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Amarjit Singh Vs. State of Punjab

Present: Mr. Sahil Puri, Advocate
for the petitioner.

Mr. Suveer Sheokhand, Addl. AG Punjab.

1. Case is taken up for hearing today through video conferencing due to the pandemic of COVID-19.

2. Investigating officer to produce recovery memo and all other prima facie evidence collected by him, on the next date of hearing.

3. List on 18.6.2020 for further hearing.

4. I am appalled to find the term 'Nigro' used while referring to an African national in the challan papers presented under Section 173 Cr.P.C before the trial court in an NDPS case. This is a highly offensive word across the globe and no one has any business to use it, and much less the police. Hence, it is directed never to use the unprintable word in any police document including in challans or anywhere else on case papers including in investigation reports. This brings shame to India and hatred for the country. The police appears to have assumed that every black is a drug peddler and should be treated as such. This is terrible thinking.

5. The Director General of Police, Punjab is requested to consider the entire issue and notify instructions in this regard to the police force calling upon them never to use the offensive term 'nigro' or

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'negro' while referring to “black” persons in case papers. They deserve the dignity and respect in a foreign land as visitors or students in India from Africa temporarily living in our country, which prides itself of many peoples of all colours of the skin ranging from white to black and aboriginal. This has nothing to do with investigation or crime.

6. Therefore, the investigating officers and the police officials that record FIRs be immediately sensitized and warned on the issue by ensuring that no person should be looked down upon on the basis of the colour of his/her skin. All Africans are our friends and when they come to India either as visitors or students they are our valuable guests and we should be reminded that India is rich in its traditions of '*mehman nawazi*' and '*attithi sanskar/satkar*' and prides itself on this. They should simply be referred to by the country of their origin in case papers.

7. Mahatama Gandhi was politically nurtured in South Africa for two decades pioneering the apartheid movement and fighting against colour discrimination and for freedom against black laws as he did for ours in different ways in the freedom struggle, and he counted many friends from amongst those people. Let us follow that inspiring precept and pay due respect to each other and other people. We are, professedly, a tolerant sub-continent of “browns” in all its shades, but more often than not, display a perverted and primitive mind-set looking down on others without looking within ourselves. For many centuries we have been slaves. Freedom does not lend its wings to our countrymen to fly

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anywhere they wish and in any manner they like and abuse foreigners on the street calling them 'kalla'. To the contrary, freedom teaches love for human dignity and respect for fellowman.

8. This aspect needs to be corrected by sanction of the law by ordering strict action against the policemen who indulge in this character assassination based on physical features, investigation of crime apart, investigation which should be non-aggressive in the search for truth and commission of cognizable offences. This is socially unacceptable but what can one expect from an uneducated and insensitive constabulary, as in this case. The pernicious practice should be stopped forthwith and the police commanded on pain of disciplinary action never to address anyone by that description, forget about writing it down in official papers of permanent State record.

9. Court be informed of action proposed to be taken on this limited issue on the next date of hearing.

(RAJIV NARAIN RAINA)
JUDGE

12.6.2020
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