

Bibliography details

Name of the Serial/Publication: Veritas

Volume No.: 1

Issue No.: 1

Month & Year of publication: August 2021

Page numbers: Case studies (42-44)

Title of Article: Human Rights Violation Vs. Human Rights Protection

Contributor (s)

1. Ms. Arsha Sahadevan

HUMAN RIGHTS VIOLATION Vs. HUMAN RIGHTS PROTECTION

Ms. Arsha Sahadevan



On the sixth of March, 2019, the Thunderbolt force of Kerala Police gunned down 40-year-old C.P. Jaleel, a suspected Maoist leader, in an encounter, in the Lakkidi rainforest of Wayanad district, Kerala. Jaleel was a native of the Malappuram district in Kerala. According to police statements, a group of five to eight Maoists,

including Jaleel, broke into the Upavan resort (a private resort in Wayanad) at around 8:30 PM, intending to extort food and money. The police reached the site upon receiving information from the resort staff. It was then that the Maoist group began firing indiscriminately across the commandos, which resulted in a series of counter firing, in which Jaleel was shot dead.

The IGP (Inspector-General of Police), Balram Kumar Upadhyay, furnished the following details to the media:

1. None of the personnel involved in the encounter was injured.
2. Another person in the armed gang of Maoists was injured, evident from the trail of blood picked up.
3. The crime scene was cordoned off, and combing operations were underway.
4. Jaleel was an active member of the ultra-group for the past five to six years, having cases registered against him in 2014 and 2016.

However, what the resort manager and another employee had was a different tale. As per their witness statements, Jaleel and another headed into the reception and urged them for food and money. The resort manager also

inferred that the place could have been under police surveillance, which was why the force rushed to the resort, and the encounter took place. The resort employees indicated that it was the police and not the Maoists who fired first.

The CCTV footage more or less supported the resort manager's version of the story. Owing to the different information given by the police and the resort owners, speculations of a fake encounter began surfacing.

The inquest report dated 8th March 2019 revealed three bullets were present in Jaleel's body, with one of the bullets penetrating from the back of his head to the front, which proved fatal. Apart from this, the following items were retrieved from near the body:

1. A conventional firearm
2. Eight bullets
3. A detonator

The forensic ballistics report came out on 28th September 2020, strengthening the doubt on the police operation. The report revealed that the firearm, allegedly belonging to Jaleel, was not fired on the very day. Also, the swab from Jaleel's right hand showed no gunshot residue.

The police immediately set out to clarify the findings, stating that though no gunshot residue was found from the right hand, metal lead was detected from the left hand and that the two empty cartridges found at the crime scene did not match with any of the weapons forwarded for examination. They further indicated the necessity to examine the firearms of those Maoists who managed to escape from police.

Jaleel's family believed that the shots were deliberate. C. P. Rasheed and C.P Jishad, Jaleel's brothers, claimed the police could have shot below the waist if needed. Jishad laid stress on the forensic report, claiming how gunshot residue was not found from the swab, with Jaleel being right-handed. A magisterial inquiry launched after the rise of allegations predominantly supported the police version. Nevertheless, Jaleel's family and human rights activists claimed the inquiry report gave a clean chit to the police and demanded a judicial inquiry. The inquiry did not put weight on the forensic

findings, which was a reason to believe that it favoured the government. The deceased's family and other human rights activists have moved with complaints to the SP (Superintendent of Police) and an indefinite hunger strike.

The idea of Maoism does not appeal to the government's interest. But, it certainly does not entrust the right to take the lives of Maoists unless deemed necessary. The "necessary" situation could refer to a threat or danger to the public. The police do mention how the Maoists had begun firing, which led to the retaliatory firing. As of now, not much evidence supports the statements made by the police. This, in turn, has raged the family and other human rights activists.

The encounter remains dubious due to the absence of a thorough investigation taking all scientific aspects into account. Human rights activists focus on the possibility of previous such "encounters" being fictitious.

Myth - Only a complete fingerprint is useful for matching a person to it.

Fact - Even a small part of the fingerprint can be used to match a person using the minutiae characteristics in a fingerprint.

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