



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/WEST/MH/01/04/2025

April 10, 2025

To,

1. Justice Mr. V. Ramasubramanian (Retd),
The Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in
2. 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

Respected Sir,

Sub: Urgent Appeal for Action in case of detention of protestors and organisers of the peaceful protest condemning anti student policies of Tata Institute of Social Sciences (TISS) and expressing solidarity for suspended PhD Scholar Ramadas Prini Sivanandan on 26 March 2025 by Trombay Police, Mumbai - Reg

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 detention of protestors and organisers of the peaceful protest condemning anti student policies of Tata Institute of Social Sciences (TISS) and expressing solidarity for suspended PhD Scholar Ramadas Prini Sivanandan on 26 March 2025 by Trombay Police, Mumbai

About the Human Rights Defenders:

- The protestors are students of TISS and civil society members, all of them are part of a group call Collective Mumbai.

- Shailendra Kambale, District Secretary, Mumbai City, CPI.
- Mr. Mayukh Biswas, All India General Secretary, Student Federation of India (SFI)
- Mr. Rohidas Jadhav, Maharashtra State Secretary, SFI
- Dr. Vivek Monteiro, Narayan, Sugandhi Francis, Armaty Irani, Sanjay Kambale and Rekha Deshpande are members of Collective Mumbai.

Source of Information:

- In Communication with the HRDs
- In Communication with the other HRDs in the region
- Media Reports

Perpetrators:

Police officials of Trombay Police Station, Mumbai City, Maharashtra.

Date of Incident:

26 March 2025

Place of Incident:

Panjabwadi Junction, Denoar, Chembur, Mumbai.

Background:

The Human Rights Defender Ramadas received a show cause notice from the Registrar's office on 7th March 2024 implicating his activism as repetitive misconducts and anti-national activities. The notice was sent on the HRDs email id as well and his personal email id. The HRD acknowledged the receipt on March 8, 2024.

The Committee met on April 04, 2024 in Vice Chancellor, TISS office at 04.30 PM to consider the case of the HRD.

The Committee in its findings stated that the HRD Ramadas violated be clause 9 of the honour code of the institute by participating in the Parliament march which was organised by a joint platform of 16 student's organisations on 12th January, 2024. The HRD participated in the march at his personal level as a Central Executive committee member of the Student's Federation of India (SFI) and as a member of Progressive Students Forum (PSF). The committee concluded that the HRD participated in the said demonstration and expressed his view because of his status being a PhD student at TISS. The Committee was aggrieved by the fact that the HRD views are creating an impression among the general public that view of the HRD are the views of the TISS. The committee in its report cited a circular dated **14th June, 2024** bearing No.

Registrar/Circular/2023 and held that participation of HRD in the parliament march on 12th January, 2024 badly affected the reputation of TISS among the general public and the HRD violated the code of conduct of the institute.

The report further stated that *“he supposed to focus on his academics but, his act of participating in demonstrations, organising unapproved events, screenings, holding sitting, in addition to being illegal, is also wastage of limited resources of the Institute.”* Based on this the committee held that the HRD's conduct is *“motivated with personal political ambitions and to further the same, the Institute's name and resources in being misused by HRD”*.

The record concluded that the HRD by organising parliament March on 12th January, 2024, screening banned documentaries, calling controversial speakers for Bhagat Singh Memorial Lectures, holding sit-ins in front of the directors Bungalow at the late night, etc are the actions which must be investigated by law enforcement agencies as Anti national activities. The committee declared that law enforcement agencies can take legal actions as per process and institute and TISS have no objection for the same.

The Committee recommended suspension for the period of two years and his entry to be debarred across all the campus of the Tata Institute of Social sciences. Ramdas filed a writ petition before the Bombay High Court in W.P 3359/2024 challenging the suspension. On 12 March 2025, the Bombay High Court dismissed the writ petition and upheld the validity of suspension of Ramdas.

Details of the Incident:

On 26 March 2025, members of Collective Mumbai organised a peaceful demonstration condemning anti student policies of Tata Institute of Social Sciences (TISS) and expressing solidarity for suspended PhD Scholar Ramadas Prini Sivanandan. They staged a protest outside the campus of Tata Institute of Social Sciences, Mumbai in which around 300 students participated in the demonstration despite the advisory warning issued by the TISS administration advising the students not to participate in protests outside or inside the campus. Trombay police of Mumbai city detained organisers of the protest Shailendra Kamble & Vivek Monteiro along with participants Mayukh Biswas, Rohindas Jadhav, Somnath Nirmal, Narayan, Sugandhi Francis, Armaty Irani, Sanjay Kambale and Rekha Deshpande and 40 others. The police shifted them to Trombay police station and released the protestors in the evening after collecting personal information of the detainees.

HRDA strongly believes that detention of peaceful protestors by the Trombay police is an act of reprisal for their activism as a human right defenders.

Explanation of law:

The right to exercise freedom of speech and expression is enshrined under Article 19 (a) of the Indian Constitution. The right to freedom of opinion and expression encompasses three different aspects:

- 1) The right to hold opinions without interference;
- 2) The right to access to information, and
- 3) The right to impart information and ideas of all kinds.

The Supreme court in *Mazdoor Kisan Shakthi Sangathan v. UOI* 2018 17 SCC 32 held that:

“54. The right to protest is thus recognised as a fundamental right under the Constitution. This right is crucial in a democracy which rests on the participation of an informed citizenry in governance. This Right is also crucial since its strengths representative democracy by enabling direct participation in public affairs where individuals and groups are able to express dissent and grievances, expose the flaws in governance and demand accountability from the state authorities as well as powerful entities. This right is crucial in a vibrant democracy like India but more so in the Indian Context to aid in the assertion of the rights of the marginalised and poorly represented minorities.

59. A particular fundamental right cannot exist in isolation in a watertight compartment. One fundamental right of a person may have to coexist in harmony with the exercise of another fundamental right by others and also with reasonable and valid exercise of power by the state in the light of the directive principles of social welfare as a whole. The court’s duty is to strike a balance between competing claims of different interests.”

The United Nations Declaration on Human Rights Defenders 1999 states the following:

- Article 12 (2) and (3) "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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."

- Article 9 (1): “In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights”.

The Right to protest is an essential element of the right to participate in any democratic dispensation, and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para. 56)

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. States should legitimize and empower human rights defenders in this role and encourage defenders to take full ownership of this role (A/62/225, para. 102).

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 detention of the HRDs and submit the report to the NHRC within Two Weeks.
- Direct the Director General of the Police of Maharashtra to ensure the safety of HRDs and their family to protect them from further harassment by the police.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary