

## Seeking clemency for Dharam Pal and Piara Singh etc..

To

The President of India,

Rashtrapati Bhawan,

New Delhi.

**Subject: Seeking clemency for**

**1.Dharam Pal and**

**2.(i)Piara Singh.**

**(ii)Sarabjit Singh.**

**(iii)Satnam Singh.**

**(iv)Gurdev Singh.**

That 10th October is observed as World Day against Death Penalty. As of today, 139 nations around the globe have either abolished the death penalty in law or in practice. India though a retentionist country has not executed any prisoner for death penalty after 2004 and before that the last execution took place in 1994. The track record shows that India is moving towards a state which is not in favour of death penalty. However till our country decides to do away with the death penalty, it's essential to draw your Honour's attention to the prisoners who are facing death penalty in our country which are totaling **48** in number in relation to whom mercy petitions are pending before your Honour. We draw your attention to two cases which need your urgent consideration. The said cases are as below:-

**Dharam Pal s/o Chander Singh,**

(now detained in Ambala Jail), accused in case FIR No. 187 dated 10.6.1993 under Section 302/34 IPC of Police Station Sadar Sonapat. Dharam Pal was awarded death sentence by the Court of learned Sessions Judge Sonapat on 5.5.1997, his appeal was dismissed by the Hon'ble High Court on 29.9.1998 and his further appeal to the Hon'ble Supreme Court was dismissed on 18.3.1999. Now after dismissal of his mercy petition filed before Hon'ble Governor of Haryana, his

mercy petition is pending before your Honour since 7.2.2000.

That Dharam Pal was visited by **Mr. Navkiran Singh Advocate, General Secretary of Lawyers for Human Rights International on 1.10.2009**. Dharam Pal was found in a pitiable condition, living in sub human conditions in a dingy cell in which there is no cross ventilation nor is it accessible to sun light and as per the version of the jail staff no electricity can be provided to the prisoners who are facing Death Penalty, due to security reasons. Since, last one year Dharam pal is just taken out for permitting him to have bath in the small enclosed area outside his cell or once in the morning for visiting the lavatory. Otherwise he has to use a small hole in the back wall of his cell as a urinal and a plastic pot for his excreta.

It was difficult to even stand in front of the cell, what to talk of living in that cell. Dharam Pal was found living the life of a forlorn prisoner who is rarely visited by his family, who are too poor to afford visiting the Ambala jail from District Sonapat. He informed the Human Rights Lawyer that his family has only visited him once a year in the last two years. Dharam pal was suffering from depression and though he is aged around 44 years he looks to be 65 years old, due to the pitiable and depressing conditions of the cell. It is also very alarming that though solitary confinement has been condemned by the Hon'ble Supreme Court of India as far back in the case of Sunil Batra in 1978, but solitary confinement is being still used in the cases of death sentence prisoners. It exhibits the sick mind of the jail authorities. The prisoner who is awaiting execution of his sentence since last 12 years and his mercy petition pending since last more than 9 years deserves to be given the relief of conversion of his death sentence to life imprisonment and given a chance to live.

### **Piara Singh,**

**aged 82 Yrs** s/o Atma Singh along with his 3 sons namely **Sarbjit Singh, aged 50 yrs, Satnam Singh aged 48 Yrs and Gurdev Singh, aged 45 yrs** are detained in Amritsar Jail and are accused in FIR No.226 dated 21.11.1991 registered under Section 302/307/460/148/149 IPC, 25/27/59 Arms Act, Police Station Chhahreta. Piara Singh and Sarbjit Singh was convicted by the court of Sessions Judge Amritsar on 15.1.1996 and his special leave petition was dismissed by Hon'ble Supreme Court of India on 28.2.1997 and his mercy petition is pending before Your Honour since November 1997. In case of Gurdev Singh and Satnam Singh, they were tried later on and convicted on 5-2-2001 and their appeal was dismissed by the Hon'ble Supreme Court of India on 1-8-2003 and the mercy petition are pending before your Honour since 10-8-2003.

That Piara Singh who has been convicted alongwith his three sons was visited by **Mr. Navkiran Singh Advocate, General Secretary Lawyers for Human Rights International on 16.8.2006**. It came to his knowledge that Piara Singh and his son Sarabjit Singh for the initial 7 years were never allowed to even come out of the cells and later on when an Hon'ble Judge from the Punjab and Haryana High Court visited the jail, he gave them the relief to be taken out of the cells once in the morning and once in the evening. So, these prisoners were being allowed to have fresh air and sun light for one hour each in the morning and in the evening. However when a petition in Public

Interest was filed by Mr. Navkiran Singh Advocate for both of them on 10.10.2006, the State of Punjab during the pendency of the said petition, which is still pending for 25.11.2009, passed an order on 28.1.2009 vide which it gave directions to the Superintendent Jails to ensure that none of the prisoners who facing death penalty should be kept in solitary confinement. Hence, giving effect to the judgment of the Hon'ble Supreme Court of India in Sunil Batra case.

That Piara Singh case has been taken to be a classic case of Human Rights violations, as Piara Singh who is at present around 82 years of age is suffering from various diseases like depression, Cervical Spondylosis, Allergic Rhinitis, Osteo-arthritis in both knee joints and old case of glaucoma, besides other old age illnesses. Piara Singh aged 82 and Sarbjit Singh aged 65 yrs have suffered enough and deserves immediate intention of Your Honour as they are behind the bars since 21.11.1991, which is more than 18 years. Similarly Gurdev Singh and Satnam Singh are behind the bars since 26-8-1996 and so have undergone more than 13 years.

We request your Honour to kindly grant clemency to these individuals for the sake of humanity and mankind.