

## FACT FINDING REPORT BASED ON SPOT VISIT OF KHANAURI HEAD OF BHAKRA CANAL ON 15TH APRIL 2017

1. Lawyers For Human Rights International (LFHRI) had moved the Hon'ble Punjab and Haryana High Court through Civil Writ Petition No. 3448 of 2012 seeking intervention of the Court through a PIL for ensuring that dead bodies of the persons who Die / are killed or Commit suicide in Bhakra canal are located / identified and handed over to their relatives through an accountable and transparent system. In the said PIL the following prayers were made :-

*25. Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ of Mandamus or any other writ order or direction for issuance of directions to the respondents to ensure that the dead bodies of humans which are found in the canals of Punjab are collected and disposed of as per the Rule 25.38 of Punjab Police Rules 1934 or any other law of instructions in this regard.*

1. *With the further prayer that the State of Punjab should ensure that wire mesh barricades should be installed at various places in the canals of Punjab, so that the dead bodies of humans can be fished out, so that the relatives of the deceased can perform the last rites.*

2. That the Hon'ble Division Bench after considering the facts and after going through the replies filed by S.S.P. Sangrur who appeared on behalf of all the respondents informed the court that there were overhead CC TV cameras already installed to keep a watch on the movement of dead bodies in the canal by an N.G.O. by the name of Sahara Club, but these cameras are not in working condition due to technical fault and that under water and overhead CC TV cameras can be installed after receipt of necessary funds from the District Administration Sangrur. Resultantly the Hon'ble Division Bench on 7.8.2012 disposed of the writ petition with a detailed order, the operative portion of the order is reproduced as under:-

*"Perusal of the affidavit reveals that one overhead CCTV Camera which has been installed by Sahara Club at the Khanauri Head on the Bhakhra Main Line is not in a working condition. Regarding under water CCTV Camera, it is stated that the same will be installed when level of the water in the canal would recede after the rainy season.*

*In view of the facts narrated above, we dispose of this writ petition by issuing directions to the Deputy Commissioner, Sangrur, to immediately install two overhead and two underwater CCTV Cameras at the Khanauri Head of Bhakhra Main Line. The underwater CCTV Cameras shall be installed when water level in the canal is reduced, whereas the overhead CCTV Cameras be installed at the canal within one month from the date of receipt of a copy of this order. It shall be the responsibility of the Municipal Council, Khanauri to maintain these CCTV cameras and the Police Post established at Khanauri Head on the Bhakhra Main Line Canal shall monitor the same round the clock”.*

3. That our organization came to know in the year 2015 through newspaper reports that the orders passed by the Hon'ble Court in the year 2012 had not been complied with. Our Org through its counsel sought information under RTI Act vide application dated 23.5.2015 which was further marked by the Sangrur Deputy Commissioner office to the office of Municipal Committee Khanauri, District Sangrur and Executive Engineer, Bhakra Main Line, Division Patiala which responded through and it came to light that the orders passed by the Hon'ble Court had not been complied with by the office of the Deputy Commissioner or by the office of S.S.P. or the other parties.
  
4. That in order to verify the facts on the ground the General Secretary of the Organisation visited the Khanauri Head of the Bhakra Main Line at Khanauri falling in Sangrur District on 15.4.2017, accompanied with two other senior activists of “Lawyers for Human Rights International” namely Advocate Brijinder Singh Sodhi ( Sr Vice President) and Advocate Pritpal Singh Dhillon( President Patiala Unit) from Patiala and on visiting the site were astonished to note that the orders passed by the Hon'ble Court had been violated with impunity by the Deputy Commissioners and the S.S.P's. right from the year 2012 till date.

The visit disclosed that only 4-6 months back 4 cameras have been installed at the Khanauri Bhakra Head, for which Municipal Committee Khanauri had made the payments of Rs. 2 Lacs as per the information supplied by Mr. Ashok Goyal who is one of the persons who run the Sahara Charitable Trust. The cameras were not in working condition since long and it is also very pertinent to note that the said equipment which has been installed on the payment having been met by the Municipal Committee Khanauri is at best costing only around Rs.50,000/- for which a bill of Rs. 2 Lacs has been met by the Municipal Committee Khanauri as per the information supplied by Mr. Ashok Goyal of Sahara Trust.

5. Strangely enough the alleged police post at the Khanauri Head is not manned by any police official, rather a register is being maintained by the diver namely Ashu Malik who

himself and his team takes up the task of fishing out dead bodies from the canal and as per his words its costs a victim around Rs.20,000/- for searching the dead body from Ropar (Punjab) to Rajasthan. The relatives of the dead persons who have either committed suicide, or die due to accidents or are victims of murders are forced to pay exorbitant charges for fishing out the bodies of their dear ones. In the whole process there is no supervision of any government agency. The Sahara Charitable Trust has an office on the first floor and the divers namely Ashu Malik and others work in collaboration with each other, resulting into fleecing of innocent and poor relatives of the victims who want the dead bodies of their dear ones to be fished out, so that they can perform their last rites. The while system over there shows a total pathetic and callous attitude of the district administration and the district police.

6. That the building which has been constructed at the spot is totally being run by the said N.G.O. privately, even though the same houses the police post in which no official record is being maintained and the police post even does not have a Daily Diary Register which is the bare minimum official record to be maintained as a movement register in a police post. Assistant Sub Inspector Kulwinder Singh allegedly posted over there when contacted came to the police post but he disclosed that he has been transferred out and the Head Constable allegedly posted at the Police Post was not available in the police post from 11 AM till 2 PM when the team of the Lawyers remained present at the spot to collect the information.

It is pertinent to mention that though an ambulance was found parked in the building, but it had no driver and as per the information gathered from the spot the relatives have to make their own arrangements to transport the dead body to Rajindra Hospital Patiala, for post mortem etc.

7. Daily on an average 2 bodies are fished out by the divers and the present arrangement shows total callousness from the side of district Sangrur Police and district Administration of Sangrur, who have made no attempts to formulate a system where there is transparency and accountability for running such an sensitive and important affair under supervision of government and have permitted the running of affairs by private actors.
8. The order passed by the Hon'ble Court in the writ petition had cast a duty on the Deputy Commissioner Sangrur to immediately install two overhead and two under water CC

TV cameras at Khanauri Main Bhakra Line. The said cameras have not been installed by the Deputy Commissioners who remained posted at Sangrur from August 2012 till date and the order passed by this Hon'ble Court has been violated with blatant impunity. Also the order clearly mentioned that the police post established at the Khanauri Head on the Bhakra Main Line Canal shall monitor the CC TV Cameras around the clock, however the CC TV cameras which have been installed by the Municipal Committee Khanauri were found to be non functional and the DVR which records the CC TV footages was found to be installed in the first floor of the building which is the office of the N.G.O, which claims to be providing selfless service to the family of the victims, rather than in the Police Post. However pertinent to mention that nobody is monitoring the CC TV footage and neither has any equipment been supplied or installed by the Municipal Committee for the same. The police post itself is not being manned by any staff or maintaining any records, what to talk of monitoring the CC TV cameras which shows the disrespect being shown to the orders of the Hon'ble Court.

9. That but for the visit by the team of activists of "Lawyers for Human Rights International" all the violations which are continuing inspite of clear cut directions of the Hon'ble Court would have continued and this gives a very sad picture of the State affairs as the Deputy Commissioner and the S.S.P. were personally in knowledge of the orders of this Hon'ble Court.

The Organisation besides filing contempt petition in the Hon'ble High Court will take all steps to ensure that a transparent, workable system is put in place, where the relatives of the victims who die due to drowning or otherwise and end up in the waters of Bhakra canal are able to find the dead bodies and are able to cremate those as per their wishes and religious sentiments. We also would take all steps to ensure that the dead bodies are not allowed to travel from Punjab to Haryana and from there to Rajasthan, never to be found by the relative of the victims and often end up being eaten up by dogs and other animals, as have come to light through various news items.

NAVKIRAN SINGH ADVOCATE

DATED: 15<sup>TH</sup> APRIL 2017

GENERAL SECRETARY

LFHRI