

## STATEMENT BY PROJECT CONSTITUTIONALISM

This statement by Project Constitutionalism concerns the Telangana police's fatal shooting of four accused persons in their custody on 6<sup>th</sup> December, 2019.

The four persons in police custody were accused of the rape and murder of a young woman in Shamshabad, Telangana on 27<sup>th</sup> November, 2019.

Our Constitutional order of equality demands that women live in an atmosphere free from fear and violence. Those guilty of the brutal act of murder and rape must be punished and held accountable.

However, our Constitution guarantees a right to a fair trial to all accused individuals. This is irrespective of the gravity of the offence. Article 21 of our Constitution guarantees that no person should be deprived of his life except by procedure established according to law. Our criminal justice system is founded on the premise that all persons are under a presumption of innocence until proven guilty by way of a fair trial.

In the case of *PUCL v. State of Maharashtra* the Hon'ble Supreme Court of India laid down guidelines to be followed in case of an encounter, which have been discussed [here](#). This was done in view of the fact that the court recognized that even criminals should be brought to justice only by following the due process of law.

Given the prima facie facts and circumstances of this case, we believe that a thorough investigation is warranted in the matter and believe that the Telangana High Court is seized of the issue through Public Interest Litigation No. 173 of 2019. We hope that an expeditious and thorough investigation is conducted into this issue. We must shun all temptations to dispense with procedural safeguards over a fair trial simply because our criminal justice system faces serious challenges. The pursuit of instant justice without a trial only furthers the miscarriage of justice.

Constitutionalism requires that the means and ends of justice remain constitutional. We therefore call upon all our fellow citizens to protect both the means and ends of justice, for jeopardizing the means of justice will ultimately defeat the ends of justice.

In fraternity and towards a more just society for all,

Project Constitutionalism

[If you are interested in learning more about why a fair trial is a basic right please see <https://www.fairtrials.org/right-fair-trial> ]