



Commonwealth Human Rights Initiative

Press Statement

Due process not followed in Pehlu Khan Case

New Delhi, Aug 16 – The verdict in the Alwar district court in the Pehlu Khan murder is a severe indictment of grave lapses in police investigation and due process, the Commonwealth Human Rights Initiative (CHRI) said today.

“There are parts of the judgment which highlight sloppy police investigation and the absence of the effective supervision expected in such a sensitive case,” said CHRI’s India Executive Board (EC), which includes eminent figures including former Supreme Court Justice Madan Lokur and former Delhi High Court Chief Justice AP Shah.

The human rights group said, “We cannot but assert that those entrusted to uphold the law have a professional responsibility to ensure that basic procedures are followed so that victims are not denied justice because of flawed process.

“On the latter ground, the judgment makes it clear that concerned functionaries of the Rajasthan police failed to follow due process impartially.” It noted that several questions and examples of bias remained unanswered:

- The police first proceeded against Khan, his sons and companions rather than their attackers, on the charge of smuggling cows.
- The judgment notes that details from Khan’s dying declaration were not presented to court.
- No test identification parade was conducted in which victims and witnesses can identify alleged perpetrators.
- in a grave omission, the police failed to seize and enter into evidence the mobile phone which had the videos of the attack.

Pehlu Khan, a cattle trader from Nuh, Haryana, was returning from Alwar with his sons and others after purchasing cows to replenish his herd. They were waylaid en route by a mob. The Haryana men were accused of taking the animals for slaughter. Pehlu Khan died two days after the attack. Videos of the attack went viral and were circulated extensively in India and abroad.

“We also call for an enquiry against those police officials whose dereliction of duty led to this miscarriage of justice. Public confidence can be restored only when those who have failed in the primary role of ensuring justice, are held accountable.

“Taking note of the Supreme Court’s call last year for anti-lynching laws and Rajasthan’s legislation against such offences, CHRI believes there is a need for a more definitive process. It is prepared to assist the Central Government, the National Human Rights Commission and State Human Rights Commissions to develop and implement a strategy and processes to ensure an effective response in case of future such incidents”.



Issued by

Wajahat Habibullah , Chairperson, and Sanjoy Hazarika, International Director, on behalf of the EC which includes Justice Madan Lokur, Justice AP Shah, Maja Daruwala, Jayanto Choudhury, Kamal Kumar, Jacob Punnoose, Nitin Desai, Vineeta Rai, Poonam Muttreja

For more information, please contact:

Sanjoy Hazarika, International Director, CHRI
Email: sanjoy@humanrightsinitiative.org, sanjoyha@gmail.com
www.humanrightsinitiative.org

About the Commonwealth Human Rights Initiative (CHRI)

Headquartered in New Delhi, with offices in London and Accra, The Commonwealth Human Rights Initiative (CHRI) is an independent, non-government, international, non-profit organisation committed to protecting and promoting human rights in Commonwealth nations. CHRI works towards strengthening access to justice (through prison and police reforms) and building a culture of transparent governance (through the Right to Information). CHRI also monitors human rights-related trends and developments across the Commonwealth and makes formal submissions to treaty bodies and inter-governmental agencies, including the United Nations Human Rights Council.