



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/UA/West/MH/03/10/2023**

28 October 2023

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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Maharashtra - Mumbai – Illegal arrest and torture of pro-Palestine protestors by Mumbai police officials.**

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 registration of an FIR, and arrest of 2 HRDs, and the detention of 4 HRDs by the Mankhurd police.

#### **About the Human Rights Defenders:**

- Supreeth Ravish – Social Activist and Member of the Revolutionary workers party of India (RWPI)
- Ruchir Lad - Social Activist and Member of the RWPI
- Shankar - Member of the RWPI
- Akshay - Member of the RWPI
- Dhananjay - Member of the RWPI

#### **Source of Information:**

- Communication with HRD
- Communication with the State Coordinator
- Communication with other HRDs in the region

**Perpetrators:**

Inspector Jadhav, Police inspector -Mankhurd police station, and other officials of police station

**Date of Incident:**

October 13, 2023,

**Place of Incident:**

Samvidhan Chowk, Mankhurd, Mumbai

**Background:**

On October 12, the Revolutionary Workers Party of India (RWPI) called for a protest against the brutalities of war in Palestine near Dadar Station. Mankhurd police detained HRDs named Shankar, Akshay, Dhananjay and one other in Mankhurd police station to stop the protest.

**Details of the Incident:**

On October 13, in Samvidhan Chowk, Mankhurd, 15 HRDs gathered and peacefully protested against the brutalities of war in Palestine. They raised slogans in solidarity with Palestine.

Then, the in-charge police inspector of Mankhurd, Mr. Jadhav, along with the police team, used force to disperse the HRDs, the police brutally assaulted Ruchir Lad and took him into custody. The HRD was taken to the other side of the protest site, and police attacked him by beating his head on the railing on the divider of the road. The HRD was also beaten by the police officials on his foot by belt, on his back, slapped, and he sustained an injury to his head.

After the use of force by police, the HRDs dispersed from the protest site and realised Ruchir Lad was missing. Supreeth Ravish went to the Mankhurd police station to enquire about the whereabouts of Ruchir Lad, but the police took him into custody. the HRDs were detained in Shivajinagar lockup.

An FIR, No. 0558 of 2023, was registered on October 13 2023 against Ruchir Lad and Supreeth Ravish and 15 others under section 353 (Assault or criminal force to deter public servant from discharge of his duty), 323(Punishment for voluntarily causing hurt), 143 (Punishment being member of unlawful assembly), 145(Joining or continuing in unlawful assembly, knowing it has been commanded to disperse), 146(Rioting), 147(Punishment for rioting), 148 (Rioting, armed with deadly weapon)

and 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object) read with section 34 (common intention) of Indian Penal Code along with Section 135 (Penalty for contravention of rule or directions) read with Section 37 (1) (Power to prohibit certain for prevention of disorder) of Maharashtra Police Act, 1951.

In the remand report, it is mentioned that Ruchir Lad has “*suffered bruises on his head and an injury on the upper side of the left ear*”.

On October 14, the arrested HRDs were produced before the holiday in-charge Hon’ble Metropolitan Magistrate Court, Dadar and the court remanded the HRDs to judicial custody, and are presently incarcerated at Aurther Road Central Prison.

Before the Metropolitan Magistrate Court, Dadar, the HRD Ruchir Lad, mentioned the torture of the police and injuries sustained by him due to police brutality. The Magistrate directed the HRD to get medically examined as per section 54 of Cr.P.C.

On October 16, 2023, a medical report was filed before the regular court, Hon’ble Chief Metropolitan Magistrate, Esplande, Mumbai. The Medical certificate shows that the HRD Ruchir Lad has “*no fresh complaints and traumas and no other comarbities, It is noticed wrist joint swelling and injury on both sides of the head*”.

Based on the report medical report, Hon’ble Chief Metropolitan Magistrate, Esplande dismissed the application of ill-treatment by the police on HRD Ruchir Lad.

HRDA strongly believes that the illegal detention of HRDs and registration of FIR against the HRDs is an act of reprisal for their activism.

In D.K. Basu vs. State of West Bengal, the Supreme Court of India, called torture “one of the worst crimes in a civilised society governed by the Rule of Law”.

**Article 5** of the Universal Declaration of Human Rights and **Article 7** of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**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.

These Instances amount to a gross abuse of the HRD's fundamental right to life and freedom of Assembly. The right to freedom of assembly is recognized by **Article 19 (1)(b)** of the Indian Constitution, which provides, "*All citizens shall have the right to assemble peacefully and without arms.*" This has been reaffirmed by various judgments of the Supreme Court.

The Supreme Court, in *Himmat Lal K. Shah vs Commissioner of Police, Ahmedabad*, [1972] held the following. "*Freedom of assembly is an essential element of any democratic system. At the root of this concept lies the citizen's right to meet face to face with others for the discussion of their ideas and problems-religious, political, economic or social.... assemblies face to face performs a function of vital significance in our system and are no less important at the present time for the education of the public and the formation of opinion than they have been in our past history.... Public streets are the "natural" places for expression of opinion and dissemination of ideas. Indeed, it may be argued that for some persons, these places are the only possible arenas for the effective exercise of their freedom of speech and assembly,*"

The right to peaceful assembly is both an individual and a collective right, enabling individuals to express themselves collectively and to participate in shaping their societies. It is the duty of the state to ensure that the fundamental rights of any groups of persons who are assembling peacefully under this law are not disrupted.

**Article 20(1)** of the Universal Declaration of Human Rights states that, "*Everyone has the right to freedom of peaceful assembly and association*". Every person has a right to life and liberty enshrined under **Article 21** of the Indian Constitution 1950, **Article 3** of the Universal Declaration of Human Rights 1948 and of the International Covenant on Civil and Political Rights, 1966. The Right to life includes the right against arbitrary arrest or detention. The targeted attack on the HRDs by the police amounts to a serious violation of life and liberty.

#### **Appeal:**

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry into the arbitrary detention, illegal arrest, custodial torture of HRDs Supreeth Ravish and Ruchir Lad and submit the report to the NHRC within 4 weeks.

Towards this, examine:

- Footage from the CCTV cameras at Mankhurd police station of the day of arrest.
- Details from the log register at the Mankhurd police station
- Details of all records to ascertain compliance to guidelines on arrest.
- Based on the result of the inquiry, direct the Director General of Police Maharashtra to immediately suspend and file a cause of torture against policemen who illegally picked up HRD in violation of DK Basu guidelines and submit a report to the NHRC within two weeks.
- Intervene in the relevant court to quash the false charges against the HRDs .
- Direct the Director General of Police Maharashtra to ensure the entire physical security of HRD Ruchir Lad and Supreeth Ravish and give it in writing to the NHRC.
- Consider exercising Section 12 (b) of the Protection of Human Rights Act and intervene in the relevant courts to defend the HRDs.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary