

Human Rights Defenders Alert - India

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Shri A. K. Parashar

Focal Point - Human Rights Defenders
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi-110001
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Judicial Magistrate humiliates Human Rights Defender for standing surety in bail petition - Reg

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 regarding the humiliation and ill treatment meted out to Mr. S. Arulanandam, a human rights defender for standing surety in the bail petition of a fellow villager.

About the Human Rights Defender

S. Arulanandam is a resident of Ilayankudi in Sivagangai District. He has been holding several posts in the Communist Party of India and doing social service for more than 30 years. He has served in the post of Panchayat President, Aramanakarai of Ilayankudi Panchyat Union, Sivagangai District for five years, post of President, Q435 Ochanthattu Co-op Society for 15 years, post of President, Sivagangai District Palmyra Labor Union (AITUC) from 1988 to 2003 and has also been member of R.S. 836 Sivagangai District Central Co-op Bank. He has been doing service to the public at the advanced age of 67 years.

Incident

Police officials charged a theft case against Rajakannu S/o Arputham of Solai Oorani, arrested him and remanded to judicial custody. His advocate applied for bail and his bail petition was admitted in the court of Judicial Magistrate, Manamadurai. Arulanandam came forward to stand surety for his bail. On 26-03-2011 he submitted his house tax receipt and ration card at the court through the lawyer for the same. At 03.00 pm he was called to appear in the court. When he went into the court wearing slippers on his feet and a towel on his shoulder, the Judicial Magistrate expressed displeasure. So the police constable took him away from the court, asked him to remove his chappals and towel and then enter the court. Then when he entered the court, the Judicial Magistrate examined the bail petition and asked whether he had given surety for any other person. Arulanandam replied that he had given surety for one of his relatives two years back and that case had been closed.

Then the Judicial Magistrate asked him whether he had taken money for giving surety. When Arulanandam denied this, the Judicial Magistrate accused him of lying and reiterated that he had sought money and asked him to go out of the court. He refused to give back Arulanandam's ration card. He also addressed Arulanandam as a thief. Agitated by all this Arulanandam fainted in the court and had to sit on the floor for 10 minutes. Then some other person stood surety for Rajakannu.

After 20 minutes, Arulanandam was called by the magistrate. Again the magistrate asked him about the amount of money he had received to give surety for the bail. Arulanandam told him that he had been active in public life for the past 30 years and had consented to stand surety for Rajakannu as he was a resident of his village. Then the magistrate threw his ration card and asked the court employees to affix a seal on it for not allowing him to enter into the court for standing surety for anyone thereafter. The seal was affixed over his ration card. They refused to handover his ration card and asked him to go out of the Court. After five minutes, he was asked to come into the court hall again. The Magistrate then asked Arulanandam whether he would apologize to the Court. When Arulanandam asked the Magistrate why he should apologize when he had done no offence, the Magistrate shouted at him for his audacity, addressing him as a dog and threatened to 'spoil his future'. His

signature was then obtained on a paper, the contents of which were not revealed to him. Then his ration card was returned and he was asked to leave the courts.

The entire sequence of events had three eye witnesses who are not willing to disclose their identity for fear of their safety.

Appeal

We, therefore, urge you to immediately take necessary steps to:

- Guarantee, in all circumstances, the physical and psychological integrity of Mr. Arulanandam
- Ensure that an enquiry into the incident is undertaken by an official of a post not less than a District Judge
- Take necessary action based on the enquiry on the Judicial Magistrate for making the human rights defender remove his slippers and upper garment, for his verbal abuse, for obtaining signature on a paper without disclosing its contents and for the threats issued to the human rights defender.
- Guarantee in all circumstances that human rights defenders are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions.
- Ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by India.
- Ensure that everyone in the judiciary is aware of the UN Declaration on the Rights and Responsibilities of Human Rights Defenders

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

National Coordinator

Human Rights Defenders Alert - India