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The right to assemble peacefully is the heart of Indian democracy

The shocking deletion of 130 million voters from the electoral rolls has resulted in sustained protests fronted by the Cockroach Janata Party, left parties and the Congress. The protests which began on October 2, 2026 and have continued through October has been described as Jantar Mantar 2.0. The protests have seen the coming together of the organized left parties, the Congress and the Cockroach Janata Party all demanding the scrapping of the SIR and the resignation of Gyanesh Kumar. The protests have been met by a brutal crackdown, exposing the democratic pretensions of the Narendra Modi government.

In a heavy handed response to the call for the protests on October 10, the government resorted to internet shut downs, the stopping of trains and the closure of 47 metro stations to prevent protesters from gathering. This unconstitutional response by the Union Government was legitimized by an equivocal order of the Supreme Court which in effect allowed for the unprecedented restrictions on the rights of movement and assembly.

The CJP leaders, Saurav Das, Ashutosh Ranka and Abhijeet Dipke were detained in the airport, with the police arresting them from the airplane itself. Other leaders of the protest such as Neha Bora were also preventively detained. Leaders of the political opposition from Mamta Banerjee to Arvind Kejriwal were also detained. Reports indicate that there were over 3000 detentions all over Delhi.

The detentions were accompanied by brutal violence both by the police as well as goons who beat up protesters in full view of the police. There were plainclothes men shouting slogans in favour of the Narendra Modi government chasing young men and women, dragging them and beating them up mercilessly with sticks. They brazenly described their victims as 'anti-national elements' who 'deserve to be thrashed.' The public anger triggered by one video of such vigilante violence forced the police to eventually detain four men — Raman Saini, Vivekanand alias Vivek, Kapil Kumar, and Ravinder Singh alias Govind Hindu belonging to the Hindu Raksha Dal.

The use of goons point to an expansion of the state, which now included both uniformed as well as personnel in plain clothes. It is shocking that inspite of the Supreme Court judgment in DK Basu v. State of West Bengal in 1996 that police carrying out arrest must bear 'accurate, clear and visible name tags', the police personnel brazenly violating the law laid down by the Supreme Court. Delhi was converted

into a garrisoned city, with the Delhi police force being supplemented by 200 paramilitary companies with a force of 20000.

The violence by the forces on unarmed protesters was brutal. Videos and photographs have shown male police officers brutally assaulting women. In one video, a police officer is seen pressing himself against a woman protester against a bus. A young woman journalist has alleged that an ACP-ranked police officer grabbed her breasts. When she attempted to file a complaint, she herself was detained and an FIR was filed against her and others. Trans women and trans men have reported many instances of women and men police officers attacking them sexually, hitting them on the genitals and brutalising them. Similar reports of sexualised attacks on male protestors have also surfaced. The violence was also sexual in nature and targeted both women as well as queer people who did not conform to the norms of gender and sexuality.

While Jantar Mantar 2.0 did not witness the use of pellet guns and lathis, due to the enormous backlash to its use in July, this time around the forces introduced mobile vans which functioned as de facto detention centres. The mobile vans (where there were no CCTV cameras) were the sites of beatings and torture of young protestors. Protesters were also taken to detention centers where they were also subjected to beatings. In a further show of illegality, mobile phones were confiscated during the protests with police deleting photos and videos on phones and refusing to give the phones back.

What is sorely lacking is any transparency around the Standard Operating Procedure (SOP) with regard to how the police deal with public agitations using non lethal measures. While there is a SOP dated 2011 on dealing with public agitations through non lethal measures all attempts at finding out the latest SOP by RTI activists has been met by stonewalling by the state. It is vital that the Union government share the SOP on dealing with public agitations as this document will indicate to what extent the mobile detention centers, the use of newly designated detention centers are legal as well as the protocol for the confiscation of phones.

In a further attempt at silencing dissent, on October 13, the government decided to denotify Jantar Mantar as a protest site and notifying two other more sites in Ramlila Maidan and Burari Ground. By this move, the Union Government has reiterated its resolve to not permit the meaningful exercise of the constitutional right to 'assemble freely and without arms'. The purpose of the right under Article 19(1)(b) is that the voice of the protesters can be heard by those in power. By banishing the protesters to spaces outside central Delhi, the Union Government is rendering the constitutional right meaningless. This denotification also violates the recognition of the right to protest and be heard by the Supreme Court in MKSS v Union of India.

It is in this context that the act of Ashutosh Ranka and Saurav Das in breaking the tight security cordon and going on to hold the national flag in Jantar Mantar should be seen. For this act of civil disobedience, both the young men were detained on October 13. They were detained for nine days before being finally released on the execution of a peace bond. The symbolism of holding the flag at Jantar Mantar is the forceful assertion that protest is the heartbeat of democracy and should not be curtailed. Without this right being safeguarded, the question of change becomes impossible.

The use of the peace bond to curtail protest is another strategy being used by the Government to strangulate protest through law. The petition by Neha Bora challenging the peace bond being imposed upon her, is an example of an attempt to expose its illegitimacy. The notice issued to Neha Bora by the Special Executive Magistrate stated that, Neha Bora had 'instigated people to participate in unauthorized demonstration at Central Park, Connaught Place which is not a designated protest site and also hoist the national flag without obtaining valid permission. There is every likelihood of apprehension of breach of public peace and tranquility within the jurisdiction of this court.' Based on this apprehension she was asked to executive a peace bond, which she refused to do and instead challenged the notice in the Delhi High Court on the basis that 'staging a peaceful protest cannot lead to breach of peace.' However the Delhi High refused to stay the notice of the SDM. The use of the peace bond has become another means to stifle dissent and civil liberties groups need to note this development.

The BJP's narrative is that the protests are illegitimate as they are nothing other than an attempt at regime change. However it should be noted that all other ways of bringing attention to the illegitimacy of the SIR process have been blocked. The impeachment motion moved against the Chief Election Commissioner ,

Gyanesh Kumar in the Rajya Sabha is pending since March 2026, indicating a failure of parliament to act.
All other institutions meant to safeguard Indian democracy have failed. The most egregious failure has been that of the Supreme Court which has greenlit the SIR process by upholding the constitutionality of the SIR process in Bihar and thereby opening the door to its application in the rest of the country. If today 130 million voters stand disenfranchised, no small share of the blame vests with the Supreme Court. The Supreme Court has not been unequivocal in defending the right of protest, ensuring that police violence is not used to break up protests and protecting Jantar Mantar as an the only site in central Delhi for the expresson of a peoples voice.
Equally egregious is the stunning silence of the NHRC to the scenes of torture, sexual violence and the strangulation of the right to protest in the national capital in October. Just as these violations were taking place on the streets of Delhi, the NHRC was celebrating its foundation Day on 12th October, 2026 with its chief guest being Chief Justice Suryakant. In a galling spectacle, Chief Justice, Suryakant, with no sense of irony stated that the words in the Preamble of 'dignity, equality, liberty and justice' were among the 'finest ever written and they must be observed day after day in the field, in the lockup, in the hospital ward and in the village at the end of the road.' This was even as protesters were being beaten up on the streets of Delhi.
It was finally left to international institutions to do what institutions in India should have done. UN Human Rights Spokesperson Thameen Al-Kheetan, expressed concern at 'reports of mass detentions in India of demonstrators, protest leaders, members of civil society organisations, lawyers and journalists' on 10th October 2026. The UN called on 'the authorities to ensure that the right to peaceful assembly is fully respected and fulfilled' and to ensure that restrictions on peaceful protests must meet strict tests of necessity and proportionality.'
While the Modi government refused to engage with protesters internally, it did respond to the UN statement noting that, 'Our law enforcement authorities act strictly in accordance with the law, and our courts remain available to all for the redressal of any grievances'. The External Affairs Ministry also attacked the OHCHR for 'an unacceptable interference in the internal affairs of India' and characterized the OHCHR statement as an 'approach of extreme selectivity' as 'violent responses to protests in our neighbourhood have gone uncommented.'
This characterisation is unwarranted as the mandate of the OHCHR flows from the human rights obligations undertaken by India. India by ratifying the International Covenant on Civil and Political Rights is legally obliged to protect the right to peaceful assembly. The OHCHR by drawing attention to the violation of the right to peaceful assembly is only reminding the Indian government of its obligation which is mandated by its ratification of the ICCPR.
In a further move, on 20th October, 24 UN experts called upon India to 'immediately cease the use of excessive force, rescind blanket assembly bans, and refrain from the misuse of digital surveillance, including through biometrics, and internet disruptions.'
The silence of the NHRC in the wake of the responses by the United Nations human rights mechanisms is even more glaring and speaks to a complete institutional failure. The mandate of the NHRC as per the Protection of Human Rights Act, 1993 is for the 'better protection of human rights' , with human rights being defined as, 'the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied'.
The NHRC in its better moments has indeed functioned as an institution which 'better protects human rights.' One has only to recall former Chief Justice J.S. Verma taking suo motu cognizance into the violence which erupted in Gujarat post the Godhra incident of 2002. The NHRC Chair, severely indicted the Gujarat government for not responding promptly and noted that investigations in these cases were being “influenced” by extraneous considerations. The NHRC under his leadership went on to recommend CBI probe into five cases — Godhra carnage, Gulberg Society, Naroda Patiya, Best Bakery and Sardarpura.
One hopes against hope that the current Chairperson of the NHRC, Justice V. Ramasubramanian, takes inspiration from former Chief Justice Verma and begins to work to fulfil the mandate of 'better protecting human rights'. The NHRC must not remain silent and take suo motu cognizance of the situation in the

national capital. Till such time as institutions such as the NHRC begin to function and address core issues of democracy, all protesters will be left with is the street. They will have no choice but to brave the oppression of the state even as they seek to exercise their constitutional right to assemble peacefully and without arms.

In this bleak scenario of institutional failure, what gives hope is the actions of ordinary people. Ordinary people in Delhi have displayed a sense of humanity and fraternity by refusing to be intimidated and continuing to provide food and transport to the protesters. Lawyers have risen to the occasion and have provided much needed legal help to the protesters both in terms of bail and in terms of ensuring that the police are accountable for their actions. Institutions must imbue the same constitutional morality which suffuses the ordinary citizen who has kept alive the spirit of Indian democracy.

"Preserve the Footage, Track the Phone: A Magistrate's Order that Protesters Can Use"

At 3pm on 23.10.2026 I quickly rushed to Courtroom# 21 of the beautiful Patiala House Court, to request the Magistrate (JMFC-01) to provide me a *Dasti* Order as I was almost sure that approaching the Delhi High Court was going to be inevitable to get relief, and Certified Copy of the Order would be required to challenge it.

After all, the interim relief that I was asking on the very first hearing of the application for Court-monitored Investigation (filed under S. 175(3) of BNSS) was, in a way, unprecedented. The usual practice of most Magistrates is to give 7 to 10 days to the police to file a status report. But a delay of 10 days in tracing mobile phones, or preserving CCTV footage of a crime, would have completely killed the hopes of ever recovering the phones, or getting justice.

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But at 4:30pm, when the freshly printed and stamped order came into my hands, all my apprehensions were put to rest. The Magistrate had directed the police to preserve the CCTV footage that we have asked for, and also sought a report regarding the steps taken for tracing the mobile phone, and whether the mobile phone has been put on tracking.

Demonstrating a deep understanding of powers and limitations of S.175(3) BNSS, the Magistrate had managed to provide prompt and meaningful relief to a 19-year-old boy, and set a powerful precedent for other pro-rights judges who are inclined to give relief to people getting detained by Delhi Police for merely exercising their right to free speech, and right to protest peacefully.

Since the beginning of protests in Delhi against SIR (Special Intensive Revision) and CEC (Chief Election Commissioner) Gyanesh Kumar, in early October, entire Central Delhi has been converted into a fortress and people – especially 20-30 years old – are recklessly detained and mercilessly beaten. But this time – learning from its mistakes in handling the protest at Jantar-Mantar in July, 2026 – the Delhi Police is beating the detainees in dark detention-vans away from the media-lens, and only after snatching away their mobile phones.

Around 56 young men were similarly detained on a Sunday afternoon (11.10.2026) from Connaught Place

(CP). Many of them were brutally beaten by officers without name-tags, and their phones were snatched away. They were driven ~40KM away in a detention-van to Pandwala Khurd – a village in South-West Delhi, and kept in detention at its Community Centre. When, eventually, they were released late at night, their phones were not returned.

Around 25 young boys/ men refused to accept this grave injustice, and filed a police complaint the same night. This Complaint eventually led to the registration of an FIR on 16.10.2026 at Police Station CP.

But the Delhi Police acted too smart; completely discarded all the serious offences committed by the Police officers that day mentioned in the Complaint, and reduced it into a petty case of mobile theft! Without a court-monitored investigation there was absolutely no hope of getting the phones, let alone justice.

While many men, who were detained that night at Pandwala Khurd, lost their hopes of getting their phones back or see the cops who brutally beat them ever pay for their crimes, but one 19-year-old boy did not. The Application under S.175(3) BNSS titled “Pankaj Sahu v. State” was filed on 22.10.2026 at Patial House Court and heard the next day which has now given us a gem of an Order dated 23.10.2026.

Thousands of people have been illegally detained by the Delhi Police in the past few weeks, and many of them have sustained grave injuries, and/or got their phones snatched by the Police. I sincerely hope that some of these people seek urgent court intervention to preserve the CCTV footage of the spot where they were assaulted, and track their phones. And it would be a matter of great honour, if the Order dated 23.10.2026, wherein I played a small part, comes handy to them.

PUCL condemns the continuing arrests of Dalit-Adivasi leaders and activists opposing the Vedanta mine in Sijimali

21st October, 2026

PUCL condemns the arrest of Dr. Randall Sequeira and Laxman Naik from Bhawanipatna on the night of 16 October 2026. Theirs is the latest in a series of arrests of Dalit-Adivasi leaders and activists of the movements opposing Vedanta's bauxite mine at Sijimali (referred to as Tijmali by local residents) in Rayagada and Kalahandi districts of Odisha. We demand their immediate release, and an end to the criminalisation of a peaceful, constitutionally protected movement.

Laxman Naik is a Dalit activist with the Ma Mati Mali Suraksha Manch, the main people's movement that is defending the Tijmali, Kutrumali and Khandualmali hills against bauxite mining. He has been key in organising and mobilising local Adivasi communities to defend their land and oppose the forced land acquisition for the Vedanta mine in Tijmali. Dr. Randall Sequeira is a doctor who has worked among Adivasi communities in the region and has stood in solidarity with their struggle to defend their land. He is also a member of the Medico Friend Circle and Jan Swasthya Abhiyan.

At around 10:45 pm on 16 October, police officials arrived in two jeeps, many in civilian clothes, and entered Dr. Sequeira's residence in Bhawanipatna, where Laxman Naik was also present. Their phones were snatched, and they were forcibly taken to the Town Police Station in the middle of the night. From 6 am on 17 October until 6:30 pm, their whereabouts were unknown to their lawyers, family and friends. They were then produced before the

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At no point at the time of arrest were they told the grounds of their arrest, in writing or otherwise, nor were they allowed to speak to their lawyers. This violates Article 22(1) of the Constitution, which guarantees the right to be informed of the grounds of arrest and to consult a lawyer, and the Supreme Court's repeated directions, including in D.K. Basu v. State of West Bengal, Pankaj Bansal v. Union of India and Prabir Purkayastha v. State (NCT of Delhi).

Both were arrested in connection with Case No. 85, registered against 26 named and over 100 unnamed persons, relating to incidents around 6 and 7 April 2026. Neither Dr. Sequeira nor Laxman Naik are named in the FIR.

On the intervening night of 6 and 7 April, at around 2 am, at least 200-300 police personnel raided Kantamal, one of the villages affected by the project. Until the early hours of the morning, they used tear gas shells and lathi charges on the villagers, injuring more than 50 people. Though the villagers protested peacefully, three FIRs were registered against them, falsely alleging rioting, attempt to murder, offences under the Arms Act, unlawful assembly and other serious charges.

Background

In February 2023, the Government of Odisha issued a 50-year mining lease to Vedanta Ltd. for the extraction of bauxite from an area spreading across 1549 hectares in Rayagada and Kalahandi districts. Ever since, the Adivasi communities have been organizing protests to oppose the project. They have also alleged that the company was given the lease without following due process, in gross violation of the people's right to free, prior and informed consent guaranteed under FRA and PESA. In April 2024, PUCL, Campaign for Survival and Dignity, Campaign against Fabricated Cases and Women against Sexual Violence and State Repression (WSS) jointly published a report highlighting how Gram Sabha resolutions were falsified and even obtained under coercion.

In January 2026, a 12-foot-wide road was cut through forest to Kurkuti Mauja, a 42-acre patch of forest land in Kalahandi district. Ever since, villagers, especially from Kantamal, have been protesting peacefully against the building of the road. On 18th March, bulldozers and heavy machinery arrived to level the land, and the Tehsildar told the villagers that Kurkuti Mauja would become a resettlement colony for families displaced by Vedanta's Tijmali mine. That is how people learned they would lose their homes.

Since then, protests have grown in intensity, with people asserting that no mining project can take place without the consent of the Gram Sabha of all the villages that will be affected by the project. These protests have been met with brutal police repression, heavy surveillance using drone cameras and continuous presence of officials of the Odisha Police and Rapid Action Force.

On 1 and 2 April, police lathi-charged peaceful protests, and on 3 April prohibitory orders were announced by loudspeaker. The villages have since been ringed by police and personnel of Mythri Infrastructure Ltd., a Vedanta sub-contractor. The raid of 6 and 7 April followed, and a sudden build-up of CRPF camps in Kantamal and Bondel villages since September 2026 continues to date.

It is not a coincidence that since the BJP came to power in Odisha in June 2024, there has been a dramatic escalation in deployment of police and armed forces, drone surveillance, police harassment and arrests.

PUCL demands:

1. Release Dr. Randall Sequeira, Laxman Naik, Lado Sikaka, Lingaraj Azad immediately, and all other Adivasi and Dalit leaders jailed for opposing the Sijimali project.
2. Halt all land acquisition, land-bank creation, road construction and other work at Sijimali and Kurkuti Mauja until the Gram Sabhas of all affected villages have decided freely, in a fearless environment, as required under the Forest Rights Act and PESA. Review the mining lease and the forest clearance process in light of the above violations.
3. Withdraw all false and fabricated cases against villagers and activists, and pay compensation for illegal arrest, detention and custodial torture. Police officials who registered these false cases, abducted, detained and tortured people must be held accountable.
4. Investigate allegations of custodial torture and casteist abuse, and invoke the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against officials where made out.
5. Immediately register FIRs on the complaints about fake Gram Sabhas and forged signatures, and conduct the inquiry directed by the Ministry of Tribal Affairs.
6. Withdraw the heavy police and Rapid Action Force deployment, stop the misuse of prohibitory orders and preventive arrests.
7. Ensure that lawyers, medical professionals and human rights defenders in the region can work without harassment or pressure.

Context of continued state repression and criminalisation of Dalit-Adivasi leaders of communities residing in project affected villages

Local Adivasi movements such as Ma Mati Mali Suraksha Manch and Khandualmali Suraksha Samiti have been consistently organizing protests to oppose the mine since 2023. Since then, any Adivasi person in Rayagada and Kalahandi who has expressed their opposition to the mine peacefully, exercising their constitutional rights, has faced arrest and false cases of attempt to murder, voluntarily causing grievous hurt, rioting and other non-bailable offences.

Leaders from the affected villages including Kartik Naik, Subhasing Majhi, Gobind Majhi, Gobind Naik, Lai Majhi, Umakant Naik and Sanu Majhi and leaders from Adivasi movements from nearby hills such as Lingaraj Azad and Lado Sikaka, have been subjected to multiple arrests and false cases for mobilising peaceful protests against the Vedanta mine.

PUCL would like to reiterate that the issues we highlighted in earlier representation to the Governor, state and district administration and police authorities continue till date:

- Young leaders have been arrested and re-arrested multiple times under false charges, with more than nine in jail at the time of that representation. Laxman Naik, who had earlier been lodged in Rayagada jail, has now been arrested again. Persons illegally detained and then arrested have reported custodial torture, casteist and racist slurs, and threats of retaliation if they complain to Magistrates.
- Men dressed as civilians have tried to abduct village leaders in broad daylight, including at Sunger Chowk in Kashipur block.
- Prohibitory orders and breach-of-peace notices under Section 163 of the BNSS have been served on respected members of the Ma Mati Mali Suraksha Manch since June 2025.
- Lawyers defending the villagers have reportedly been pressured by the police to seek a "compromise with the company" and withdraw cases, failing which their clients would face long jail terms.
- Notices have been issued to stop observances such as World Environment Day, World Indigenous Peoples' Day and Birsa Munda Jayanti, falsely claiming that villagers were gathering with "weapons".
- Armed police presence, increasing CRPF camps and fear of random arrest have kept villagers from leaving their villages even to buy medicines, and have brought daily livelihoods to a halt.

PUCL stands in firm solidarity with the Adivasi and Dalit communities of Rayagada and Kalahandi and with all who defend their right to land, forest and a dignified life.

Kavita Srivastava, President
V. Suresh, General Secretary

PUCL condemns the brutal clampdown on peaceful protest in Delhi and across the country

11th October, 2026

A Government at War with its Own Citizens

"Organised, non-violent protest marches were a key weapon in the struggle for Independence, and the right to peaceful protest is now recognised as a fundamental right in the Constitution."

— Supreme Court, Anita Thakur v. Govt. of J&K (2016)

PUCL strongly condemns the calculated and violent suppression by the Central Government of the peaceful protests held on 10th and 11th October 2026 by students, young people and citizens — including the Cockroach Janata Party (CJP), AISA, SFI, AISF, Left parties and many other groups — demanding the resignation of Chief Election Commissioner Gyanesh Kumar and the roll-back of the Special Intensive Revision (SIR) of electoral rolls. Citizens asking questions about the integrity of the voters' list were met not with answers, but with lathis, police vans and detention camps.

Delhi: A Besieged Capital

Several days before even a single protester had assembled, the Union Government had turned New Delhi into a city under undeclared curfew. Prohibitory orders under Section 163 BNSS were clamped; on the Union Home Secretary's approval, mobile internet was suspended for 24 hours across a 4-km radius of the Janpath–Kartavya Path crossing; over 40,000 police personnel were deployed and scores of detention centres readied. The capital was blanketed with facial recognition systems, drones, body cameras and rooftop spotters — mass biometric surveillance turned on citizens whose only 'offence' was to show up. Metro stations were shut, including GTB Nagar and Vishwavidyalaya serving Delhi University students; the Solicitor General's own admission before the Supreme Court was that 45 of 303 metro stations were closed. Additionally, New Delhi and Nizamuddin railway stations were closed without any traffic advisories being issued. All this in defiance of the Supreme Court's order of 9th October 2026, which had termed the closure notifications "overreaching" and directed that there be no outright prohibition on metro and rail services.

Mass detention in Delhi

Nearly 7,000 people were reportedly detained in Delhi on 10th October. Lawyers marching from the Supreme Court to Jantar Mantar were picked up in their black coats from outside Gate C of the Supreme Court, including Senior Advocate P.V. Dinesh; women lawyers were manhandled by women police personnel without name tags and suffered injuries. Economist Jean Drèze, Yogendra Yadav, Left leaders including former CM of Keralam, Pinarayi Vijayan, Paranjoy Guha Thakurta, and scores of others were detained. Of concern is that police detained and beat up children and minors also.

Most police officers deliberately wore no name tags or rank insignia — a clear sign that the police came prepared to act with impunity. Worse, as on 20th July 2026, videos show men in civilian clothes, armed with lathis — some studded with nails — moving freely alongside the police and attacking protesters, including young women. No action was taken against them in July; none has been taken now.

This is not policing; it is state-sponsored vigilantism.

Not even a Member of Parliament is spared

On 11th October, when students and Left organisations resumed the protest, Rajya Sabha MP from Keralam, Dr. John Brittas was forcibly lifted and detained near Connaught Place by central security personnel. He has stated that he was pushed under a seat in the vehicle, his face pressed down, and beaten even after he told them he was an MP. He was then dumped by the roadside, visibly injured, and has been admitted to Ram Manohar Lohia Hospital for scans of chest injuries. SFI national president Adarsh M. Saji was seen bleeding from the forehead after being dragged away; SFI Delhi secretary Sooraj Elamon and AISF leader Dinesh were also reportedly assaulted; CPI General Secretary D. Raja and Annie Raja were detained. Instead of acting against those who beat them, the Delhi Police has registered 20 FIRs against the protesters.

A nationwide dragnet: pulled off trains, locked in homes

The crackdown began days before the protest and far from Delhi. On the night of 8th October, at least 14 students from Pune, including two young women, were pulled off the Goa Express at Itarsi and detained under Section 172 BNSS; about 10 students were taken off a train at Bhopal and held at Barkatullah University; others were stopped at Gwalior. At least 30 young people were removed from trains in Madhya Pradesh, and at least five Delhi-bound trains were cancelled. The families of the two women had to move the Madhya Pradesh High Court in habeas corpus to find them. Across Delhi, Uttar Pradesh — Allahabad (Prayagraj), Lucknow, Ghaziabad, Saharanpur, Sultanpur — Rajasthan, West Bengal, Chandigarh and especially the northern States, activists, student leaders and opposition workers were detained or placed under house arrest, with police posted at their doors. In Gujarat, Crime Branch personnel in plain clothes went from house to house in Ahmedabad asking students and professors “Are you going to Delhi?”, extracted signed undertakings not to protest, detained activist Ashwin Vaghela and his associates overnight, and placed SFI leader and village sarpanch Satyesha Leuva under house arrest; on 10th October nearly 100 students, academics, journalists and activists were detained in Ahmedabad merely for attempting to gather.

Mumbai: hundreds detained at the very ground of 'Quit India'

On 10th October, around 700 people were detained in Mumbai for holding solidarity protests on the same demands — about 200 at August Kranti Maidan, the very ground from which Mahatma Gandhi gave the call to 'Quit India' in 1942. Among them were Tushar Gandhi, the Mahatma's great-grandson, held for nearly eight hours; actor Imran Khan; activist Feeroz Mithiborwala, picked up from his home; members of Hum Bharat Ke Log, the CPI(M) and the Vanchit Bahujan Aghadi at Hutatma Chowk. A senior citizen with a pacemaker alleged she was pulled and pushed by a constable. The Mumbai Police justified the detentions on the ground that no permission had been taken, and is registering FIRs. While most of those detained were later released, what is objectionable is the act of detaining them in the first place.

The crackdown didn't stop with 10th; even today, Sunday, 11th October, 2026, when protestors gathered in Shivaji Park, Mumbai, another 700 people were arrested/ detained by the Mumbai police. Undeterred by the fear tactics of the police, protestors have announced that they cannot be silenced and will not stop their democratic protests.

PUCL would like to stress that peaceful citizens do not need the State's permission to exercise a fundamental right.

Central governments Denial called out by the Supreme Court

Assembling in an urgent hearing on Sunday, 11 October, the Supreme Court found a prima facie case of contempt for violation of its 9th October order, issued notice on the habeas corpus petition concerning the illegal detention of about 7,000 people, and directed that there shall be no illegal detention of peaceful, unarmed assemblies; that internet services function unhindered; that barricades be reviewed; that lawyers, journalists and professionals not be hindered in any manner; and that a Section 163 BNSS notice board put up within the Supreme Court's own precincts be taken down forthwith. That such a direction was needed at all shows how far the executive has gone. Yet the Solicitor General denied that anyone was illegally detained — even as the assaults of 11th October unfolded on live television.

In his 1922 statement before the court at Ahmedabad, Mahatma Gandhi said that “affection cannot be manufactured or regulated by the law” and that one should be free to give “the fullest expression” to disaffection so long as one does not incite violence. A government that answers peaceful questions about the voters' list with internet blackouts, mass detention and beatings in police vans indicates that they don't care for democratic values embedded in the Constitution.

We would like to point out that when a State acts with such a sense of impunity and immunity, under the

very nose of the Supreme Court, it begins to behave like a rogue state.

PUCL demands:

1. Immediate release of all those still detained or under house arrest in Delhi, Mumbai, Gujarat, Madhya Pradesh, Uttar Pradesh and elsewhere, withdrawal of all FIRs against peaceful protesters, and disclosure of every order — Section 163 BNSS, internet suspension, metro and rail closures — with its legal grounds.

2. Registration of FIRs and prosecution of the personnel who assaulted Dr. John Brittas MP, the student leaders and the lawyers, and of the civilian-clothed men who attacked protesters on 20 July and 10 October; a time-bound judicial inquiry fixing responsibility on the entire chain of command, including the political executive.

3. A halt to the use of facial recognition and other mass surveillance against peaceful protesters, disclosure of its legal basis, and destruction of all data so collected with verification being provided to the Supreme Court.

4. Strict enforcement of mandatory name tags and rank insignia on all police and central force personnel on protest duty, and of all statutory safeguards on arrest and detention.

5. An end to the use of internet shutdowns, cancellation of trains, metro and transport closures and blanket prohibitory orders as instruments to crush dissent, and full compliance with the Supreme Court's orders of 9 and 11 October 2026.

We urge the Supreme Court and the High Courts, the sentinels on the qui vive of our fundamental rights, to hold the Central Government and its forces accountable when the matter is heard on 13 October.

PUCL salutes the courage of the young people who, for every hundred detained, came forward in their thousands.

Their right to speak, assemble and dissent under Articles 19(1)(a) and (b) and 21 is not a gift of the State — and it will not be surrendered.

Kavita Srivastava, President

Dr. V. Suresh, General Secretary

PUCL Condemns Sexual Assault of Women Journalists and Attacks on All Journalists; Demands Immediate Action Against Police Officers

8th October, 2026

PUCL is shocked at reports of sexual assault of women journalists and of physical assault and harassment of journalists covering the ongoing protests against the Chief Election Commissioner in Delhi. PUCL condemns the attacks and deplores the FIRs lodged against journalists who protested the assault.

According to the testimony of independent journalist Rosy, a police officer identified as ACP Vivek Bhagat grabbed her breast and then ran away when she protested.

The brave journalist tried to lodge an FIR at Parliament Street police station and spent over five hours until late at night, but faced further harassment as police stalled her efforts to book the officer. To date, no action has been taken on her complaint.

There are reports of the sexual assault of two other women journalists covering the protest. Shockingly, journalists who gathered to demand immediate action against the police officers were detained and had FIRs lodged against them!

It is sickening and totally reprehensible that police openly and deliberately use sexual assault against women journalists and protestors as an additional weapon in their already lethal arsenal of shock batons, air guns, etc.

In the last CJP protest, there were videos of Delhi Police Station House Officer (SHO) Naveen Rathi shoving a baton into the private parts of a woman protester. Another report said women journalists were deliberately

surveilled and beaten. To date, despite the Delhi High Court's cognisance of these incidents, no action has been taken.

In the middle of these protests the ACP was promoted and made an Addl SP When there was an outcry about his promotion, In what is clearly a whitewashing exercise, Delhi police resorted to a social media campaign by issuing statements about Bhagat's “voluntary” request not to avail his duty charge as Additional Deputy Commissioner of Police, pending a full enquiry and posted “guidelines” for women journalists covering protests.

When the journalists and other activists refused to leave the parliament police station, they were thrashed and arrested, with the police demanding 15 days of remand when produced in front of the magistrate who granted them bail. Barring two complainants who raised the issue of sexual violence by the police, all were arrested.

Worldwide, restrictions govern direct physical contact between male police officers and women. To violate this so blatantly is condemnable and totally unacceptable.

In addition, male journalists were kicked and pushed around. One of them was slapped by a police officer when he was forcibly pushed inside a police van with protesters, though he repeatedly told the police that he was from the press.

The brutal way police dealt with the media made it clear their orders came from above. The Delhi police report directly to the Union Home Ministry. They have been given a mandate to crush the protest in the most repressive manner by detaining protestors, assaulting them, bundling them in buses and taking them to unknown locations.

The media bear witness to all these thoroughly illegal acts, and the Delhi police is deliberately targeting independent journalists to intimidate them and curb their work.

PUCL demands immediate stringent punishment of the officers responsible for the sexual assault of women journalists. They need to be suspended immediately, pending enquiry. Every day they continue on duty jeopardises the safety and security of all journalists and women protestors.

PUCL demands the suspension of police personnel responsible for the beating up of journalists and their detention.

PUCL demands that FIRs lodged against the assaulted journalists be withdrawn immediately.

The media have a right to report freely and fairly, without fear or intimidation. PUCL demands that the Union government and the Union Home Ministry uphold the rule of law and direct its officers to fulfil their constitutional obligations to the fullest extent.

India: UN experts alarmed by fresh crackdown on protests and rights violations

20th October, 2026

GENEVA – Alarmed by a repeatedly heavy-handed police response to peaceful youth-led demonstrations in New Delhi and other parts of the country over the past three months, UN experts* today called on Indian authorities to respect, protect and fulfil the right to peacefully protest, and ensure justice for human rights violations reported during these and previous protests.

“This crackdown reflects a broader, troubling pattern,” the experts said. “We have repeatedly alerted the Indian authorities to undue restrictions on peaceful assembly, excessive use of force, arbitrary detentions, enforced disappearances, and the targeting of student activists, amongst others.” In March, 10 student and labour-rights activists were reportedly detained in New Delhi by plain-clothes police officers, held incommunicado for more than 24 hours, and allegedly subjected to ill-treatment, threats, coercion and forced declarations, before being released following habeas corpus proceedings.

Over the last months, hundreds of thousands of students and their supporters have been gathering peacefully to protest in different parts of the country against Government decisions regarding the education system, and more

recently, voter-roll deletions which affect 130 million individuals, reportedly belonging to the Muslim minority, Scheduled Castes and Tribes.

“Despite the non-violent nature of the assemblies, law enforcement agencies have reportedly deployed force against unarmed students, including lathi charges and have prevented thousands from joining the protests,” the experts said.

Reportedly, over 7000 youths, journalists, human rights defenders, lawyers and members of political parties were recently arbitrarily detained in New Delhi and sent to remote detention centres where their phones were allegedly seized and all protest-related material deleted. Most were released 24 hours later, including protest leaders.

According to information received, protesters have sustained injuries, with some reporting being subjected to ill-treatment. The experts expressed particular concern about reports of sexual violence and other forms of gender-based abuse in the protests and related detentions.

The experts raised concerns over reports that Section 163 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) – or India's criminal procedure code – has been invoked to impose broad bans on public gatherings, suspend public transportation and execute internet shutdowns.

“These actions violate India's core international legal obligations, including the rights to freedom of peaceful assembly, freedom of expression, liberty, security of the person, and the right to defend human rights” the experts said. Any restrictions on peaceful assembly must be legal, pursue a legitimate aim, and be necessary and proportionate.

“We call on the authorities to immediately cease the use of excessive force, rescind blanket assembly bans, and refrain from the misuse of digital surveillance, including through biometrics, and internet disruptions.”

The experts called for an independent, impartial, and thorough investigation into the conduct of law enforcement and affiliated forces to be launched without delay to ensure full accountability, justice, and victims' reparations.

“The Government must guarantee non-recurrence and uphold the democratic right of students and others to assemble and express grievances,” they said. “Particular attention must be paid to the gender-specific impact of restrictions on peaceful assembly and reprisals against protesters.”

The experts:

Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association;

Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers;

Cecilia M. Bailliet, Independent Expert on human rights and international solidarity;

Farida Shaheed, Special Rapporteur on the right to education;

Bethanie Margaret Carney Almroth, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;

Ivana Krstić (Chair), Haina Lu (Vice-Chair), Dorothy Estrada-Tanck, Claudia Flores and Laura Nyirinkindi, Working Group on discrimination against women and girls;

Grażyna Baranowska (Chair-Rapporteur), Ana Lorena Delgadillo Pérez (Vice-Chair), Gabriella Citroni, Aua Baldé, and Mohammed Al-Obaidi, Working Group on Enforced or Involuntary Disappearances;

Astrid Puentes Riaño, Special Rapporteur on the human right to a clean, healthy and sustainable environment;

Elena Carolina Díaz Galán, Special Rapporteur on extreme poverty and human rights;

Sofía Monsalve Suárez, Special Rapporteur on the right to food;

Nicolas Levrat, Special Rapporteur on minority issues;

Leopoldo Maldonado Gutiérrez, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

Andrea Bolaños Vargas, Special Rapporteur on the situation of human rights defenders;

Pau Pérez Sales, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences;

Ana Brian Nougrères, Special Rapporteur on the right to privacy.

PUCL Rajasthan Strongly Condemns the Alleged Illegal Abduction and Detention of CJP National Spokesperson Deepak Baliyan

Jaipur,

8 October, 2026:

The People's Union for Civil Liberties (PUCL), Rajasthan, has learnt that Deepak Baliyan, a civil rights activist and National Spokesperson of CJP, resident of Mankhera village, Kathumar tehsil, Alwar district, was taken away from his home late at night by Rajasthan Police.

PUCL expresses serious concern over the incident and demands that the police immediately disclose Deepak Baliyan's whereabouts, his condition, and the legal basis for taking him into custody.

It is apparent that the police are acting in response to the proposed protest at Delhi's Jantar Mantar from 10 October and have resorted to this unlawful action to prevent his participation.

According to his family, at around 10 pm on 8 October, two police jeeps arrived at Deepak's home and forcibly took him away. The family informed the police that Deepak had a fracture in his left leg. Despite this, he was allegedly dragged by his collar and forced into a police vehicle. One of his slippers was left behind at the spot.

The family further alleges that when Deepak's younger brother, Anirudh, began recording the police action, police personnel assaulted him and attempted to drag him by his shirt.

Deepak's mother, Suman Devi, also alleges that a male police officer pushed her when she tried to prevent her son from being taken away.

The family has also alleged misbehaviour and physical manhandling by the officer in charge of Kherli police station.

According to the family, local police had first arrived at their home at around 8 pm, during which Deepak recorded the police action on Instagram Live. The family alleges that the police subsequently returned and pressured him to delete the video. When he refused, police arrived again at around 10 pm in two jeeps and took him away.

It is also reported that Deepak had returned home only that afternoon, 8 October, after nearly 15 days away, and was taken away just a few hours later.

PUCL Rajasthan demands:

Deepak Baliyan be released immediately.

His family and the public be immediately informed where he is being held and under what legal provision.

If he has been arrested, the grounds of arrest, FIR and relevant legal provisions be disclosed without delay, and he be produced before the appropriate judicial authority in accordance with law.

In view of his fractured leg, he be provided immediate medical examination and necessary treatment, with due regard to his health and safety.

The allegations of assault and mistreatment of his brother Anirudh and mother Suman Devi be subjected to an independent and impartial inquiry.

The police should explain why Deepak was allegedly pressured to delete the video he had recorded and whether this was connected to the subsequent detention.

PUCL Rajasthan has spoken to the Superintendent of Police, who stated that the police had received information that permission had not been granted for the proposed protest at Jantar Mantar and that people were therefore being prevented from proceeding to the protest site. He further stated that, in view of allegations that Deepak had been roughed up, he was being taken for a medical examination and would be produced before a Magistrate.

PUCL, however, asks: What offence has Deepak committed that warrants his being taken before a Magistrate? On what legal basis is his movement being restrained? The mere possibility of his participating in a peaceful protest cannot constitute a ground for arbitrary detention

The SP assured PUCL that there was no reason for concern and that Deepak would be safe and well. PUCL nevertheless reiterates that his health, safety and constitutional and legal rights must be fully protected

PUCL Rajasthan firmly believes that no citizen can be arbitrarily detained merely for exercising the right to freedom of expression, intending to participate in a peaceful protest, recording police action, or questioning police conduct.

Any arrest or detention must be based on law, follow due process, and respect constitutional safeguards and fundamental rights.

PUCL Rajasthan demands an immediate explanation from the Rajasthan Police and district administration and calls upon them to ensure the safety, health and full legal rights of Deepak Baliyan.

Anant Bhatnagar
President
Rajesh Chaudhary
General Secretary
Pragnya Joshi
Joint General Secretary

Anti-SIR protestors in Bangalore detained brutally by police!

Statement by My Vote, My Right

12th October

Hundreds of people who wanted to meet the Chief Electoral Officer were brutally detained in Bangalore today. From students to senior citizens, the police dragged, pushed and forcefully detained the people who had not even begun to walk, to demand that the SIR must be scrapped and that Gyanesh Kumar must resign.

The protestors gathered to condemn the brutal repression by Delhi police against youth, activists, lawyers, journalists who have been demanding the scrapping of SIR and the resignation of Gyanesh Kumar. Thousands have been detained since even before the protest on October 10th began. Since then, Delhi police have inflicted severe sexual violence, custodial violence and unlawful detention on thousands more of people.

Since October 2025, My Vote, My Right have been demanding that SIR should be withdrawn, as it is designed for mass disenfranchisement. As it has already led to the deletion of around 13 crore names from voter rolls, and since the Indian Express investigation revealed how 2 of the 3 Election Commissioners have objected 14 times in 9 months, a nationwide democratic movement has been sustained by regular protests by left groups, youth and concerned citizens.

Concerned citizens in Bangalore including lawyers, students, activists and academics gathered to begin a peaceful march to the CEO's office. However, before a single placard was held up, Bangalore City Police confiscated the placards and began detaining people.

A photo-journalist from a prominent newspaper was beaten brutally by four police officials, and three other journalists were manhandled. Police officers were also seen beating young people, pulling the clothes off women protestors and dragging people into buses.

We demand:

- Gyanesh Kumar must resign.
- SIR must be scrapped.

A tale of Two Protests

Arvind Narrain

15th October

What Delhi in the last few days has demonstrated is that the heart of a democracy is the people reclaiming their right to occupy the streets in defence of the Constitution. Other cities including Bangalore, have also followed suit. These protests have alchemised the people into 'we, the people of India'.

Hannah Arendt has argued that 'the pursuit of happiness' in the US Declaration of Independence, is not only about the right to pursue one's individual well-being, but also about the right to collectively organise and agitate for a better society. Likewise, it is this dream of a better India, which the protesters have brought alive and by doing so, breathed life into the Constitution.

But whenever 'we, the people of India' have attempted to restore life to Indian democracy, the state has brutally pushed back. The most recent and shocking development is the denotification of Jantar Mantar as a designated protest site in Delhi.

When the Constitution seemed to be on its last legs in the courts, it was 'we, the people' who through their public spirited protests revived the promise of the Constitution. What has been an unmissable sight is the Leader of the Opposition, Rahul Gandhi, marching on in defiance of arbitrary restrictions, and protesting outside Prime Minister Modi's residence and inside Akashvani Bhavan. On October 12, he along with other opposition leaders and thousands of citizens again defied restrictions and marched to the Supreme Court to file a petition challenging constitutionality of the SIR process.

However in a tale of two cities, the Congress Party that reclaimed the streets in Delhi, refused the people the right to occupy the streets in Bengaluru on the same day. When hundreds of people sought to march to the office of the Chief Electoral Officer to present a memorandum, they were dragged, pushed and forcibly detained. Those brutally attacked included students, senior citizens, lawyers, ordinary people and even journalists. Police officers were also seen beating young people, pulling the clothes off women protestors and dragging people into buses.

What accounted for this brutal treatment of the protesters, which was completely at odds with what its leader Rahul Gandhi was doing in Delhi? What is more, the Chief Minister of Karnataka was on a protest march in Delhi, the same day his police officers were brutally assaulting protesters in Bangalore.

In Bengaluru, when the BJP government was in power, protests were restricted to Freedom Park by the Police Order of 2021. Ever since the Congress government came to power, the Campaign for the Right to Protest has demanding a revocation of the stifling 2021 Licensing Order which restricts protests to Freedom park. In fact on Gandhi Jayanti in 2023 after the Congress government came to power, activists staged a protest under Gandhi's statue demanding the revocation of the police Licensing Order, asking, 'Would Gandhi have been told to lead the Dandi march within the four walls of Freedom Park? Cases were filed against activists who dared to protest and the unconstitutional restrictions continued to be in place.

On October 12th, 2026 the Bangalore Police justified their heavy-handed and unlawful actions with a social media post saying that protestors gathered without permission or prior intimation. Respect for the Constitution demands that the constitutional right to assembly cannot be restricted to Freedom Park.

The actions of the Bengaluru police follow a nation-wide pattern of curbing protests where the state has succeeded in creating a “permission regime”, mandating location and duration, and even seeking to control the posters and slogans used at protests. The State treats protests not as a right of the people but rather as a threat to the state.

Gandhiji was prescient in seeing that 'the state represents violence in a concentrated and organized form' and that 'the State is a soulless machine', which could 'never be weaned from violence to which it owes its very existence.'

The lesson of Delhi and Bengaluru is that a State addicted to violence, cannot easily be weaned off it.

As a starting point, the Karnataka chief minister must follow through on his commitment that there will be 'no double standards' and withdraw the 2021 licensing order which restricts protests to Freedom Park. 'We the people of India' India' can and must bring the right to peaceful assembly alive again in our country, for it is the very soul of our Constitution.

(This article was published by the Deccan Herald on 15. October, 2027)

There are marks of a Noose on the Neck of Our Democracy

Seema Azad

Long before the execution of martyrs Bhagat Singh, Rajguru, and Sukhdev during British rule, 16-year-old revolutionary Khudiram Bose was sent to the gallows on August 11, 1908. In the last lines of the song "E Bar Bidai De Ma, Ghure Ashi"—sung across Bengal in his memory—Khudiram Bose reassures his mother: "I shall be born again; if you find it difficult to recognize me, look for the marks of the noose around my neck."

Whether or not Khudiram Bose was born with the mark of a noose around his neck is something no one witnessed; however, it is plain for all to see that the fragile democracy which emerged in our country following the British Raj bears numerous marks of a noose around its own neck—marks accompanied by fresh splatters of blood.

According to data from the National Law University, Delhi, a total of 752 individuals have been executed by hanging since 1947, and currently, between 400 and 500-plus people are awaiting execution. While government figures indicate that a total of 57 people have been executed by hanging since 1947, the human rights organization People's Union for Democratic Rights (PUDR) reports that between 1953 and 1963—a span of just one decade—1,422 individuals were executed by hanging across 16 Indian states.

Regardless of which figure is accurate, it remains clear that Indian democracy continues along the path laid down during British colonial rule—and that its own neck, too, bears deep, fresh stains of blood.

Discussions regarding the death penalty take place from time to time, yet the Government of India continues to adhere to the laws and paths established during the British colonial era.

On December 16, 2020, the United Nations General Assembly passed a resolution calling for a moratorium on the death penalty, which received support from 123 countries. A total of 38 countries opposed this resolution—effectively supporting the death penalty—and this group included both the United States and India.

While the debate over abolishing the death penalty has been ongoing in India for decades, the Indian government remains firm on retaining it, citing its application in the "rarest of rare" cases.

Recently, 10 individuals were sentenced to death for the 2013 Jhiram Valley attack—a development that was celebrated in official circles as the "delivery of justice." This has reignited the debate surrounding capital punishment.

Human rights organizations—of which I am a part—should, this time, strive to move this discourse beyond mere debate and work toward the ultimate abolition of the death penalty. Those sentenced to death in the Jhiram Valley attack case belong to the most marginalized sections of one of the country's most underdeveloped regions. Among these ten individuals are two women: Pramila Modiyam and Sumitra Punem Modiyam. The others are Chaitu Lekam, Mukka Mandavi, Kawasi Kosa, Ayata

Markam, Madkami Deva, Joga Madkam, Banjami Sanna, and Mahadev Nag.The judge who handed down the death sentences is Ajay Singh Rajput, and the agency that prosecuted the case in court is the NIA. Even these few facts about the case speak volumes.

The incident took place at night, carried out by a group of 200–300 or more people under the cover of darkness; there are no eyewitnesses. Former Chhattisgarh Chief Minister Bhupesh Baghel had previously expressed concerns regarding this case, stating that no concrete investigation had been conducted to reach the actual conspirators behind the Jhiram Ghati massacre.In her interview, Bela Bhatia stated that following the incident, the police—acting at the behest of the DRG (District Reserve Guard)—arrested several local residents. Among those arrested was a woman who had been associated with the 'Chetna Natya Mandali' (a cultural troupe) during her youth; a young man who had come to the village to attend a wedding; and a former sarpanch (village head). Furthermore, it could not even be proven during the trial that these 10 individuals were the ones who had conspired to carry out an attack that involved 200 to 300 people.The arrested individuals have already spent 13 years in prison without bail before being sentenced to death; the years ahead will be spent under the agonizing pressure of awaiting execution—a fact that, in itself, constitutes a crime against them.

Bela Bhatia notes that 99% of the arrests of Adivasis in Bastar are similarly fabricated; unable to even comprehend the charges against them—let alone mount a legal defense—they languish in prison for years on end. However, rather than focusing on these well-documented, spurious arrests, we shall address the issue of the death penalty.The death penalty should have no place in any social system. There are three primary reasons for this: technical, theoretical, and political. Let us first address the technical reasons.

Technical arguments against the death penalty

A fundamental principle of justice is that "it is better for 100 guilty persons to go free than for a single innocent person to be punished." This implies that human error can occur within the judicial process; therefore, it must be ensured that no innocent person is ever punished.And what if the punishment is death? In such cases, human errors cannot be overlooked at all, for once someone is dead, they cannot be brought back to life. As corruption within the judicial system continues to grow, these human errors are increasingly turning into calculated conspiracies. The powerful—wielding both wealth and influence—can fabricate or destroy evidence. They can corrupt not only lawyers but also judges, or exert pressure upon them.And when one side holds power, it is not difficult to grasp the gravitational pull of its influence. In a judicial system such as this, the retention and sanctioning of the death penalty make it all too easy for the vulnerable and the poor—not only to be convicted—but to end up on death row. According to the 'Death Penalty India Report' by the National Law University, Delhi, 74.1% of those sentenced to death belong to economically disadvantaged backgrounds. Furthermore, given the Brahmanical, Hindutva-driven, and fascist character of the Indian state, those who remain—those who fall into the crosshairs—are predominantly Muslims, Dalits, or Adivasis.

According to data from the United States, 200 individuals sentenced to death since 1973 have been found innocent by higher courts and subsequently released. Some of these individuals were exonerated only after their deaths. Living while awaiting execution is, in itself, a form of torture. In the United States, the average duration of this wait is 11 years, though in some instances, it is reported to be as long as 17 years. When a judge hands down a death sentence, they are effectively disregarding these judicial flaws and human errors—a process in which the judge's own psychological makeup often

plays a significant role.In these times, as we drift toward authoritarianism, laws are being introduced that place the burden of proving one's innocence upon the innocent themselves—effectively crushing the individual under the weight of the law. Retaining the death penalty implies an assumption that all laws are flawless and that the nation's judicial system functions with absolute perfection—a premise that no reasonable person could possibly accept. Therefore, in such a social order, the death penalty should, under no circumstances, be permitted.

In the judgment concerning the Jhiram Valley case, the fact that the judge—while handing down a death sentence—also explicitly mentioned referring the matter to the High Court for confirmation, clearly suggests that the judge was under some form of pressure. It is not difficult to discern the nature of this pressure: projecting an image of eradicating Maoism is a key component of the current government's agenda.

Theoretical arguments against the death penalty

Another reason for rejecting the death penalty is theoretical in nature.

In other words, any democratic system should, in principle, oppose the death penalty. This is because every democratic nation—India included—operates on the premise that its laws are reformative rather than retributive. In other words, the purpose of the law is to bring about reform in the individual who has committed a crime, not to exact institutional vengeance upon them. It is for this very reason that, in India, prisons are also referred to as "correctional homes."Seeking revenge is a hallmark of a barbaric and backward society—one in which human values have failed to evolve. Yet, the continued retention of the death penalty—even when punishment is ostensibly viewed as "rehabilitative"—reveals that a society's human values remain rooted in a regressive, feudal past. In truth, the death penalty only serves to render such a society—already burdened by stagnant and backward human values—even more regressive and violent. When people demand the death penalty during protests following a heinous crime, it is not merely an expression of their outrage toward the incident; it also serves as evidence of a violent mindset—one that actively calls for the killing of an individual. When people clamor for someone to be executed, or celebrate an execution once it has taken place (as was the case with the hanging of Afzal Guru, or as many did following the verdict related to the Jhiram Valley incident), it reveals that a significant number of minds within that society are, in fact, prepared—or even eager—to see a human being killed, This demonstrates that their minds have yet to reach a higher plane of human sensibility; when a multitude of such minds come together to form a society, that society inevitably becomes a violent one. In such a society, incidents of murder—including the most heinous acts—continue to rise unabated. The system will keep handing down death sentences, yet the most atrocious crimes will persist; this is because those in power, far from making any effort to humanize society, are instead formulating and implementing policies that render it increasingly cruel—policies that include the imposition of the death penalty.

In principle, no one should be sentenced to death, because in a society as violent and cruel as ours, imposing the death penalty on an individual is an act of injustice against that person. An individual—or someone with a criminal mindset—is not shaped in isolation; rather, they are a product of the society around them, which exerts its own economic, social, and political influences.A society that harbors a degrading attitude toward women will inevitably produce rapists; a society where religious or caste-based lynching is commonplace will breed murderers; and a society where state repression runs unchecked will give rise to dissenters and rebels. When patriarchy makes life unbearable for women,

they may, in an effort to defend themselves, resort to actions that the law would classify as crimes.When a judge sentences an individual for a crime, the focus remains solely on the person, rather than on the socio-economic conditions that led them to commit the offense. This constitutes incomplete justice—one in which the social order is effectively acquitted every single time, with no judgment passed to hold it accountable or to reform it.As long as a regime exists that is violent, feudal, patriarchal, religiously and ethnically intolerant, and one that glorifies crime, the imposition of the death penalty is, in itself, a grave crime—a crime that this social order continues to perpetrate.

The Political Dimensions of the Death Penalty

In reality, the death penalty was not devised for the most heinous crimes—after all, those who commit the most heinous crimes are the very ones sitting in Parliament. In truth, the death penalty was designed to eliminate one's opponents.

From Bruno and Spartacus to figures in India such as Mangal Pandey, Khudiram Bose, Sidhu-Kanhu, Birsa Munda, Veer Narayan Singh, Ashfaqulla, Ram Prasad Bismil, Bhagat Singh, Rajguru, and Sukhdev, as well as the four revolutionaries from Kayyur; and in independent India, from Bhumayya and Kista Goud to Maqbool Bhat and Afzal Guru, and even the ten Adivasis from the Jhiram Valley (who have recently been sentenced to death)—all those who were 'bestowed' with the death penalty were political opponents of the established power structure.In reality, the prevailing power structure has institutionalized the death penalty to maintain its own authority and to eliminate political opponents by giving a legal veneer to state-sanctioned killing. The death penalty is, in essence, a declaration of the state's dominance over those who challenge the established order. It is not a legal mechanism devised to maintain social order, but rather a symbol of the state's political ruthlessness—a tool used to teach a lesson to its adversaries.

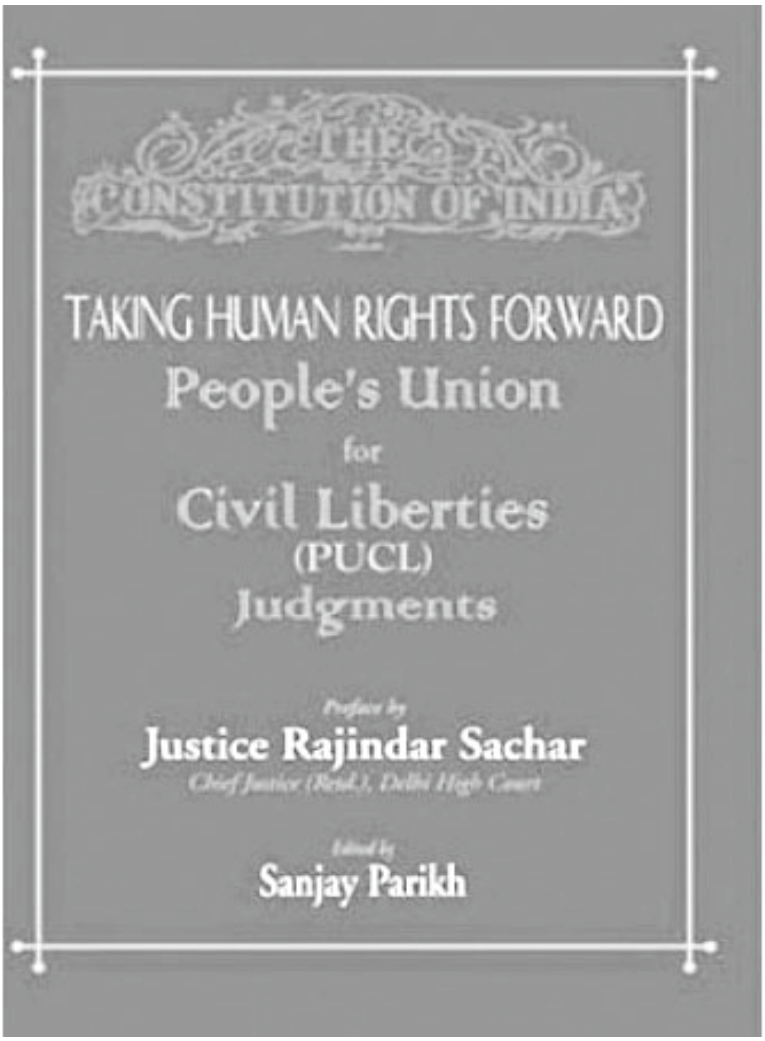
The truth is that society has been evolving ever since it came into existence. There have always been individuals who challenged its stagnation, and it is precisely because of them that society has continued to progress. Consider the names of those mentioned above who were sent to the gallows; they were not executed for committing crimes, but rather because they showed the way forward for society. The death penalty must be vehemently opposed, not because it has failed to eradicate crime from society, but because, in reality, it has served to eliminate those who were at the forefront of societal progress.This punishment serves as a declaration by state authority that the ultimate claim over the lives of the people belongs to the state. This very notion runs counter to the spirit of democracy. No political system should possess such power. In his diary titled "Abolish Death Penalty"—written in the wake of the executions of Bhumaiya and Kista Goud—revolutionary poet Varavara Rao asks: "What kind of a society is it that kills its most committed dissenter in the name of the law?"The death sentence handed down to 10 Adivasis in the Jhiram Valley is based on the premise that they are "committed dissenters" against the established power. Compounding this is the fact that they hail from one of India's most neglected regions, belong to an Adivasi community, and are among the poorest of the poor.

Everyone must come forward—both to challenge the death sentences handed down to the 10 Adivasis in the Jhiram Valley case and to erase the noose-mark left upon the neck of our democracy—lest these very marks and the bloodstains upon them end up strangling our democracy to death one day.

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