

## **Human Rights Defenders Alert - India**

National Coordination Office

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**8<sup>th</sup> December 2014**

Shri A. K. Parashar,  
Focal Point - Human Rights Defenders & Joint Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan, Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Tamil Nadu: Human Rights Defender hacked to death for filing PIL against encroachers of Kannar Canal in Pudur Village in Palur Post, Via Madhanur, Ambur Taluk in Vellore District - Regarding***

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 gruesome murder of 59 year old Thanikachalam who filed a Public Interest Litigation (PIL) against encroachers of the Kannar Canal in Pudur, Pallur and for restoring the canal by influential landholders of the region who are also local administration officials.

### **Source of Information on the Incident:**

- The State Coordinator of Citizens for Human Rights Movement (CHRM) in Tamilnadu based on a fact finding conducted by the CHRM in this case.
- The Regional Coordinator of HRDA for the South of India

### **The Human Rights Defender under attack:**

Mr. Thanikachalam, aged 59 years, S/o. Duraisamy was a resident of Pudur Village in Palur Post, Via Madhanur, Ambur Taluk in Vellore District.

The Human Rights Defender had filed a Public Interest Litigation (PIL) in the Madras High Court pleading for the removal of encroachments along about 18 acres of land of the Kannar channel connecting Thottalam Lake. The High Court, on hearing the case, passed an order, directing the district administration to remove the encroachments along the water channel and to restore it. Acting on the High Court's direction, the revenue department officials had conducted an anti-encroachment drive. As restoring the Kannar channel connecting Thottalam Lake would affect farming activities of farmers possessing land in the upstream of the channel since they will not receive water for irrigation to raise their crops, Thanikachalam antagonized several farmers including the perpetrator with this action of his.

Thanikachalam used the Right to Information Act as a tool to unearth the extent of land that had been encroached. His public work also extended to other spheres like education of students in his area for whom he gave tuitions. He is not affiliated with any political party, movement or union.

### **The Perpetrators:**

- Venkatesan, S/o. Munusamy
- Perumalsamy, S/o. Appadurai, Former Panchayat President of Palur
- Pitchandi, S/o. Duraisamy, Former Vice Panchayat President of Palur, Cooperative Society President
- J Venkatesan (alias Loganathan) (39), Councillor of 8th ward of Palur (The only accused to have been arrested and remanded so far)
- Jeyakumar, S/o. Duraisamy, DMDK Union Secretary
- Pandu, S/o. Gundus, Panchayat President
- Govindaraj, S/o. Kuppan

### **Date of Incident:**

The 11<sup>th</sup> of November, 2014, at about 09.45 PM

### **Place of Incident:**

By the side of agricultural Land in Saminathapuram in Ambur Police limits in the Vellore District of the South Indian State of Tamil Nadu while the Defender was

returning home after taking photo copies of his case documents in Madhanur in Ambur Taluk of Vellore District.

**Incident:**

According to sources, on the 11<sup>th</sup> of November 2014 at about 9.45 P.M when Thanikachalam was returning to his house in Pudur Village, Palur from Madhanur where he went to take photocopies of his case documents, he was brutally attacked by the Perpetrators and killed in a gruesome manner. His body was found in the early hours of the 12<sup>th</sup> of November, 2014.

The Perpetrators listed above are the farmers who would be affected by the removal of encroachments for which Thanikachalam filed the PIL. They were named by Mr. Subramani, the deceased human rights defender's younger brother in the complaint that he filed with the police.

Though more than 25 days have lapsed since the murder of the human rights defender, only one of the accused, J Venkatesan (alias Loganathan), the Councillor of 8th ward of Palur has been arrested and remanded.

It is noteworthy that the removal of the encroachments for which the High Court had passed order in the PIL filed by Thanikachalam has been stopped now which was the intention behind the murder as per sources.

A state-wide protest has been planned for the 11<sup>th</sup> of December 2014 which marks one month of the murder of the defender, seeking immediate arrest of the remaining accused and the resuming of the removal of the encroachments in the Kannar Canal.

**Appeal:**

We, therefore urge you to immediately take necessary steps to ensure that the Government of Tamil Nadu and the Director General of Police

- Order for a thorough, transparent, effective and impartial investigation into the above-mentioned events by transferring the investigation in this case to the Crime Branch CID and arrest the remaining accused
- Ensure provision of adequate compensation to the family of the deceased human rights defender and resuming of the removal of the encroachments in the Kannar Canal

- Along with local district officials guarantee in all circumstances the physical and psychological integrity of the family members of the deceased defender as they continue to be under risk of further harassment from the perpetrators for complaining against the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently.
- Along with local district officials put an end to all acts of harassment against all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - o Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”
  - o Article 12.2, which provides that "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”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in West Bengal.

Yours sincerely,



**Henri Tiphagne**

Honorary National Working Secretary