



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 17, 2018

To

**Shri Srinivasa Kammath**

National Focal Point - Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan, Block-C, GPO Complex, INA,  
New Delhi – 110 023,  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub:HRD Alert-India-Urgent Appeal for Action-Maharashtra:Arbitrary arrest on false and fabricated charges of journalists and human rights defenders Mr. Hussain Khan and Mr. Ram Parmar– Regarding**

**Greetings from Human Rights Defenders Alert - India!**

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern about the assault, arbitrary arrest and illegal detention of journalists and human rights defenders Mr. Hussain Khan and Mr. Ram Parmar on June 22, 2018, in Palghar District, Maharashtra.

**Source of Information on the Incident:**

The Regional Coordinator of HRDA

Reports from Media

HRDs in the region

Statements issued by the HRDs before Palghar Police

**Status of the Human Rights Defenders:**

Mr. Hussain Khan aged 45 works as a stringer with Aaj Tak and Mr. Ram Parmar is a senior reporter with Hindustan Times. Both the reporters have a decades' experience and have been associated with several national dailies and news channels.<sup>1</sup>

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<sup>1</sup> <https://thewire.in/media/journalists-question-police-actions-after-two-reporters-arrested-in-palghar>

**The Perpetrators:**

Mr. Tousif Sayyed, Police Sub-Inspector (PSI), Palghar Police station, Palghar District, Maharashtra

**Date of Incident:**

June 22, 2018

**Incident detail:**

As per the sources, on June 22, 2018 two journalists, Mr. Hussain Khan and Mr. Ram Parmar were assaulted by the police and arrested in a false and fabricated case under Sec. 353 and 332 of Indian Penal Code, 1860 (IPC). The journalists have been accused of assaulting and deterring the police from discharging their duty.

Late in the night of June 21, 2018, Mr. Khan upon receiving preliminary reports on the arrest undertaken by the police in a dacoity case that night, went to the Palghar police station to obtain information. When the police vehicle arrived, Mr. Khan started filming the scene, to which PSI Mr. Tousif Sayyed took objection and started assaulting him and also snatched away his phone. PSI Sayyed then told Mr. Khan that he is going to arrest him, to which Mr. Khan protested saying he was just doing his work and that they could take his phone but there was no reason to arrest him. Mr. Sayyed however started pushing Mr. Khan and forcibly detainig him.

At that time, Mr. Parmar who was on his way to cover the same story, reached the police station. He saw Mr. Khan being forcibly taken by the police and heard Mr. Khan shouting for help and asking him to inform his boss, Mr. Sahil Joshi at Aaj Tak. Mr. Parmar immediately put a message out on the whatsapp group of the Palghar District Patrakar Sangh (PDPS) and went inside to inquire on Mr. Khan's illegal detention when he too was dragged and threatened with arrest, and so he went outside the police station.

Later upon the arrival of other fellow journalists from PDPS, Superintendent of Police Manjunath Shinde assured them that there was no substance in the allegations and no case would be filed. Mr. Parmar returned for home at 2.30 a.m. However, in a few hours, at 5.40 a.m. in the morning on June 22, 2018, the police arrived at Mr. Ram Parmar's residence and arrested him. An F.I.R. was filed at 6.25 a.m. against both the journalists under Sections 353 and 332 of the IPC. After four days in custody, they

were released on bail only on June 26, 2018. Although they were granted bail by the Sessions Court on June 25, 2018, due to a power failure the bail order could not be typed on the same day.

The alleged incident of assault is supposed to have taken place within the premises of the Palghar police station, which is equipped with CCTV cameras. However, PSI Sayyed's allegations of assault cannot be verified since the police now claim that no images are available as the footage has corrupted. The counter-claim of the journalists is that, it was the PSI Sayyed who had assaulted them.

HRDA strongly condemns this vindictive and fallacious attack and criminalisation of the two journalists, who were carrying out their reporting work as journalists. HRDA condemns the use of intimidatory tactics by the police against media professionals and journalists in the course of their reporting work, which has the potential to create an atmosphere of fear and compromise freedom of press and free speech in the country.

The HRDA also strongly opposes, the recent Gazette Notification dated 7/6/2018 issued by the Government of Maharashtra, whereby the IPC and Criminal Procedure Code (CrPC) have been amended. By virtue of the amendments, the penalty for "voluntarily causing hurt" and "assault" to "deter a public servant from discharging his duty", has been made very stringent. The punishment period has been increased from 2 and 3 years under Section 353 and 332 respectively, to 5 years. More importantly, the offences are now to be tried in the Sessions Court. Offences which are usually of a heinous nature e.g. murder, rape, dacoity are sessions-triable. These offences usually invite a punishment with death, life imprisonment or imprisonment for more than 7 years, not for offences where the punishment is 5 years. This has clearly been done with the intention of making the process of securing bail tougher, and to aid the police and the state to clamp down any form of dissent and protests by civil society and create a chilling effect.

Many public servants who fail to do their duty or are involved in dubious activities are likely to misuse these stringent provisions, as a defensive weapon against civilians, media persons, human rights and anti-corruption activists, and others seeking justice,

as seen in the aforementioned incident concerning Mr. Khan and Mr. Parmar. HRDA feels that by amending the said legislations, the Government is all out to attack independence of media, quell all dissent and any form of protest.

**Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Maharashtra State Government, Commissioner of Police, the District Collector and District Magistrate of Palgahar District:-

Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of FIR being filed against journalists, Mr. Hussain Khan and Mr. Ram Parmar during the course of their professional duty, including by retrieving the CCTV footage of Palgahr Police Station at the time of the alleged assault;

Take immediate action on the perpetrators, in this case the PSI Mr. Tousif Sayeed and other police officers responsible for the assault and filing of the false criminal complaint against the journalists Mr. Hussain Khan and Mr. Ram Parmar and their arrest; and to direct withdrawal of the complaint and FIR filed against the journalists;

Demand that the Maharashtra State Government to withdraw, cancel and revoke the said Amendment Notification with immediate effect;

Ensure provision of reparation, compensation, apology to the family of the defenders, guarantee in all circumstances the physical and psychological integrity of the family and team members of Mr. Hussain Khan and Mr. Ram Parmar from further reprisals from the perpetrators and using all provisions of law to ensure that they are not harassed or intimidated in future;

Put an end to all acts of attack and harassment and attempt on the life of all human rights defenders like Mr. Hussain Khan and Mr. Ram Parmar and to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances, fear, threat or intimidation;

Take steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:

Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;

Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the NHRC Focal Point on HRDs and the SHRC Maharashtra provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;

More generally, ensure in all circumstances, the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the State of Maharashtra.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**  
Honorary National Working Secretary