PUCL Statement:

We welcome the order granting default bail to Advocate Sudha Bharadwaj; We demand release of all human rights defenders arrested in the Bhima Koregaon (BK) case

The PUCL welcomes the short order of the Supreme Court yesterday, 07th December, 2021, dismissing the SLP filed by the NIA which challenged the grant of statutory bail to Advocate Sudha Bharadwaj, a committed activist lawyer and member of PUCL. The PUCL sees this important order and the order of the Bombay High Court which was under challenge, as a vindication of the long campaign against the UAPA by the PUCL and other allied groups. It indicates a shift in the larger public mood and judicial mindset towards acknowledging the UAPA as an unjust and undemocratic tool to stifle any viewpoint which the government considers problematic.

The dismissal of the NIA petition is in accordance with the Supreme Court precedent in Bikramjeet Singh v State of Punjab, which rightly sees the right to statutory bail as a part of Article 21 of the Indian Constitution, the right to life. The Supreme Court had correctly reasoned that, ‘personal liberty in one of the cherished objects of the Indian Constitution and deprivation of the same can only be in accordance with law’, implying that the technical conditions for denial of statutory bail have to be construed strictly.

The PUCL would like to reiterate that the ultimate objective is the repeal of the UAPA, the release of all those unjustly imprisoned under the UAPA and the withdrawal of prosecution against the BK-16. The PUCL is confident that the release of Sudha Bharadwaj on bail which is now imminent pursuant to the orders of the courts, including the Special NIA Court today, will imbue the campaign which began with the unjust imprisonment of the BK-16 with renewed vigour and widen the circle of those who will speak out against this draconian law.

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