



PEOPLE'S UNION FOR CIVIL LIBERTIES

Maharashtra State Unit

President : Mihir Desai; General Secretary : Lara Jesani; Treasurer : Alex D'Mello
Committee Members : Ammu Abraham, Dolphy D'souza, Ramesh Awasthi, Sandhya Gokhale
Email: pucl.maharashtra@gmail.com

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PUCL MAHARASHTRA STATEMENT CONDEMNING THE ARREST OF TWO MUMBAI ACTIVISTS BY MANKHURD POLICE

Democracy demands that right to protest be protected, not brutalized and punished!

PUCL Maharashtra condemns the arrest of two young Mumbai activists, Ruchir and Supreeth by the Mankhurd Police last night, in connection with a protest against the Israeli government's ongoing violent attacks impacting civilians in Palestine, in line with similar protests taking place in multiple locations globally and in the country.

Ruchir has complained of being beaten by the police after being picked up from the protest site and also at the police station. When Supreeth went to the police station to secure his release, he was also arrested. Among other sections applied for violating prohibitory orders under section 144 of the Criminal Procedure Code, 1973 ("CrPC") and section 37 of the Maharashtra Police Act, it appears that they have also been charged with offences under sections 353 and 332 of the Indian Penal Code, 1860 ("IPC").

They were produced before the holiday court being the Dadar Shindewadi BMC court today when the visible police beatings were reported and complaint in that respect was filed by Adv Shahbuddin representing the accused activists and accompanied by Adv Pritha. The Magistrate inspected the wounds in chamber, recorded the statement of Ruchir in court and ordered for medical to be conducted today itself and for the medical report to be made available on Monday. The application for police custody made by the police was rejected by the Magistrate and both the activists have been remanded to judicial custody and matter is placed before the regular court on Monday. While the lawyers made requests for copies of the FIR and remand application, the same have not been provided by the police as yet. Accordingly, even the exact nature of allegations are not known.

Even before these arrests, the police had detained 4 activists under section 151 CrPC, who were subsequently released. Section 151 CrPC which provides for preventive detention can only be invoked if there is threat of a cognisable offence being committed. However the police illegally detained the activists in connection with protests that had been announced and to prevent them from attending the protests and not from committing any cognisable offence.

Sections 332 and 353 IPC which pertain to obstruction and assault on police officers have been made draconian since the 2017 Maharashtra state amendment, by making the offences cognisable, non bailable, sessions triable and punishable upto 3-5 years. It is observed that these offences are being rampantly misapplied and misused against civilian protestors, journalists and activists in the course of exercising their fundamental rights and performing their fundamental duties, and also creating hurdles

in their legitimate work and democratic expression. Similarly, section 151 CrPC is also being misused to punish the simpliciter act of applying for protest permission or planning to organise or attend a protest, which from no angle is a crime let alone a cognisable offence. Meanwhile, the city has witnessed a continuous application of prohibitory orders under Section 144 CrPC and/or Section 37 MPA on the one hand, and the rampant denial of protest permissions by the police to civil society activists and civilian groups on the other, rendering the legitimate right to protest ineffectual and facilitating the criminalization and curbing of peaceful and democratic protests.

The Maharashtra state government must take immediate steps to roll back the amendments made to sections 353 and 332 IPC and issue strict instructions (and appropriate guidelines) to the police stations to ensure that the said sections as also section 151 CrPC are not misapplied and misused against peaceful protestors and civilians. PUCL Maharashtra believes that the continued abuse of these provisions would only lead to silencing of democratic voices and those demanding justice and accountability. Strict measures also must be taken to end custodial violence and police atrocities, including by holding those in command accountable. The right to protest is a fundamental right of citizens and in the words of the Supreme Court, is the “safety valve of democracy”. It needs to be protected determinedly in the interest of our nation which is built on the fulcrum of that very right.

PUCL Maharashtra also notes, with distress, that there appears to be a concerted attempt to silence peaceful protests against war and violence. The activists arrested for protesting should be released immediately and the police violence ought to be investigated and erring officials punished to restore the confidence of citizens in the rule of law and in the law enforcement agencies.

Mihir Desai, President

Lara Jesani, General Secretary

People’s Union for Civil Liberties, National Office
270-A, Patpar Ganj, Opposite Anand Lok Apartments, Mayur Vihar I, Delhi 110 091
Phone 2275 0014 PP FAX 4215 1459
Founder: Jayaprakash Narayan; **Founding President:** V M Tarkunde
President: Kavita Srivastava; **General Secretary:** Dr. V. Suresh
E.mail: puclnat@gmail.com & pucl.natqensec@gmail.com
[Website : www.pucl.org](http://www.pucl.org)