



## Human Rights Defenders Alert – India

National Coordination Office

No. 6 Vallabai Road, Chokkikulam, Madurai-625002, Tamil Nadu, INDIA

Tel: +91-9994368540 Email: [hrda.india@gmail.com](mailto:hrda.india@gmail.com)

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4<sup>th</sup> December, 2015

**Shri A. K. Parashar**

National 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)

**Sub: HRD Alert - India - Urgent Appeal for Action – Tamil Nadu: Illegal arrest and detention under fabricated charges leading upto 10 days of judicial custody of RTI Activists and human rights defenders Mr. N. Shanmugam and Mr. Senthilkumar by government officials and police in Karur district of Tamil Nadu- Regarding**

Dear Sir,

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 writing to express our grave concern regarding the illegal arrest and detention under false and fabricated charges leading to 10 days of judicial custody of RTI Activists and human rights defenders Mr. N. Shanmugam and Mr. Senthilkumar in Karur district of Tamil Nadu by officials of Taluk Office and local police. The Taluk officials are targeting the human rights defenders for using RTI Act and filing queries to get legitimate information to help people to claim their rights.

**Status of Human Rights Defenders:**

Mr. N. Shanmugam s/o Natarajan is a power loom worker and engaged in social work.

Mr. Senthilkumar is a social activist. They are residents of Pasupathi Layout,

Chinnandan Kovil Street, district Karur, Tamilnadu. The defenders run an organisation named “Karur Makkal Nala Iyakkam” (Karur People’s Welfare Movement). Along with social work they are also using the RTI act to get essential information for the welfare of people.

**Source of Information on the Incident:**

- Fact finding report form Citizens for Human Rights Movement (CHRM)
- Regional Coordinator of HRDA for the South of India.
- Communication with the Activist and human rights defender Mr. N.Shanmugam
- Media Reports

**Date of incident:**

23<sup>rd</sup> October, 2015 at 10.30 am approximately.

**Place of incident:**

Taluk Office, Karur, Tamilnadu

**The Perpetrators:**

1. The Deputy Thasildar
2. Mr. Rajasekar, the Patta Change Officer ( Mr. Rajendran Patta Change Officer, Taluk Office, Karur)
3. Ms. Amsaveni, Sub Inspector, Karur Police Station.

**Incident detail:**

According to sources, on 28<sup>th</sup> March 2015, one Mr. Natarajan had applied for changing his land patta in the Taluk office. There was no response to his application. Then he submitted a complaint at the General Information Officer and the Taluk Officer, Karur through an RTI application regarding the status of his application asking for change of patta (letter dated. 28.03.15). But again he did not get any response even after 30 days. Following this, he sent again a petition to the appeal officer, Taluk office, Karur -2 on 30<sup>th</sup> July 2015, but there was no response.

Since officials were not responding to the request for a change in patta, social activists Mr. Shanmugam and his friend Senthilkumar sent a petition through RTI Act directly to the Taluk Office on 23<sup>rd</sup> October 2015 at 10.30 am approximately. They also met the Deputy Thasildar in the front room which is situated in the entrance of the Taluk office and requested him to arrange an appointment with the Taluk officer. But Instead of

meeting their request, the Deputy Thasildar asked them to meet the Patta Change Officer. When they got up to proceed for their meeting with the Patta Change Officer, the Deputy Thasildar ironically asked, why seven people had come for a single matter to which Mr. Shanmugam replied back and said they were only two persons and why he was talking about seven persons. Both got into an argument. At that time, Mr. Rajasekar, the Patta Change Officer, came to the spot and told the Deputy Thasildar that Mr. Shanmugam and Senthilkumar had come with the intention to disturb them and obstruct their work. So both the defenders were forcibly locked inside the Deputy Thasildar room. The same message was communicated to other officials about Mr. Shanmugam and Mr. Senthilkumar. The officials then called Karur Police Station and Ms. Amsaveni, Sub Inspector who came to the spot at 11 AM approximately. Both the defenders were taken to the police station without any spot investigation. According to sources Mr. Shanmugam also gave a complaint to the Sub Inspector in writing, but it was not accepted. Then he filed a complaint online to the Superintendent of Police and there was no response.

Both Mr. Shanmugam and Mr. Senthilkumar were presented before the Sub Court II Magistrate since Sub Court I Magistrate was on leave. The Human Rights Defenders Mr. Shanmugam and Mr. Senthilkumar were booked under sections 293, 353, 447 and 506/1 of Cr.Pc.

Mr. Shanmugam informed the magistrate that they have been charged falsely and requested him that they should be released on bail under section 437 of IPC. But, the magistrate refused to accept their plea and instead ordered to put them in judicial custody. Mr. Shanmugam and Mr. Senthilkumar remained in court custody for 10 days and after that they were granted bail and released from the jail.

**Appeal:**

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident on illegal arrest, detention and slapping false cases against RTI Activists and human rights defenders Mr. Shanmugam and Mr. Senthilkumar;

- Take immediate action on the perpetrators by arresting them and using all provisions of law to ensure that the RTI activists and defenders, Mr. Shanmugam and Mr. Senthil Kumar are not harassed or attacked in future and provide a re-assurance of not engaging in such acts against HRDs;
- Ensure provision of reparation, compensation, apology to the human rights defenders for the mental harassment, physical and psychological sufferings they have undergone during their illegal detention by police and in judicial custody before getting bail and give this assurance to the NHRC of India in writing immediately and urgently;
- Put an end to all acts of attack and harassment against all human rights defenders in Tamilnadu to ensure that in all circumstances they carry out their activities as defenders of human rights 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 to ensure that HRDs have a new protection mechanism in their own state;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Tamil Nadu to convene a meeting 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 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 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 Government of 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 the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Tamilnadu.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary