

Mr. Chief Justice Sir,

Date: 3 January 2020

1. I write to you concerning a matter of some urgency in the State of Uttar Pradesh which is within the territorial jurisdiction of the High Court of Judicature at Allahabad.
2. A report of 2 January 2020 in the *New York Times* titled "*As India Violence Gets Worse, Police Are Accused of Abusing Muslims*" (Copy attached for your instant reference) alleges that there have been grave breaches of law by the law enforcement machinery in the State of Uttar Pradesh. Particularly, these relate to actions taken by the UP Police against demonstrators and protestors who are in opposition to the Citizenship (Amendment) Act, 2019, the constitutionality of which is presently the subject matter of various petitions pending before the Supreme Court.
3. The article in the *New York Times*, makes allegations that the UP Police have engaged in systemic torture of minors as part of their operations in controlling any disturbances that may have arisen during these protests. These allegations include the fact that minors as young as fourteen years of age, were detained by the UP Police and subject to torture while in custody. It is an established and settled position of law, that law enforcement must deal with all minors in conflict with the law under the strict terms of the *Juvenile Justice (Care and Protection of Children) Act, 2000*. It appears that there has been no reference to this act by the UP Police nor have any of these safeguards been upheld.
4. Further, an article in *The Telegraph* dated 29 December 2019 titled "*UP police accused of stripping cleric*" (copy attached for your instant reference) mentions that the UP Police are alleged to have stripped and tortured a *Maulana* while also detaining and assaulting his 100 odd students. It has become painful for one to note that these reports allege that persons who are being detained are not being produced before a magistrate within the constitutionally mandated time period of 24 hours from their arrest. It needs to be mentioned that one gentleman, a hawker by the name of Noor Mohammed, has died as a result of police firing. The report most concerningly notes that the minors detained by the police suffered rectal bleeding, therefore I gravely apprehend that they may have been victims of offences under the *Protection of Children from Sexual Offences Act of 2012* and other offences such as offences under *Section 377 of the Penal Code of 1860*.
5. The *New York Times* in their report notes that Mr. Sanjeev Tyagi, the Superintendent of Police in the Bijnor District has published an audio recording requesting police officers to inflict violence of protestors and demonstrators as a means of reprisal. This is worrying given that law enforcement is required to protect everyone, including demonstrators and detainees. Law enforcement ought not to encourage violence nor condone it.
6. The maintenance of public order in an area is the responsibility and charge of the Executive Branch. However, the Executive branch may not breach law in furtherance of this objective of maintaining public order. The two reports come from newspapers and appear to show that the law enforcement machinery in Uttar Pradesh is acting in callous disregard for the law. In

particular, without reference to any of the fundamental rights of UP Residents guaranteed under Articles 14, 19, 21 and 22 of the Constitution of India.

7. Such a situation is antithetical to core constitutional values and warrants interference by the High Court under Articles 226/227 of the Constitution of India and Section 482 of the Code of Criminal Procedure of 1973.
8. It appears from the two articles, that there is a concerted campaign by law enforcement to intimidate and prevent persons from accessing judicial remedies against the law enforcement machinery. Accordingly, persons with adequate *locus* to maintain actions against the law enforcement in Uttar Pradesh may not be able to access courts.
9. Accordingly, I write to you in the capacity of a private citizen who has no interest, save a moral interest, in the situation in Uttar Pradesh being remedied and accordingly request your most urgent intervention in:
  - a) Directing an independent inquiry chaired by a retired High Court Judge to inquire into the allegations made in the two articles and to direct prosecutions if necessary;
  - b) Directing a police force, *other*, than the UP Police to assist the inquiry referenced in paragraph a);
  - c) Directing a review of the detention of protestors and demonstrators by the Law Enforcement in Uttar Pradesh;
  - d) Appropriate directions to Magistrates to ensure that the police treat detainees in accordance with law;
  - e) Consequential orders and directions to meet the ends of justice.
10. I shall forever remain indebted for your indulgence in this regard.

Yours & Etc  
Ajay Kumar  
Place: Mumbai

To,  
The Chief Justice  
High Court of Judicature at Allahabad  
(Via email)