



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**November 6, 2017**

To,

**Mr. 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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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Tamil Nadu:  
Human rights defender and advocate Mr. Rajarathinam, illegally  
arrested, tortured in custody by police in Tirunelveli, Tamil Nadu***

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 illegal arrest, custodial torture, false case against human rights defender and advocate Mr. Rajarathinam in Tirunelveli, Tamil Nadu.

**About the HRD:**

Mr. Rajarathinam is an advocate. He belongs to a Scheduled Caste (Dalit). He has been appearing, representing and defending persons from

the weaker, exploited and undefended sections of the society belonging to the surrounding villages and hamlets. More particularly, he continues to appear in the 300 and odd cases filed by the State of Tamil Nadu against the people agitating against Koodankulam Nuclear Power Plant. He also represents human rights defenders Prof. Udhaya Kumar and Mr. Muhilan and various others activists who are facing cases against them and most of the work done by him are pro-bono.

**Source of Information on the Incident:**

- The Regional Coordinator for the South of HRDA-India
- Communication from HRD Prof. Udayakumar
- Communication from Ms. Saroja, wife of HRD Mr. Rajarathinam

**Date of Incident:**

- November 3, 2017

**Place of Incident:**

- Residence of Mr. Rajarathinam and Uvari Police Station in Tirunelveli, Tamil Nadu

**The Perpetrators:**

Tirunelveli District Police

**Details of the incident:**

On August 15, 2017 a person had insulted Mr. Rajarathinam by using his caste name. On this, Mr. Rajarathinam filed a complaint in Pazhavor Police Station in Tirunelveli, but FIR was not registered by the police. Since FIR was not registered, he made a petition to the Superintendent of Police, Tirunelveli to make necessary action on his complaint. He also filed a RTI petition on the status of his complaint. Due to inaction from the

police even after sending a complaint to the Superintendent of Police he filed a petition in the Judicial Magistrate Court, Nanguneri to make necessary action against the police personnel for inaction on his complaint on November 3, 2017.

On the night of November 3, 2017, a team of seven policemen of which 6 of them were in uniform came to the house of Mr. Rajarathinam and demanded him to come with them to the police station and gave no reasons. When asked by Mr. Rajarathinam they said that Deputy Superintendent of Police had asked them to do so.

Since he was in his lungi, he requested that he be allowed to change his clothes and also to use the toilet, saying so he went to the toilet. In the meantime, the police team barged into the house where his wife was inside with their teenage daughter and son. Mr. Rajarathinam's wife Ms. Saroja objected for barging into their house, and also attempted to take a photo on her mobile. One of the policemen held her and twisted her hand while another snatched away her phone and she was pushed down.

Hearing this commotion Mr. Rajarathinam rushed inside and questioned the policemen, to which they abused him using his caste name and shouted at him saying that he was delaying and they were waiting for him to come for a very long time and questioned if he was a VIP since he was an advocate. They pulled him and dragged him from his house to the police car outside and took him away. They did not give any reason for taking him when repeatedly asked by him and his family. His wife, Ms. Saroja is admitted in Asaripallam Government Hospital in Nagercoil, Tamil Nadu, where she is treated for her injuries caused by the policemen.

When human rights defender Mr. S P Udayakumar visited Uvari Police Station he saw Mr. Rajathinam visibly shaken and was sitting in the police

station without any shirt. His left toe was injured and was bleeding. Mr. Rajarathinam had been brutally tortured and beaten by the police while he was in their custody in Uvari Police Station.

This is seen as the possible motive for the Tirunelveli District Police to act against Mr. Rajarathinam. It seems that the police through a concerted plan illegally picked up Mr. Rajarathinam from his residence and took him to Uvari Police Station.

His family was not informed where he was taken to. Activist and lawyer from that region who were trying to find the whereabouts of Mr. Rajarathinam called the police stations to enquire whether he had been detained there, and they also asked the Office of Deputy Superintendent of Police, Valliyoor but they were said that Mr. Rajarathinam was not detained there.

When it was known that Mr. Rajarathinam is detained in Uvari Police Station, activists and lawyers went there and questioned upon what charges he was illegally brought to the police station and tortured, to which the police personnel did not give any answers. The police personnel were keen in sending back Mr. Rajarathinam as they knew that the situation has gone out of their hands and wanted to release him without any charges. But Mr. Rajarathinam himself and the activists and lawyers present insisted that this incident should be recorded and remanded as per law. The police could not do that as there was no complaint against Mr. Rajarathinam and it will clearly prove that it was an illegal arrest. Mr. Kumar, the Deputy Superintendent of Police, Valliyoor visited the police station but did not take any action.

After a day-long protest by the activists and lawyers in front of Uvari Police Station, the Judicial Commissioner arrived and Mr. Rajarathinam was

handed over by the police to the Judicial Commissioner. Additional Superintendent of Police, Mr. Udayakumar signed the court order to release Mr. Rajarathinam after a long delay. In the meanwhile, the police filed a FIR against Mr. Rajarathinam before releasing him from the police station. Then he was given bail by the Judicial Commissioner and was taken to the hospital, the whole day he was not given any medical treatment and was left bleeding, as without formal charges against him the police could not take him to a Government Hospital.

This incident shows the utter lack of respect and adherence to rule of law by the police personnel including senior police officials. HRDA is deeply concerned about the recent incidents of police excess in the State of Tamil Nadu and especially in the district of Tirunelveli and urge the Hon'ble Commission to take immediate actions in this regard.

**Appeal:**

We therefore urge the Commission to:

- Order for an immediate enquire into this incident of illegal arrest, custodial torture, false charges against human rights defender Mr. Rajarathinam
- Order an independent investigation on this incident either by using the Commission's Investigation Team or the Special Rapporteurs

Looking forward for immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**

**National Working Secretary**

Copies to:

**Mrs. T. Meenakumari**  
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