



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No.32, Besant Road, Chokkikulam, Madurai - 625 002, Tamil Nadu, India.
P: +91-452-2531874 & 2539520 Fax: +91-452- 2531874 Mobile: 99943-68540
E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No: HRDA/South/TN/01/09/2019
September 03, 2019

To,

Mr. Khaleel Ahmed

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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Brutal murder of young Dalit human rights defender in Tirunelveli District 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 brutal murder of a young Dalit human rights defender Mr. Ashok in Tirunelveli District by a gang of persons from dominant community.

Status of Human Rights Defender:

Mr. Ashok was the District Treasurer of Democratic Youth Federation of India, which is the youth wing of the Communist Party of India (Marxist). He belongs to the Pallar community which is categorised as Scheduled Caste. Mr. Ashok had been continuously working on various social issues in the district of Tirunelveli, especially in his village of Karaiyiruppu. He had been extensively working against incidents and issues of caste discrimination, especially against the members of Pallar community to which he belongs.

Source of Information on the Incident:

State coordinator for Tamil Nadu for HRDA

Date of incident:

12 June 2019

Place of incident:

Karaiyiruppu village in Tirunelveli district, Tamil Nadu

Perpetrators:

- Pechiraja, Ramachandra Thevar, Mookan, Ganesan, Balu, Murugan, Subramanian from Karaiyiruppu village in Tirunelveli district, Tamil Nadu
- Meenatchinathan, Inspector of Police, Thatchanallur Police Station, Tirunelveli

Details of the Incident:

Since the early 1990's, the southern districts of Tamil Nadu had been prone to caste-based violence, especially against the members of Scheduled Caste and Scheduled Tribes. Due to these clashes and violence targeted against Dalits, hundreds of people have been murdered in south Tamil Nadu, and the district of Tirunelveli had witnessed large number of incidents of violence against Dalits. A few years back, four Dalit persons were killed by members of dominant community in Karaiyiruppu village, Tirunelveli district and since then there had always been tension between the Dalits and dominant community.

On 21 April 2019, Ashok along with his mother Avudaiyammal were travelling in a bike from their farm carrying their harvest around 4.30 pm. When they were going near the Uchimakaliamman temple in their village, their bike had hit another bike which was parked on the middle of the road which belonged to a person from dominant community. Immediately after this, a group of five persons belonging to dominant caste headed by Pechiraja stopped Ashok and abused him using filthy language and his caste and started to attack him. When Ashok's mother tried to stop them from attacking him, she was also attacked by the gang and both of them sustained injuries. Ashok and his mother were admitted at the Palayamkottai Government Hospital. A complaint was filed by Ashok at the Thatchanallur Police Station in Tirunelveli District against the five persons who had attacked him and his mother. But subsequently, a false complaint was filed against Ashok by the persons who had attacked him and was also registered by the Inspector of Police, Meenatchinathan. As no action was taken against the perpetrators who had attacked Ashok, and also a false complaint filed by them was registered against Ashok, they were roaming scot-free without action by the

police. Since then Pechiraja, his friends and family developed enmity towards Ashok and were planning to avenge Ashok for complaining against them to the police.

Meanwhile, on 12 June 2019, Ashok was leaving for his work at night around 10.30 pm. He was going to board his company bus near Sivakumar Mills in this village and was accompanied by his father Murugan and his friends Sivasankar, Gouthaman and Murugan. While they all were crossing near the railway line, suddenly, a group of men who are identified as the same persons Pechiraja, Ramachandra Thevar, Mookan, Ganesan, Balu, Murugan, Subramanian, who had attacked Ashok in the earlier occasion on 21 April 2019 started attacking Ashok with machetes and other deadly weapons they had on his head, chest. The gang shouted at Ashok saying that "*How dare you act against our caste and file case against us. You can only act against us if you are alive*" and mercilessly attacked Ashok and hacked him to death and as a result Ashok died on the same place., and the gang fled from the place. Ashok's father and his friends could not help him as they were threatened by the gang to be killed.

The indulgence of this Commission is requested immediately as this particular case is yet again an example of caste discrimination and reprisal against human rights defender Ashok for taking a stand against caste atrocities.

There are various reports which suggest that underlying caste discrimination makes it very difficult for Dalit human rights defenders to carry out their work peacefully. For having taking stands and raising their voice, they are harassed, tortured and even killed. In the present case Ashok was killed. Therefore this case underlines the need to address the issue of caste discrimination which is still prevalent in the country after 71 years of passing of the constitution which prohibits discrimination.

It is also reiterated that protection of human rights defenders is critical to ensure that they are able to work in a safe, supportive environment and be free from attacks and reprisals. Further, The Declaration on Human Rights Defenders, adopted in 1998 by the UN General Assembly, states that governments are under a duty to "take all necessary measures to ensure the protection of human rights defenders by the competent authorities against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary actions" as a consequence of

their efforts to promote human rights. Therefore, the government is bound by its international legal obligations to ensure that all activists and human rights defenders are provided with security against harassment or intimidation so that they may enjoy their constitutional right to due process, life and liberty under Article 21 of the Constitution of India. However in the present case, no protection or due process was provided to Ashok. In the earlier case filed by Ashok against the perpetrators no action was taken by the police which lead to increase in the confidence of the perpetrators who were moving scot free. This led the perpetrators to take the advantage of their freedom and therefore had the opportunity to fatally attack Ashok which led to his death.

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 brutal murder of Dalit HRD Ashok;
- Ensure that the investigation on the brutal murder of Dalit HRD Ashok is expedited and a charge-sheet is filed soon to bring the perpetrators to trial before the court of law;
- Ensure that Karaiyiruppu village in Tirunelveli, given the history of caste-based violence towards the Dalits be identified as violence-prone area under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and adequate protection is given to Dalit families who are facing continuous threats from persons belonging to dominant community;
- Ensure that the family of deceased Dalit HRD Ashok receives compensation under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act;
- Ensure that one person in the family of Ashok is provided a government job as per their qualification.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary