



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/UA/SOUTH/TLG/02/07/2024

July 26, 2024

To,
Mr. Indrajeet Kumar,
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

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Telangana – Karimnagar –
Jammikunta – Illegal and arbitrary arrest of Mr. Mohammad Hussain by
Telangana Police**

Greetings from Human Rights Defenders Alert!

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 writing to express our concern regarding the arbitrary arrest of Mohammad Hussain without following the due process of arrest by Ramakirshnapur police, Telangana.

About the Human Rights Defender:

Mohammad Hussain @ Sudhakar @ Ramakanth s/o Ankush, (73 yrs) worked as a labourer in KK2 mine Mandamarri from 1975 to 1981. In the meantime he was attracted towards the ideology of CPI (Maoists) and resigned to his Singareni job and joined with CPI (Maoists) party, then he promoted as "Uttara Telangana Special Zonal Committee member". 15 years ago he surrendered before the police and since then he was writing novels about the lives and miseries of the Naxal families after the loss of their family member. A novel titled "Tallilu Biddalu" gained lot of popularity among readers.

Source of Information:

- Communication HRDA Regional Co-ordinator
- Communication with the other Human Rights Defenders in region
- Media reports

Perpetrators:

- Police officials of Ramakrishnapur.
- Ravi Kumar, Investigation officer & Assistant Commissioner of Police, Bellampalli.

Date of Incident:

July 8, 2024

Place of Incident:

H.No. 5-1-60/1, Ward No.23, near Library, Padmashali Wada, Janmikunta mandal & village of Karimnagar district.

Details of the Incident:

On July 8, 2024 at about 6 PM, 6 persons who claim to be police officials who are not in their uniform surround the house of the Mohammad Hussain and took him into custody. The family members of the Mohammad Hussain intervened before the police, for which they stated that they are under cover police officer and they taking Hussain into custody for questioning him and then they left their house in a Tata Ace which has not number plate.

In the evening of July 8, 2024 family member of the Hussain received communication from the Ramakrishnapur Police Station, stating that Mohammad Hussain is their custody at the Police Station and He is arrested in FIR No 55 of 2021 U/S 120, 120 (B) r/w 34 IPC and Sec. 10, 13, 18, 18 (b) of Un-lawful Activities Prevention Act 1967.

On July 9 2024, Mohammad Hussain was produced before Principal Judicial First class Magistrate At Mancharial and under the escort of SI of Police, Ramakrishnapur (G.Rajashekhar), Sampath PC-1515, HC.81 K.Jangu of PS. Ramakrishnapur with a pray to remand him to judicial custody for a period of (15) days, to complete remaining investigation. The Judicial officer remanded Mohammad Hussain to Adilabad District Jail.

HRDA strongly believes that the arbitrary arrest without following the due process of arrest is an act of reprisal for their activism as a human right defender. Mohammad Hussain was arrested from his house in Jammikunda but the according to the statement of the police they apprehended him from nearby RK1 mine coal mine and police obtained a confessional statement of 73 years old Hussain. No due process of the law was followed and multiple guidelines of DK Basu Guidelines of arrest were violated including officers without police uniforms and badges.

Every person has a the right to life and liberty enshrined under **Article 21** of Indian Constitution 1950, Article 3 of Universal Declaration of Human Rights 1948, Article 6 of International covenant on civil and political rights, 1966. The Right to life includes right against arbitrary arrest or detention. These instances amount to complete violation of the fundamental right to life and personal liberty granted by **Article 21** of the Indian Constitution.

Section 41B, CrPC, requires every police officer to prepare, an arrest memo at the time of arrest which is to be attested by at least one witness and countersigned by the arrested person, and inform one family member of the arrest. It appears these procedures have not been followed. Section 54, CrPC, further mandates medical examination of every arrested person soon after an arrest.

Section 50A, CrPC states that a relative or friend should be informed about the arrest and the place of detention. It is the duty of the police to inform the arrested person of this right, and also to inform the relative or friend about the arrest.

HRDA is deeply concerned about the illegal arrest of Mr. Hussain by the Telangana police without following the due process of law. We urge the Hon'ble Commission to take cognisance of the above case and urgently:

Appeal:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the illegal arrest, of the HRD and submit the report to NHRC within Two Weeks.
- Direct the Director General of Police of Telangana to produce within 48 hours copies of all relevant documents pertaining to the arrest for an independent examination by the Hon'ble Commission.

- Arrest memo as required under Section 41 B of CrPC, including name and designation of the police officer who prepare the arrest memo.
 - Medico-legal certificate prepared under section 53 of CrPC, as well as report of the medical examination conducted under section 54 of CrPC.
 - Inspection memo prepared at the time of arrest as required under the guidelines laid down by the Supreme Court in DK Basu vs State of West Bengal [1997 (1) SCC 416], as well as the name and designation of police officer who prepared the said Inspection Memo.
 - Names, duty records and registers of all officers involved in Mr. Mohammad Hussain detention and arrest and Station In-Charge on duty in the Ramakrishnapur police station on the relevant date.
 - Examine compliance with all the mandatory procedures on arrest and detention laid down in Sections 41 of the CrPC, particularly with Sections 41A, 41B and 41D, and Sections 50, 50A, 51, 54, 55A, 56, 57, and 60A of the Code were followed by the police.
 - Examine compliance with the NHRC Guidelines on Arrest.
 - General Diaries, FIRs (55/2021) and arrest registers of Ramakrishnapur police station
- Direct the Director General of the Police of Telangana to ensure the safety of HRD's family and to protect them from further harassment by the police

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary