



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**August 17, 2017**

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

Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action - Tamil Nadu – Death threats and criminal charges faced by human rights defender and filmmaker Ms. Divya Bharathi and also forced to leave Tamil Nadu for her documentary film “Kakkoos” about manual scavengers in Tamil Nadu- *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 writing to express our grave concern over the blatant violation of freedom of speech and expression given the threats and criminal charges placed on Divya Bharathi regarding her documentary film on manual scavenging “Kakkoos”, and demand that all charges be dropped and adequate security to be provided to her which would ensure her return to the state of Tamil Nadu.

**Status of Human Rights Defender:**

Divya Bharathi is a social activist, filmmaker and film producer from Arupukkottai in Virudhunagar district of Tamil Nadu. She attended Visual Communications at the American College (Madurai) in 2008 before transferring to a law college in Chennai. As a first-year law student, Divya was the District Secretary of All India Students Association (AISA), the student wing of the CPI(ML).

She released the documentary film “Kakkoos” on June 14, 2017 via YouTube, after strong opposition of its screening from the Tamil Nadu state government since February 2017, on the grounds that it would be an issue of law and order. The documentary was shot in 25 districts across Tamil Nadu and documented the harsh realities of caste-based slavery of manual scavengers. Based on this work, Bharathi

estimated that nearly 200,000 people were engaged in manual scavenging in Tamil Nadu. The film exposed the forced labor violations of manual scavenging, including filthy working conditions, health issues, lack of distribution of safety tools, withholding of wages, threats of dismissal, physical violence, sexual harassment, lack of mobility and undignified methods of recruitment.

Divya Bharathi, through her film “Kakkoos” reveals the severe lack of rehabilitation and implementation of existing national laws, addressing the practice of manual scavenging, as dictated by “The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013” passed by the Indian Parliament.

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

- Media Reports

#### **The Perpetrators:**

- Dr. K Krishnasamy, the President of the Puthiya Tamilagam Katchi, a political party
- Other complainants against the HRD on the documentary film issue
- Unknown persons on threat calls and abusive messages
- Madurai Police

#### **Details of the Incident**

According to sources, on August 3<sup>rd</sup>, 2017, the Madurai police charged Ms. Divya Bharathi with violating Indian Penal Code, Section 153 A and Section 505 (1)(b) as well as the Information Technology Act (2006) Section 66 F relating to cyber-terrorism. The IPC laws prohibit “promoting enmity between different groups... on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever” ... and “with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility”, respectively.

It is speculated that the complainants found the documentary damaging the reputation of Pallar community, whose members are involved with manual scavenging. Meanwhile, Divya Bharathi’s phone number was made public on Facebook and other social media sites, after which she received 2,000 calls and threats of rape and killing and acid attacks. On July 25, 2017 Divya Bharathi posted another video in which a Dalit couple who are sanitation workers made serious accusations against the Dean of Anna University, Dindigul, alleging her harassment, forcing them to perform manual scavenging and also sexual harassment.

A few days after this video was posted by her, she was arrested by the Madurai police in connection to the case registered in 2009.

It is important to note Divya Bharathi’s arrest executing a warrant issued by the Judicial Magistrate (JM) Court as part of the All India Students Association (AISA) in 2009, for protesting the poor conditions of Dalit hostel residents in Madakulam in Madurai which led to the death of a student by snakebite. She was then produced before the Court by the police personnel and the JM Court ordered her on bail on condition that she signs at a police station in Madurai for a week. As a social activist, Bharathi is known

for championing Dalit rights and therefore it would be unlike her to be motivated by the defamation of such communities.

HRDA is of the opinion that these incidents are a clear and blatant violation of fundamental rights ensured to every citizen under the Indian Constitution and international instruments on human rights. The right to freely express one's opinion in varied forms has been seriously violated in the case of Ms. Divya Bharathi

Now, Dhivya Bharathi has left Tamil Nadu fearing for her safety as the threats kept increasing and inaction by the police in this regard.

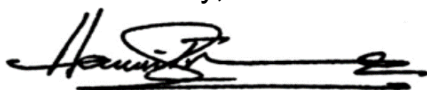
**Appeal:**

We, therefore urge you to immediately take necessary steps and:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of targeting woman HRD Ms. Dhivya Bharathi
- Ensure that all the false complaints filed against the HRD to harass and threaten her should be quashed
- Take immediate legal action on the perpetrators for posting abusive comments and issuing threats to woman human rights defender Ms. Dhivya Bharathi by arresting them and using all provisions of law to ensure that her safety is ensured in the state of Tamil Nadu
- Guarantee in all circumstances the physical and psychological integrity of Ms. Dhivya Bharathi as she continues to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings she has undergone because of the threats and provide a re-assurance of not engaging in such acts against HRDs such as Ms. Dhivya Bharathi
- Put an end to all acts of attack and harassment against all human rights defenders like Ms. Dhivya Bharathi in the State of Tamil Nadu and ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

National Working Secretary

**Copies to :**

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