



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

National Coordination Office

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**August 8, 2016**

To,

**Shri Srinivasa Kammath**

National Focal Point - Human Rights Defenders  
& Deputy Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
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***Sub: HRD Alert - India – Urgent Appeal for Action – Tamilnadu: Case of harassment and intimidation of a political activist and human rights defender Mr. David Manohar of Arappor Iyakkam, by Member of Pallavaram Municipality and Tamil Nadu police in Kanchipuram District, for opposing unauthorised digging of road causing inconvenience to public.***

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 political activist and human rights defender Mr. David Manohar of Arappor Iyakkam who was threatened by a

member of Pallavaram Municipality and forced to sign a statement by Kanchipuram district police for raising his voice against the unauthorised digging of road causing inconvenience to the public.

**Source of Information on the Incident:**

- The Regional Coordinator of HRDA for South of India
- The State Coordinator Tamil Nadu, Citizens for Human Rights Movement (CHRM)
- Communication with the HRD Mr. David Manohar, Arappor Iyakkam
- Media Reports

**Status of the Human Rights Defender:**

Mr. David Manohar, age 55 years, is a resident of Vishwanathan Street, Radha Naga, 23<sup>rd</sup> Ward, Pallavaram, Kanchipuram District, Tamil Nadu. He is an RTI activist who is associated with anti-corruption movement Arappor Iyakkam. Arappor Iyakkam is a movement working for increasing people's participation in the government's decision making process and seeking accountability in the matters of governance. The movement strives to bring about changes in laws and make them practical and useful in tackling public issues and problems. Its main objective is to target deeply rooted corruption in government institutions. Exposing big corruptions, increasing awareness about good governance, filing PILs and advocating necessary changes to the existing laws are some of the activities used by the movement to provide an alternative model of development.

**The Perpetrators:**

- Mr. Ramamurthy, Member of Pallavaram Municipality
- The two constables (names unknown but can be identified)
- The Inspector of Chitlapakkam Police Station Mr.Suriyalingam

**Date of Incident:**

July 19, 2016

**Place of Incident:**

Viswanathan Street and the Chitlapakkam Police station

### **Incident detail:**

According to sources, on July 19 around 9.30 AM, the HRD Mr. David Manohar had an argument in Vishwanathan Street with five workers who were digging the road. He asked them whether they had the permission from the corporation authorities for the work and reasons for not informing the members of the public before closing access to the public road for repair works. Sources also informed that Mr. Manohar had the document procured through RTI from the Pallavaram Municipality which states that workers engaged in road cuts must wear khakhi clothes, carry the authorised permission with them at all times and an ID card from the agency that hired them. But he found that they had none.

The workers without answering him, called Mr. Ramamurthy, a Member of Pallavaram Municipality, to come to the spot. Mr. Ramamurthy on reaching the spot started abusing Mr. Manohar by saying *"You bastard, how you can question about the work done by the Councilor of the ruling party?"* Mr. Ramamurthy threatened Mr. Manohar saying that *"I will dig the road to my wish without any permission and no one can question me"*. After hearing this, Mr. Manohar called the police helpline on 100 and informed about the incident. Two policemen (names not known but can be identified) reached the spot and saluted Mr. Ramamurthy and in turn threatened Mr. Manohar not to seek trouble with persons in power and if he calls the police again they will file case and arrest him.

The next day on July 20, 2016, around 11 A.M, Mr. Manohar went to the Chitlapakkam Police Station to file a complaint about the previous day's incident. At the station, Mr. Manohar submitted the complaint to Mr. Andrew, the writer of the station who was present there at that time. A while later, Inspector Mr. Suriyalingam came to the police station and after going through the complaint questioned Mr. Manohar for his interference in public matters. He threatened him that they would file a case against him saying that he was using the Right to Information Act to harass others. Mr. Manohar was made to stand for four hours in the police station and was forced to give his fingerprints and sign a statement saying that he would not interfere in these kinds of matters and activism hereafter.

## **Appeal:**

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

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of ill treatment, intimidation and forcibly taking the statement of activist and human rights defender Mr. David Manohar;
- Take immediate legal action by arresting the alleged perpetrators, in this case Mr. Ramamurthy, Member of Pallavaram Municipality, the two police constables and Inspector Mr. Suriyalingam for the threat, intimidation and forcibly taking statement of activist and human rights defender Mr. David Manohar;
- Guarantee in all circumstances the physical and psychological integrity of the activist and human rights defender Mr. David Manohar who still faces the risk of further reprisals from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of compensation, an apology to activist and human rights defender Mr. David Manohar for the psychological suffering he underwent due to the threat, intimidation face by him;
- Direct the local district officials to put an end to all acts of attack and harassment against all human rights defenders in general in the state of Tamil Nadu 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 realization 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 Tamil Nadu 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 NHRC to convene a meeting of all state human rights institutions in the state [ the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs etc.] to ensure that a coordinated strategy is developed within the State of Tamil Nadu for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Tamil Nadu in collaboration with the SHRC, Tamil Nadu 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) and further that this public acknowledgement is also confirmed to the NHRC even during the pendency of this complaint ;
- 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 Tamil Nadu.

Looking forward to your immediate action in this regard,

Yours sincerely,

**(Henri Tiphagne)**  
National Working Secretary