

Condemn the custodial torture of Shiv Kumar by the Haryana Police!

Demand the immediate release of Shiv Kumar and all arrested during the Kisan Andolan!

March 1st 2021

On 20th February 2021, Shiv Kumar limped out of the police van at the Government Medical College and Hospital (GMCH) at Chandigarh. It had been the first time in thirty-six days that anyone had seen him. The noticeable difficulty in walking and the bruises on his hands raised suspicions of custodial torture. This was confirmed when the medical report was released four days later. It revealed that Shiv Kumar suffered eight major injuries, including fractures on each of his limbs. Several of his fingers and toes were broken and bruised, some with nails torn. His thighs were crushed with metal rods. He was hit repeatedly with blunt instruments on his backside, the soles of his feet, his hands and even on the back of his head. He was scalded with boiling hot water, with the blisters forcibly burst to inflict further pain. He was deprived of sleep for over three days and nights with ice cold water repeatedly poured on his head. The brutality of his interrogation was accompanied by slews of casteist slurs meant to humiliate and degrade him. Haunted by frequent flashbacks of the violence to which he was subjected, Shiv Kumar now suffers symptoms of post-traumatic stress. What made all this worse was that the visually impaired Shiv Kumar was denied his spectacles during almost the entirety of his custody, leaving him to suffer this ordeal in near total darkness.

This narrative of torture and abuse faced by Shiv Kumar follows a pattern of impunity enjoyed by the Haryana Police. Be it the case of the custodial physical and sexual violence inflicted on his fellow trade unionist Nodeep Kaur or the custodial rape of a minor dalit girl and her 19-year-old cousin in Butana in July 2020, the Haryana Police has historically displayed a deep contempt for the law and the rights of prisoners. This contempt is magnified in cases of persons belonging to marginalised castes and communities as evidenced in the treatment of Shiv Kumar and Nodeep Kaur, both dalits from families of landless peasants. **With caste and sexual oppression perpetrated by the police against some of the most socially and economically vulnerable people, the upholders of law in effect become its most efficient and ruthless violators.** Alongside the blatant illegalities perpetrated by the Haryana Police lies the conscious inaction of the lower judiciary. When Shiv Kumar was first brought before a magistrate eight days after being illegally held and tortured, the court acquiesced to the police's request for ten days remand without questioning the absence of legal counsel. Even in Nodeep Kaur's case, bail granted at the High Court after denial in the lower courts coincided with the case gaining international attention. The fact that during the period of his custody, legal and illegal, Shiv Kumar was repeatedly shifted by the Haryana Police across district and state borders reveal the systematic way in which his rights were trampled. Inaction and apathy of institutions of redressal, oversight and accountability reveal a rot that runs far deeper than the offending officials of police.

Shiv Kumar and Nodeep Kaur are a part of a worker's organisation, Majdoor Adhikar Sanghatan (MAS), in the Kundli Industrial Area. For several years, MAS has been taking up the issues of the largely migrant workers in Kundli including issues of unpaid wages and abysmal working

conditions. This put them in direct conflict with the Kundli Industrial Association and the local landlords who deployed private guards like the Quick Response Team (QRT) and local right wing organisations like the Hindu Jagriti Manch to crush the MAS and workers struggling for their rights. With the arrival of the Kisan Andolan at the Singhu Border, MAS mobilised a large number of workers in solidarity with the struggling peasantry. The unity forged resulted in the peasantry lending support to programmes and rallies demanding the unpaid wages of hundreds of workers. This posed a threat to dominance of corporations and landlords. When the QRT was unable to break the resolve of the workers and peasants, the Haryana Police entered the fray. They branded workers demanding their wages as 'extortionists' and arrested, assaulted and incarcerated Nodeep Kaur and later Shiv Kumar. This branding of those demanding their rights is a pattern now familiar to anyone opposed to the current regime, be it those arrested in the Bhima Koregaon-Elgaar Parishad case, the anti-CAA-NRC-NPR movement or more recently the targeting of climate activists like Disha Ravi besides hundreds more.

This narrative reveals the larger agenda at play, that the arrest and custodial torture of Nodeep Kaur and Shiv Kumar are meant to serve as a message to the workers of Kundli to stop struggling for their rights and desist their activities in solidarity with the Kisan Andolan. This reveals the State's deep fear of worker-peasant unity and the extent to which it is willing to go to break it. **Replete with casteism, misogyny and an overwhelming contempt for democratic rights in the defense of the interests of corporations and landlords, the regime reveals its Brahmanical Hindutva Fascist nature at every turn.** With Nodeep Kaur released from custody after over forty-five-days, the demand for the release of Shiv Kumar must to be strengthened. The two trade unionists coming from families of dalit landless peasantry struggling for the rights of workers and peasants is also the struggle of workers and peasants fighting against Brahmanism, imperialism and patriarchy everywhere.

The demand for the release of all the peasants arrested in the wake of the January 26th Kisan Tractor Rally, accountability for the death of Navreet Singh and for the deaths of hundreds of peasants at the border braving the bitter cold of Delhi over the last three months must be raised alongside the repeal of the three anti-people Farm Laws. It is also a question of the democratic right to protest and demand our rights. The struggle for the rights of all political prisoners, the rights of prisoners to be treated with dignity and to be protected against torture are fundamental for a democracy. The perpetrators of violence and injustice, done either through acts of omission or commission, must be investigated and the guilty held accountable. Yet, today, the number of those incarcerated for raising these demands can only be contrasted by the impunity enjoyed by the perpetrators of violence. It is crucial to remember this as we mark one year since the pogrom in North East Delhi even as it remains one of the most chilling instances of this impunity. The Campaign Against State Repression (CASR) strongly condemns the custodial violence faced by Nodeep Kaur and Shiv Kumar. We welcome the release of Nodeep Kaur and demand the immediate release of Shiv Kumar. We also demand the release of all the peasants arrested in the wake of the Kisan Tractor Rally along with the release of all political prisoners.

Campaign Against State Repression

(Organising Team: AISA, AISF, APCR, BCM, Bhim Army, Bigul Mazdoor Dasta, BSCEM, CEM, CRPP, CTF, Disha, DISSC, DSU, DTF, IAPL, IMK, Karnataka Janashakti, KYS, Lokpaksh, LSI, Mazdoor Adhikar Sangathan, Mazdoor Patrika, Mehnatkash Mahila Sangathan, Morcha Patrika, NAPM, NBS, NCHRO, Nowruz, NTUI, People's Watch, Rihai Manch, Samajwadi Janparishad, Satyashodak Sangh, SFI, United Against Hate, WSS)