



Human Rights Defenders Alert - India

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Dr. K.G.Balakrishnan,
Hon'ble Chairperson
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: covdnhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Tamil Nadu: Dalit Writer / HRD Mr. P. Murugesan - assaulted, facing charges of obscenity, wants to relocate fearing further attacks on self and family – Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavors 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 assault on P. Murugesan, a Tamil writer on the 25th of February in Karur, Tamil Nadu. He was subsequently slapped with charges of obscenity too. Facing further attacks on himself and his family, he wants to relocate to Thanjavur now but is unable to do so as a Court Order of bail requires him to sign before the Chief Judicial Magistrate at Tuticorin.

Source of Information on the Incident:

- The Fact Finding report of People's Watch, a National Human Rights Organization headquartered in Madurai, Tamil Nadu
- Media reports

The Human Rights Defender:

P. Murugesan, aged 45, S/o. Palaniappan, is a resident of Puliyur in the Karur District of the South Indian State of Tamil Nadu. He is an LIC agent by profession and has also authored a book of 13 short stories, *Balachandran Enroru Peyarum Enakku Undu* ('I also have another name — Balachandran'), one of which dealt with the sexual harassment and difficulties faced by a transgender who is forced to get married by her parents. Murugesan's first book, it was published in December 2014, and got into a controversy over that one story.

He is also an Executive Committee member in *Tamizhaka Makkal Panpattu Kazhagam* a peoples' cultural rights outfit and writes short stories based on plight of all oppressed communities through the 'Athiram' Publication House. He is thus a human rights defender engaged in the arena of writing, art and culture

The Perpetrators:

- A group of around 20 men belonging to the dominant Kongu Vellalar community headed by one Thaniyarasu. They include
 1. Kanagaraj
 2. Paramasivam of Kalipalayam
 3. Selvaraj of Thozhirpettai
 4. Veluchamy of Gandhigramam
 5. Pachainachi of Vellaiyampatti and
 6. Munusamy Thambi of Koundampalayam
- President of the Puliyur Perunkudi Arakkatalai who filed complaint against the defender
- The Karur police who registered a criminal case under baseless charges

Date of Incident:

Abducted and assaulted on 25th of February, 2015 from 1.00 p.m. to 5.30 p.m.

Place of Incident:

Puliyur in Karur District of the South Indian State of Tamil Nadu

Incident detail:

According to the sources, Mr.P. Murugesan was physically assaulted after the Kongu Vellalars community objected to his novel '*Balachandran Enra Peyarum Enakkundu*' (I am also called Balachandran). The novel, which was released on the 28th of December last year, caused an uproar in the district with members of the Kongu Vellalar community staging road rokos and state transport corporation buses being attacked in Karur and nearby areas. Mr.P. Murugesan was first contacted over phone by Puliur Perungudi people who said that his writing offended them and he apologized if the contents of his book hurt their sentiments. Yet, Mr. Thaniyarasu of the Puliur Perungudi community and his men took over 1000 copies of the book and sent them to the members of their community in different districts following which Mr.P. Murugesan received death threats to him and his family from people claiming to be from different places all over the State.

In these circumstances on the 25th of February 2015, when his aged mother, wife and he were at home, 5 men who came in a Maruti Zen car barged into his house at about 1.00 p.m. and hit him with slippers in front of his wife. They then abducted him from his house and the car was followed by about 20 men on motorbikes.

Inside the car too Mr.P. Murugesan was assaulted and verbally abused for daring to write derogatorily about their community and threatened that he was being taken to be killed. Then after taking him to different places in the thickets on the outskirts of Karur he was led out of the car and mercilessly beaten again. Mr.P. Murugesan's wife Ms. Selvarani informed *Thamizhaka Makkal Panpattu Kazhakam*, the organization in which Mr. P.Murugesan is a member, about the incident and they in turn alerted the Police. Following this the Superintendent of Police, through the Pasupathipalayam Police Station contacted Vaikkalthottam Mahesh, a person associated with Mr. Thaniyarasu and as a result the perpetrators flung Mr. P.Murugesan outside the Karur Court at about 5.30 p.m. Before leaving they also threatened to kill his wife and two children if he disclosed to the police about the assault or complained against them.

Mr. Chinnasamy, a Lawyer took Mr. P.Murugesan in his car from outside the Court and left him at Pasupathipalayam Police Station. By then his relatives had come there but the police did not allow anyone to meet him and took him SK Hospital, a Private Hospital for treatment. They did not inform his relatives where he was being taken too. Then members of his organization, the *Thamizhaka Makkal Panpattu*

Kazhakam came there and took him to the Govt. Hospital. That night the Police came and took his complaint based on which case was registered by the persons who assaulted Mr. P.Murugesan under sections 147, 294 (b), 323, 363, 365 and 506 (ii) in Crime Number 83/15 dated 25.02.2015 in Pasupathipalayam Police Station.

The following day the Kongu Vellalar Community members associated with Kongu Nanbarkal Sangam, Kongu Vellala Koundarkal Peravai, Kongu Nadu Makkal Desiya Katchi, Tamilnadu Kongu Ilaingnar Peravai, Puliur Perungudi Kula Arakkatalai [all caste based associations / outfits of the dominant caste] held a meeting and issued press releases that the book should be banned and action should be taken against the author.

Police then booked a case against Mr. P.Murugesan under various sections of the IPC, including 505 (2) and 504, based on a complaint filed by president of the Puliur Perunkudi Arakkatalai. Mr. P.Murugesan sought anticipatory bail, which was granted on March 7 by a Karur court on the condition that he signs before the Chief Judicial Magistrate in Tuticorin daily. The court gave him 15 days to start signing before the Magistrate.

As it is not safe for Mr. P.Murugesan to live in Karur he wants to relocate to Thanjavur, his father-in-law's place. But they cannot move to Thanjavur immediately as the court order requires him to sign before the Tuticorin CJM until further orders. Mr. P.Murugesan and family are dependent only on his writing and it is taxing on him financially to stay in Tuticorin and sign as required by the Court's bail order.

Appeal :

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Karur

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the targeting of the human rights defender and drop the baseless charges against him unconditionally as writing is a freedom of expression guaranteed under the Constitution of India and upheld by various UN Treaties /Conventions.
- Take immediate action on the perpetrators for the assault and for inciting violence by arresting them and using all provisions of law to ensure that the rights of Mr. P.Murugesan are protected.

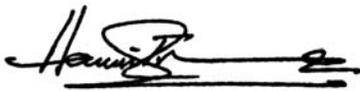
- Initiate departmental action on the police for their biased and discriminatory handling of the case with no action initially, admitting him in a private hospital and registering a case only later and against those who finally also framed baseless charges on the Writer.
- Request urgently and without any delay whatsoever a request to the state head of the police for transferring the investigation in this case to the Crime Branch CID Police so that the local police who have carried out the arrest in the first place do not get involved in the same investigation;
- Guarantee in all circumstances the physical and psychological integrity of Mr. P. Murugesan and his family who are still under risk of further attacks from the dominant castes and provide them the best available counselling sessions with the states best experts at the cost of the state.
- Ensure provision of reparation, compensation, apology to the defender for the physical and psychological sufferings he underwent because of this assault and charges and provide a re-assurance of not engaging in such acts against HRDs such as Murugesan;
- Put an end to all acts of harassment against all human rights defenders in the State of Tamil Nadu particularly writers and artists , since this is the second such serious case in less than a month to ensure that in all circumstances they carry out their activities as writers without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - 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
 - 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”;
- Recommend urgently and speedily during the pendency of this complaint the SHRC in Tamilnadu to also take necessary steps to establish a state focal

point for HRDs in order that HRDs in the have a new protection mechanism in their own state .

- Recommend urgently and speedily during the pendency of this complaint the SHRC in Tamilnadu to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within the State of Tamilnadu for the protection of the rights of human rights defenders.
- Recommend urgently and speedily during the pendency of this complaint the State Government of Tamilnadu in collaboration with the NHRC Focal Point on HRDs and the SHRC Tamilnadu to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners.
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Tamilnadu in collaboration with the and the SHRC Tamilnadu to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1 of the Declaration on Human Rights Defenders).
- More generally, ensures 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 human rights instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

Honorary National Working Secretary