

**Press Note**  
**1st December 2024**

- Civil Society Condemns Harassment of and Malicious FIR against human rights Activist and National General Secretary Nadeem Khan of the APCR by Delhi Police
- Karnataka government must act against Delhi Police for harassment and intimidation
- Union Government's witch-hunt against APCR and other organisations and activists working to uphold Democracy must stop

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

**Harassment of Nadeem Khan and his family in violation of due Process and Law**

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

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

**Intimidation of APCR**

Nadeem Khan is the national general secretary of the Association for Protection of Civil

rights, a national level organisation working to uphold Human Rights. Prior to this FIR, on 29.11.2024, at approximately 9 PM, 20-25 officials arrived at the APCR office in Delhi without providing any notice, without an FIR copy, without any attempt at contact through publicly available numbers or providing legal justification for their actions. Since the office was closed at night, they enquired from the security guard about APCR National Secretary Mr Nadeem Khan and other members and employees of the organisation.

The fact that 20 police officials came to the APCR office even before the FIR shows their malicious intent. They were going after the constitutional work that APCR does especially fighting cases of mob lynching and hate crimes. They are using this FIR as an excuse to target APCR. On the morning of the 30<sup>th</sup> of November, a few police officers returned and enquired about the office bearers, harassed those present and threatened them.

### **FIR against Nadeem Khan for his acts promoting constitutional values**

The basis of this FIR is that Nadeem Khan was involved in putting up an exhibition highlighting recent incidents of hate crimes and hate speeches in India. The exhibition also displayed recent judgments of the Supreme Court like *Tehseen Poonavala v Union of India* where they have passed guidelines for dealing with cases of mob violence. The targeting of Nadeem Khan is yet another illustration of this government's inability to stomach any form of dissent. The message sought to be put out is that any criticism of the government, however slight will be punished by operationalizing the criminal legal framework.

### **Actions of Delhi Police in violation of principles of federalism**

There are also serious implications for the federal system and the division of powers with the use of the Delhi Police by the Central Government. In 2020, when a BJP government was in power the Delhi Police in violation of established procedures and norms which governed the relationship between the centre and the state, swooped into Bangalore and arrested a Bangalore resident and took her to Delhi and charged her with sedition. At that time the Karnataka Government did not seem to mind this trampling of their authority by the Central authorities. Under the Congress dispensation, the federal balance has been sought to be righted and the consent given to the CBI to operate in Karnataka without express permission has been withdrawn.

In this case, the Shaheen Bagh SHO, in complete violation of the guidelines laid down by the Delhi High Court in *Sandeep Kumar v NCT of Delhi*, did not even intimate the Karnataka Police. As per the 2019 decision, inter state arrests, must be carried out in cooperation with the local police. It was only at 11 PM in the night when the SHO, Shaheen Bagh visited the Sampigehalli Police Station for the first time. This is not only abuse of powers but a breach of the federal structure of the Indian State itself where the Delhi Police (under the control of the Union Home Minister) is unconstitutionally and illegally exercising power as though they are superior to the Karnataka Police.

The harassment of Nadeem Khan targets the right to speech, expression, association and dissent, and is simultaneous an attack on India's federal system.

We call upon all those concerned about the survival of the basic structure of the Indian Constitution be it state governments or civil society to resist this attack on the right to expression, association and the federal structure.

**We demand that**

- 1) The FIR against Nadeem Khan be immediately withdrawn
- 2) This harassment of Nadeem and his family must be stopped. A compensation to the family must be paid for this harassment.
- 3) An FIR against the SHO of Shaheen Bagh Police station for criminal intimidation, harassment, trespassing must be registered.
- 4) The Karnataka government must take action against the Delhi police based on the complaint filed by the family members of Nadeem Khan.

Bahutva Karnataka, Campaign Against Hate Speech, Eddelu Karnataka, Jagruta Karnataka, Karnataka Janashakti, People's Union for Civil Liberties - Karnataka , Thamate