

Human Rights Defenders Alert - India

National Coordination Office
23, West Park Street, 1st Floor,
Shenoy Nagar, Near Post Office, Chennai – 600 030 Tamil Nadu, INDIA
Tel: +91-9994368540 Email : hrda.india@gmail.com

02 July 2013

The Chairperson

National Human Rights Commission

Faridkot House, Copernicus Marg,

New Delhi, PIN 110001

Fax No. 23384863

E-Mail: covdnhrc@nic.in, ionhrc@nic.in, jrlawnhrc@hub.nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Tamil Nadu: Arrest of Mr. Manoj, Whistleblower and Anti-corruption Activist in Coimbatore under the SC/ST Act- 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 thre or with security concerns.

We are now writing to express our grave concern regarding the arrest of Anti – corruption activist Mr. Manoj under the SC/ST (Prevention of Atrocity) Act on Tuesday, 25 June 2013, and the subsequent remand to judicial custody in Coimbatore.

About the Human Rights Defender under attack:

The activist A. Manoharan alias Manoj is a member of Lok Satta Party and has been crusading against corruption by highlighting irregularities in various government sponsored schemes. Mr. Manoj was arrested under the SC/ST Act, on Tuesday, 25 June 2013 in Coimbatore, based on the compliant of one Navaneetha Sivakumar, against whom the activist had earlier raised corruption allegations.

The Perpetrators: Mr. Navaneetha Sivakumar, President of FANA Educational and Charitable Trust.

Date and Time of Incident: On 25 June 2013, at 5.00 am.

Place of Incident: Mr. Manoj's residence.

Source of Information: Email information received from Loksatta Media wing TN.

Incident:

In 2011, Mr. Manoj wrote to various officials claiming that an institution run by Sivakumar had swindled nearly Rs.2 crore from the funds granted by the Tamil Nadu Adi Dravidar Housing & Development Corporation Limited (TAHDCO) to provide vocational training for persons belonging to SC/ST communities. Manoj had also produced evidences which he claims proved that Sivakumar swindled the money by registering fake beneficiaries.

Manoj was also opposing selection of another institution run by Sivakumar as the implementation agency of STEP-UP (Skill Training for Employment Promotion amongst Urban Poor) scheme.

Incidentally, Sivakumar has alleged that he was abused by Manoj on June 18 on the City Corporation office premises when he had gone there to collect the funds under the scheme. "The complainant had alleged that Manoj abused him by referring to his caste and used derogatory words," Ukkadam police said.

The case was registered by Ukkadam police three days after the alleged incident and police have invoked section 3(x) of the SC/ST (Prevention of Atrocities) Act. On Tuesday, 25 June 2013, Manoj was arrested and remanded to judicial custody by a court.

However, members of the Lok Satta Party say this is a case of abuse of the SC/ST (Prevention of Atrocities) Act. "This is entirely a cooked-up case and filed only to take revenge upon Manoj for highlighting corruption in implementation of the government-sponsored schemes. On the particular day, Manoj had gone to the city Corporation Office to represent a civic issue in a locality. It was Sivakumar who abused him and issued threats. We left the place after police interned and asked us to leave to avoid unnecessary tension," said a petition submitted by the Party to the city police commissioner.

Back ground information:

In February 2011 there were several media reports highlighting the details of the modus operandi of Navaneetha Shivakumar of FANA Educational and Charitable Trust, Coimbatore in stealing government funds earmarked for the welfare of students of the SC and ST communities. Navaneetha Shivakumar set up the FANA Institute around 2006 to claim funds from Tamil Nadu Adi Dravidar Housing and Development Corporation (TAHDCO) for allegedly providing vocational training to SC/ST students in sound recording, cinematography, digital film making, broadcast journalism, sound editing, digital photography, ancillary nursing, midwifery, etc. In reality, he had no equipment and organized no courses, but only created a façade by maintaining a register of students and showing a couple of students on his premises during inspection. He colluded with one Dr. Alva of Dr. Alva Paramedical Institute of Pollachi and used the profiles and certificates of students of Alva Institute to show as beneficiaries of the TAHDCO scheme in his Institute. He had, as a media report says, a fake college and imaginary students; only for the purpose of swindling public funds.

Manoj, an anti-corruption activist, while working for a few months with FANA Trust discovered all these corrupt practices and the fraud being played on the government and on the SC/ST community at large. He resigned from FANA and brought these issues to notice of the media. The media followed up on the allegations, and media reports detail out the students whose profiles were abused and used by FANA to receive monies. FANA had in their possession ATM cards that were issued in the names of the alleged beneficiaries, and Navaneetha Shivakumar used his staff to withdraw TAHDCO funds using these ATM cards. It is pertinent to note that the then District Manager of TAHDCO, Mr. Gopal, who had suspicion of this fraud while inspection, was also transferred on false complaints, immediately after the story hit the media.

The Collector of Coimbatore, Mr. P.Umanath had made press statements on February 11, 2011 that his office and also TAHDCO were enquiring into this matter and criminal action would be taken against FANA Trust. The then Minister of Adi Dravidar Welfare, Smt. A. Tamilarasi had made press statements on February 09, 2011 that investigations were launched against the Institution and assured serious action for misappropriation of funds. Strangely, those investigations have not yielded results.

It is unfortunate that Manoj who stood up to protect the funds that were intended to benefit the students of SC/ST community is now being harassed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and that too by the man who did injury to the SC/ST community by stealing money that was intended to be used for their welfare!!

Appeal

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

- The Police Department is directed to release the whistleblower and anti-corruption activist, Mr. Manoj immediately.
- The police Department is directed to take action against Navaneetha Shivakumar for abusing for vindictive gain the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- The results of the enquiry against FANA Institute and Navaneetha Shivakumar are made public and appropriate action is taken against all those involved in the scam of stealing funds under schemes intended to benefit SC/ST community.
- Whistle-blowers and anti-corruption activists in Tamil Nadu are protected from the corrupt elements, so that people's confidence is not eroded.
- All necessary measures are taken to guarantee the physical and psychological integrity and security of Mr. Manoj.
- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary Working Secretary

Human Rights Defenders Alert – India

Copy to:

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

**The Chairperson,
State Human Rights Commission**

Thiruvarangam
143, P.S. Kumarasamy Raja Salai
(Greenways Road) Chennai 600 028,
Tamilnadu.
E-mail : shrc@tn.nic.in

The Chairperson,
NATIONAL COMMISSION FOR SCHEDULED TRIBES
6th Floor, 'B' Wing,
Loknaya Bhawan,
Khan Market,
New Delhi-110003
Email id: chairperson@ncst.nic.in

The Chief Minister,
Chief Minister's Special Cell,
Secretariat,
Chennai - 600 009.
E-Mail : cmcell@tn.gov.in

The Secretary,
Ministry of Adi Dravidar welfare,
Adi-Dravidar and Tribal Welfare Department Secretariat,
Chennai.
Email – Id: adisec@tn.gov.in

The Collector,
District Collector, Collectorate Building
Coimbatore- 641018
Email: collrcbe@nic.in

The superintendent of police,
Coimbatore.
Email Id: sp_coimbatore@yahoo.com

Deputy Inspector General,
Coimbatore.
Email id: digcbe@gmail.com

OMCT International Secretariat
PO Box 21
8, rue du Vieux-Billard
1211 Geneva 8
Switzerland
Phone: + 41 22 809 4939
Fax: + 41 22 809 4929
E-mail: omct@omct.org

Front Line - The International Foundation for the Protection of Human Rights
Defenders
Head Office, Second Floor, Grattan House, Temple Road, Blackrock,
Co Dublin, Ireland, Tel: +353 (0)1 212 3750, Fax: +353 (0)1 212 1001
E-mail: info@frontlinedefenders.org, caitronarice@frontlinedefenders.org

Asian Forum for Human Rights and Development
Baan Vichien, Apartment 3B,
220 Sukhumvit 49/12 Klongton Nua, Wattana,
Bangkok, 10110, Thailand
Email: hrd@forum-asia.org
yap@forum-asia.org

Special Rapporteur on the situation of human rights defenders,
Mrs. Margaret Sekaggya
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland
Email: urgent-action@ohchr.org