

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

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Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – India/Tamil Nadu, Villupuram: Fabricated cases against Human Rights Activist and Educationalist Prof. Kalvimani - 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 fabricated charges against human rights activists Prof. Kalvimani and Mr. Ramesh who were engaged in protecting the tribal rights and in getting justice for the four Irula Tribal women who were sexually assaulted by the Villupuram police.

Incident

Name of the Perpetrators: Mr. Thangamani – Leader, Pazhangudi Makkal Viduthalai Katchi

Place of incident: Tirukoilur, Villupuram District, Tamil Nadu

About the activist:-

Professor Kalvimani (Kalyani) is a human rights activist, retired Professor from Tindivanam, who independently runs school in Tamil Regional Language from his own resources. More than hundreds of children especially from the Irular community are studying there. The school has been run by the community people

themselves in a democratic and transparent manner. He is a Civil Rights activist and has been instrumental in filing several cases for the Irular community people under the Prevention of SC/ST Atrocities Act.

Professor Kalvimani works as the co-ordinator of Pazhangudi Irular Paathukaapu Sangam. He has also participated in several struggles for protection of the Irular people in a democratic way and raised voices whenever the rights of those people are violated. As an educationalist he had conducted so many seminars and classes on the implementation of Prevention of SC/ST Atrocities Act. He has participated in a variety of public hearings and most recently as a jury member in Paramakudi police shoot out incident along with Justice H. Suresh, Dr. K. Subramaniam, Dr. P.S. Krishnan, Dr. Vasanthi Devi and others. He is a renowned Human Rights Defender in the State.

According to the information received, false cases has been fabricated against Prof. Kalvimani in the recent issue which he involved in getting justice for the sexual assault against four Irular community women in Tirukoilur village of Villupuram District.

Background Incident:

It has been alleged that the police in the Villupuram district of Tamil Nadu raped four tribal women. The women have said that cops from the Tirukovilur police station picked them up for interrogation on November 22, 2011 and sexually assaulted them that night.

The police team picked up six men on Nov 22 on information about a gang involved in house breaking and other crimes. The women alleged that the police subsequently also picked up the four women, relatives of the men, for inquiry.

On November 26 complaint lodged with Villupuram District Superintendent of Police N Bhaskaran, a tribal forum alleged that the four Irula tribal women were raped by the five policemen attached to Tirukovilur police station when they had gone there seeking the release of a relative detained in a theft case.

One of them has alleged that she was gang-raped. Another one of the victims is pregnant.

Tamil Nadu Police ordered a probe into the complaint of sexual assault filed against their personnel by four tribal women of the Irula community in the Villupuram district.

A case was filed on November 27 under section 176 (1) (rape is alleged to have been committed on any woman) of Code of Criminal Procedure and sent to Tirukoilur Judicial Magistrate for an inquiry.

A judicial inquiry is being conducted into the sexual assault charges made by four tribal women against Tamil Nadu policemen in Villupuram district. Cases under various sections of the Indian Penal Code and the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 have been filed.

The Tamil Nadu government later announced a compensation of Rs five lakh each to the four Irula tribal women who were affected.

Five police personnel-- an inspector, a special sub-inspector, a head constable and two constables were suspended based on a report submitted by a Judicial Magistrate.

Case Narrative:

Various Tribal organizations, Human Rights organizations and Movements, Parties and other organizations raised concerns for the above said case.

Prof. Mr. Kalvimani and Mr. Ramesh, who is also a human rights activist, undertook the case of the assault on four Irula Tribal women to get justice for them. They organised those victims and sought for justice before the Judicial Magistrate. Meanwhile, the Leader of the Tribal People's Liberation Party Mr. Thangamani asked Prof. Kalvimani and Ramesh to withdraw their activities regarding the case and he will handle it. On that day when the case came for hearing before the Judicial Magistrate the victims made it clear that they were in favor of Ramesh, who took forward their complaint. Prof. Kalvimani also accompanied them to Court on that day. While they were about to take the vehicle Mr. Thangamani allegedly blocked them from taking the vehicle by lying down on the road. Later the District Superintendent of Police came to the spot to clear the problem.

In this connection Mr. Thangamani has filed a false charge against Prof. Kalvimani and Mr. Ramesh under the SC/STs Atrocities Act on false allegations that they used abusive and filthy against those Irula Tribal women and defamatory statements based on their caste. Mr. Thangamani's allegations were false and it shows that he did not want Prof. Kalvimani – a non-tribal person to get involved in this case related to the assault of women of his Irula community.

Appeal

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

1. Guarantee in all circumstances the physical and psychological integrity of Mr. Kalvimani and Mr. Ramesh;
2. Carry out a thorough, impartial investigation into the false allegations against Prof. Kalvimani under the SC/ST Atrocities Act as it seems to hinder his legitimate activities in protecting the human rights;
3. Immediately drop all charges against human rights defender Osmond Ugwu and unconditionally release him from custody, as it is believed that the charges are solely motivated by his legitimate and peaceful work in defence of human rights;
4. Guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions including judicial harassment.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

Hon. National Working Secretary,
Human Rights Defenders Alert - India