judicial Commission (see Section 7).

5. The FIRs

(i) Shahpur PS Case No. 73/25, dated 24-03-2025

Filed by Sub-Inspector Ramashankar Baitha (a Scheduled Caste officer) over a scuffle that occurred while investigating a land dispute between Leelawati Devi's family and Kashinath Tiwari's family; Bharat Bhushan Tiwari allegedly assaulted and abused the police party. Sections of the Bharatiya Nyaya Sanhita (BNS) and the SC/ST (Prevention of Atrocities) Act were applied; a chargesheet was filed on 23-06-2025. This remains the only prior criminal case on record against Bharat Bhushan Tiwari.

(ii) Shahpur PS Case No. 169/26, dated 17-06-2026

Filed by SHO Rajesh Malakar. It states that a police party reached Bharat's house at 5:10 a.m. to arrest him and recover an illegal pistol; he allegedly opened fire, climbed onto his roof, and continued firing despite warnings. His father and brother, Chandan Kumar, were also named as accused for allegedly concealing knowledge of the weapon.

(iii) Shahpur PS Case No. 170/26, dated 17-06-2026

This is the police's account of the encounter itself, registered by SHO Malakar at 12:20 p.m. at the site. It states that on being told Bharat had left home brandishing his pistol toward the Badhar, police pursued him; he fired at them (a bullet reportedly struck a police vehicle's bonnet), repeatedly feigned surrender before picking up the pistol again, and was finally fired upon by STF constable Akshay Kumar (J.C. 1149), who fired four rounds below the waist in self-defence from his service pistol (AR General No. 18358619), causing Bharat to fall injured. He was then taken into custody and sent for treatment. The seizure list records recovery of two empty 7.65-bore cartridge cases, one loaded 7.65-bore pistol with two live rounds, one Samsung smartphone and one pair of spectacles, witnessed by police personnel Ramashankar Yadav and Ram Palat Chaubey.

(iv) Post-Mortem

According to available records, Bharat Bhushan Tiwari suffered five bullet wounds — three to the legs, one to the thigh and one to the scrotum.

(v) Shahpur PS Case No. 171/2026, dated 18-06-2026

Registered after family members and villagers blocked NH-922 near Bilauti for about five hours while placing the body on the road in protest. Thirteen named persons — including Saroj Tripathi, Rakesh Yadav, Anjani Tiwari, Baliram Yadav and Mukhiya Randadih — and 50–60 unidentified persons were accused of obstruction and assault on police.

(vi) Shahpur PS FIR No. 178/26, registered 22-06-2026 (application dated 18-06-2026)

Filed on the complaint of Asha Devi, Bharat's mother. She stated that police, led by the DSP, Jagdishpur, brought Bharat to the displaced settlement ostensibly to hear the residents' grievances; that while livestreaming on Facebook, he threw down his weapon and surrendered; and that police then pushed him into a pit and, on the DSP's orders, fired five rounds into him before taking him away. She stated that her husband was detained at the police station all day, and the family was informed of Bharat's death only that evening. She sought registration of a case against the DSP, the SHO and other police personnel involved.

6. Political and Public Reaction

Reactions split broadly into two camps. Several NDA leaders — including former Union Minister Ashwini Choubey and Union Minister Giriraj Singh — termed the killing a murder (Choubey calling it "brahma-hatya"), as did former Minister R.K. Singh and former DGPs Abhayanand and Gupteshwar Pandey, who also raised procedural questions. Union Minister Jitan Ram Manjhi and former MP Nagmani defended the police action. Buxar MP Sudhakar Singh (RJD) held STF DG Kundan Krishnan personally responsible, citing an earlier, similar case from his constituency. Notably, hours before the killing, Chief Minister Samrat Chaudhary had publicly stated that police had been given a free hand to act against

anyone brandishing a weapon at them — a remark widely linked to the subsequent shooting. PUCL's own review found that 13 police encounters have occurred since Samrat Chaudhary became Chief Minister on 15 April 2026.

7. Judicial Commission

On 20 June 2026 the Chief Minister ordered a judicial inquiry by a retired Patna High Court judge. Justice Vinod Kumar Sinha visited the victim's family on 25 June 2026, the same day the PUCL team was in Bilauti. The President of India and the State Human Rights Commission have also taken cognisance of the matter and summoned the Director General of Police and the Chief Secretary.

8. Findings of the Fact-Finding Team

(1) Illegal possession does not justify extrajudicial killing: PUCL does not condone Bharat Bhushan Tiwari's possession of an unlicensed pistol or the viral videos of him brandishing it. However, killing him with police gunfire after he had laid down his weapon and surrendered was illegal, unjust, and amounted — in the team's assessment — to a planned, brutal killing rather than a genuine encounter.

(2) No history of habitual crime: The only prior case against him, PS Case No. 73/25, arose from a scuffle during a land-dispute inquiry; the SC/ST Act section applied appears inapplicable to the facts and was invoked chiefly because the investigating officer belonged to a Scheduled Caste. No evidence of any serious or organised criminal history was found.

(3) Root cause lies in the Jobinia rehabilitation failure: The Revenue and Land Reforms Department settled 70 landless, mostly extremely-backward-class families on a flood-prone Badhar in violation of its own norms (Revenue Department Resolution No. 172(8) of 2011 and Memo No. 267 of 2014, which require resettlement land to be habitable and not too distant from settled areas). Over 200 further families, including 100 Scheduled Caste households from Uttar Pradesh, remain landless on the embankment. Bharat Bhushan Tiwari's persistent advocacy on these issues, and alleged evidence of irregularities in development funds said to be on his phone, appear to have made him an irritant to local officials.

(4) Contradictions between FIR Nos. 169 and 170: Both were filed the same day by the same informant (SHO Malakar) but describe two separate episodes hours apart. It remains unexplained why armed police posted specifically to arrest Bharat at his house allowed him to leave, weapon in hand, toward the Badhar — suggesting either negligence, or that this part of the narrative is unreliable.

(5) Conflicting accounts of the shooting itself: Asha Devi's FIR (No. 178/26) describes a stage-managed surrender followed by killing on the DSP's orders; the police FIR (No. 170/26) describes prolonged resistance ending in self-defence firing. Eyewitness accounts broadly support the surrender narrative. The team also finds the police claim of "10–12 rounds" fired by Bharat difficult to reconcile with the seizure list, which — prepared with policemen as witnesses rather than independent persons — records only two empty cartridge cases, and with the fact that not a single police officer was hit.

(6) Questionable deployment of the STF: The Special Task Force exists to handle organised crime, terrorism and similar serious threats, not a lone, previously unarmed social activist. The team could not establish on whose orders the STF was deployed, and notes STF DG Kundan Krishnan's earlier record, including the 2005 killing of two women in Sitamarhi (also investigated by PUCL) while he was SP there, and a controversial 2025 public remark blaming farmers for a rise in murders, for which he later apologised.

(7) Chilling effect on protest and accountability: Following the killing, PS Case No. 171 was registered against hundreds of protesting villagers, and family members report being pressured by police to withdraw their case — a pattern the team links to provisions of the Bihar Police Act, 2007, which it considers to have curtailed, rather than protected, citizens' right to peaceful protest.

(8) Possible negligence in medical treatment: Although Bharat remained conscious after being shot, he was reportedly moved in an ordinary ambulance rather than an ICU-equipped one, and taken to Patna rather than treated locally without delay. Eyewitnesses heard only three shots, to the legs, yet the post-mortem records five wounds, suggesting two further shots — one possibly fired later, near his waist and groin — may have caused or hastened his death.

(9) Unsubstantiated claims of mental illness: Police and associated sources suggested Bharat

suffered from mental illness, but no hospital record or treating doctor has been produced to support this, raising questions about the origin and purpose of this claim.

(10) Delay in registering the mother's complaint: Asha Devi's application, acknowledged by the DSP and the Shahpur police station's Daroga on 18 June, was registered as an FIR only four days later, on 22 June — a delay inconsistent with the Supreme Court's ruling in *Lalita Kumari v. State of Uttar Pradesh*, which requires immediate registration where a cognisable offence is disclosed. The accused named in that FIR have still not been arrested.

(11) Overall assessment: Weighing the evidence as a whole, the team's considered view is that the STF was deployed and the killing carried out as part of a premeditated strategy following the Chief Minister's public statement — not as a genuine encounter, which would have required Bharat to be shot while actually firing at police, not after his surrender. The subsequent posting of the case's principal accused, DSP Rajesh Sharma, to the Excise (Prohibition) Department, even while the case remains under investigation, reinforces this concern.

9. Recommendations

- Arrest, without delay, the accused named in the FIR registered on Asha Devi's complaint, in accordance with the Supreme Court's directions in *PUCL v. State of Maharashtra* (Criminal Appeal No. 1255/1999, 23 September 2014).
- Withdraw the posting/transfer given to DSP Rajesh Sharma — present at the scene per FIR No. 170/26 and named as accused in Case No. 178/26 — as the same judgment bars preferential postings for officers involved in encounters unless proven innocent.
- Transfer the investigation to an independent agency, since the local police units and officers concerned are themselves implicated.
- Address the root cause by raising and filling the Badhar land with soil, and resettling the remaining landless Jobinia families on land purchased near their original village; remove the disparity between urban and rural construction-cost norms under the Chief Minister's Housing Scheme.
- Constitute Police Complaints Authorities at the district and state levels, as directed by the Supreme Court on 22 September 2006, with adequate publicity so citizens can access them.
- Refer all police-encounter deaths occurring during Samrat Chaudhary's tenure as Home Minister and Chief Minister to a retired High Court judge holding no post-retirement government appointment.
- Ensure strict compliance with the Supreme Court's directions in *D.K. Basu v. State of West Bengal* on humane, constitutionally consistent policing, and an end to third-degree methods, so as to rebuild public trust in the police.

10. Conclusion

The evidence gathered by the team — eyewitness accounts, the contradictions within and between the FIRs, the post-mortem findings, and the surrounding circumstances — raises serious and, in the team's assessment, largely unanswered questions about whether Bharat Bhushan Tiwari's death was a lawful use of force or a planned extrajudicial killing following his surrender. Accountability for this incident must be established through a fair, independent investigation and due judicial process — not through political statements or competing narratives alone. PUCL Bihar urges the State Government to act on the recommendations above, both to secure justice in this case and to prevent its recurrence.

DANGAWAS SIX-MURDER CASE VERDICT: ALL ACCUSED ACQUITTED; JUSTICE OR INJUSTICE?

PUCL RAJASTHAN

7th August, 2026

PUCL Rajasthan expresses deep concern and disappointment over the judgment delivered on 5 August 2026 by the Special Court, Merta, in connection with the horrific caste violence and mass killings that took place in Dangawas, Nagaur district, in 2015. This is the case in which 40 accused were prosecuted under the Indian Penal Code and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act for allegedly carrying out a planned and violent attack on members of the Meghwal community, a Scheduled Caste community. The allegations included arson, abuse and assault of women, forcible dispossession from land, and the killing of several people.

The Dangawas incident was not merely an isolated criminal occurrence; it was one of the most horrific instances of collective violence against Dalits in Rajasthan's recent history. According to the FIR, the CBI investigation, and the prosecution's case before the court, a large group of people allegedly attacked members of the Meghwal community in the name of removing encroachment from disputed land. The allegations included the use of casteist abuse, destruction and burning of houses and huts, and the killing and grievous injury of several people.

PUCL believes that if, despite such an extensive investigation, a CBI inquiry, a large number of eyewitnesses, medical evidence and documentary material placed before the court, the victims are still unable to obtain justice, it raises serious questions about the effectiveness of the criminal justice system in the country. It also risks sending a deeply disturbing message to the Dalit community that even in cases of organised caste violence, securing justice remains extremely difficult.

We wish to make it clear that criticism of a judicial decision does not amount to disrespect for the judiciary. In a democratic system, constitutional and factual scrutiny of judicial decisions is a legitimate right of civil society. If the victims feel that they have been denied justice by the judgment, they have every right to approach the High Court and, thereafter, the Supreme Court.

PUCL Rajasthan demands that the State Government and the CBI undertake an immediate and thorough legal examination of the judgment and file an appeal before the High Court without delay. The victim families must also be provided effective legal assistance, security and rehabilitation so that they are able to pursue the further legal battle for justice.

PUCL Rajasthan expresses its solidarity with the victim families and reiterates its commitment to stand with them in their continuing struggle for justice.

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