

WOULD YOU WANT TO LIVE IN A SYSTEM WHICH THINKS
'Proof beyond reasonable doubt should not be a fetish'
'Procedure is handmaiden not mistress of law'

SAVE BHULLER FROM DEATH PENALTY AND PREVENT INJUSTICE FOR MANY IN INDIA

Often we hear the words 'you must be convinced beyond reasonable doubt', 'proof must be beyond reasonable doubt'! in legal programmes on the Television, in the press or those who have sat in a jury or been to court. This is one of the fundamental principles of a justice system, otherwise a mere accusation will be sufficient to convict and sentence a person. Now the Supreme Court of India has done just by reviving a medieval justice.

Davinderpal Singh Bhuller was sentenced to death under a much condemned and now lapsed Terrorist Act in India. In an appeal at the Supreme Court of India the Presiding judge said

'There is no convincing evidence, no basis of a conspiracy, and no procedure was followed to ensure a safe confession'. He acquitted Mr Bhuller.

However the other two judges said,
'Proof beyond reasonable doubt should not be a fetish!'
'Procedure is handmaiden not mistress of law'!

Can you imagine a world in which this becomes the basis of law! No real proof required and no real procedures need be followed by the police to ensure that its evidence is sound. Thus a police officer can make up evidence. This is the state of the law in India today particularly when dealing with a member of a minority. But such judgements set precedence It can affect many when corrupt judges use this judgement in their decisions.

Davinderpal Singh Bhuller was deported from Germany to India after an incomplete asylum claim. At Delhi airport he was detained and accused of being part of a conspiracy to assassinate a youth Congress leader. He was tortured, his signatures were obtained on blank paper and a confession was written by the police on a computer later. He was tried under a lapsed Terrorist legislation called TADA. Even under TADA, a confession has to be recorded by video or audio, hand written and signed without spaces. None of these procedures were followed. The police said it forgot to 'save' the confession on disk! The magistrate remanded Bhuller to the police without seeing the confession. Another breach of procedure. The police produced 133 witnesses, none could identify Bhuller to have been involved at any stage of the alleged conspiracy! In short, there is absolutely no evidence and no witness and strong suggestion of police fabrication.

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To:

However by a split majority 2-1 the Supreme Court has upheld the death penalty, justifying lack of evidence by the statement. 'Proof beyond reasonable doubt is a fetish'. The breach of all procedures by the police, which substantiates Bhuller's assertion that the confession is a fabrication written after his signature, has been mitigated by the Supreme Court by the statement ' Procedure is handmaiden not mistress of the law'. The two judges simply brushed aside the failure of 133 police witnesses to support the police version of events.

According to Indian law the death penalty can only be given in the rarest of rare cases. The only rare thing about this case is the way the two judges have stretched the law and meaning of evidence, lowering standards to an unprecedented level.

It is further interesting that the judge who acquitted Davinderpal Singh is a senior and much respected judge from another minority community. Davinderpal now faces death, passed by a perversion of justice. This judgement could also set precedence for many others.

Davinderpal Singh's father had been executed extra-judicially by the police as was a Uncle. According to Bhuller he is a victim of a police vendetta against his family.

We request you to take action either by signing a petition or writing a letter to one of the below to both save the life of Davinderpal Singh Bhuller and to save the lives of many others who may face similar predicament as a result of this judgement.

**His Excellency
The High Commissioner for India
India House
Aldwych
London WC2B 4NA**

**His Excellency, Abdul Kalam
The President of India
Rashtrapatti Bhavan
New Delhi, India**

Further information:

**Sikh Human Rights Group,
2 Chignell Place, London W13 OTJ
Tel: +44 (0)20 8572 8957
Email: info@shrg.net
Website: www.shrg.net**

His excellency

I am concerned at the judgement in the Davinderpal Singh Bhuller case and its implications. I urge you to ensure that justice is done and Mr Bhuller is not sentenced to death.

Yours sincerely