



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**Ref No: HRDA/South/TN/02/09/2019**

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

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Brutal murder of two environmental rights defenders in Karur 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 double murder of environmental rights defenders in Karur district of Tamil Nadu.

**Status of Human Rights Defender:**

Mr. Veeramalai is a farmer by profession and earlier had worked with the Home Guards division of Tamil Nadu Police. He had been working towards removal of illegal encroachments in Mudalaipatti lake in his village in Karur district of Tamil Nadu. He had written and approached various government authorities in the past years to take action on the illegal encroachments in the Mudalaipatti lake. In the year 2016, he approached the Madurai Bench of Madras High Court through his friend who is also Mr. Anandan who is also a lawyer seeking removal of encroachments in the lake.

**Source of Information on the Incident:**

State coordinator for Tamil Nadu for HRDA

**Date of incident:**

29 June 2019

**Place of incident:**

Mudalaipatti village, Karur district, Tamil Nadu

**Perpetrators:**

- Perumal , Jayakandhan , Sasikumar , Stalin, Premkumar from Muthalaipatti village
- Mr. Bhaskaran, earlier Inspector of Police, Kulithalai Police Station, Karur

**Details of the Incident:**

Adjoining the ancestral land belonging to Veeramalai in Muthalaipatti village there is a lake with Survey No. 104/5 extending to an area of 198 acres and since the 1990s there have been no water in the lake hence it has been encroached by various persons from the village, illegally.

Veeramalai in public spirit along with his friend and Advocate Anandan initiated legal action against the encroachment by filing a writ petition with No. 16338 of 2016 at the Madurai Bench of Madras High Court. Upon hearing the case, the Division Bench of Madurai Bench of Madras High Court on October 24, 2018 ordered that all the encroachments in Muthalaipatti lake to be removed and to preserve the water body and the Court last heard the matter on 08.03.2019 and ordered for a status report to be filed.

Meanwhile, on July 26, 2019 at about 3.00 pm, the Commissioner of Thogaimalai Panchayat Union who was impleaded by the Court as a Respondent and under whose jurisdiction the lake is present, along with other government officials visited the Muthalaipatti lake to undertake a survey about the encroachments in the lake. The officials were not able to spot the point from which the lake originally starts, as most of its area have been encroached. Veeramalai was also present near the lake when the officials arrive as his land was close to the lake and he also identified the place from which the lake originally starts. After he identified the starting point, the government officials marked the encroachments and informed that the encroachments will be removed.

Earlier on May 4, 2019 Perumal and Natarajan who are from the same village and have encroached land in Muthalaipatti lake, asked Veeramalai to conduct a pooja in

the newly constructed temple in the lake area. The temple is a private constructed temple using funds collected from the villagers and is operated using illegal electricity service connection. Upon their invitation, Veeramalai conducted the pooja in the above-mentioned temple and two unknown persons threatened him with a pistol to sign in a blank paper or else will be shot at. Veeramalai affixed a signature in the name of Ramar which his alias is and not the official name and when the miscreants left from the temple, he immediately called the police. Mr. Bhaskar, the then Inspector of Police at Kulithalai police station, Karur visited the spot and assured to Veeramalai that he will take necessary action. But Veeramalai was not even informed whether any FIR was filed in the matter.

On the evening of July 28, 2019, when Veeramalai's daughter went to the market in their village, she personally saw Perumal s/o Muthukrishnan, Jayakandhan s/o Samikannu, Sasikumar s/o Konnachi, Stalin, Premkumar who belong to the same village creating ruckus near the market and liquor shop and were seen brandishing swords and other weapons. The police were informed about the incident, and after a while a police patrol also visited the place. It is reported that there were wide-spread rumours in the village that a murder is about to happen in the village.

On the morning of July 29, 2019, around 8 AM, Mr. Nallathambi, son of Veeramalai was returning to their farm house after visiting a friend. When he was nearing the Panchayat TV station in his bike, he was stopped by Prabhakar, a native of the same village. Nallathambi's sister Annalakshmi was seeing the entire episode as she was only few hundred metres away working in their farm. After Nallathambi stopped his bike, Jayakanthan started attacking him with a machete and he fell down from his bike and Perumal shouted at Nalalthambi that "*This is the fate if you file case against us*" and other persons who was with him started attacking Nallathambi brutally. By the time Annalakshmi could reach her brother, the perpetrators left in two bikes saying "*Come, let's kill his father also*" and moved towards their farm house which is at the end of the same road and attacked Veeramalai who was waiting with his grandson Ponnar (11 years old). Perumal and others attacked Veeramalai brutally and he died on the same spot. The gang also tried to attack Ponnat who ran away and when he tried to escape, Jeyachandran chased him and threw a sickle over him which hit in his leg causing a minor injury and hid himself in our farm house.

All the land documents and case files and documents kept in Veeramalai's farm house are missing and the roof of the house has been broken by some miscreants and it is strongly apprehend that it is part of the conspiracy of the perpetrators responsible for the death of Veeramalai and Nallathambi so that there would not be anyone left to pursue this case of mass illegal encroachment in Muthalaipatti lake.

It is submitted before the Commission that once again the State through the Police had failed to provide protection to Veeramalai and Nallathambi despite their being rumours that there was an apprehension about Veeramalai and Nallathambi being attacked for having raised voices against illegal encroachment on Muthalaipatti lake.

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 this particular case the State had failed to take necessary steps to provide safety, security and protection to Veeramalai and Nallathambi who had to die for raising their voices towards conservation and protection of Muthalaipatti lake.

### **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 environmental activists Veeramalai and Nallathambi;
- Ensure that the investigation on the brutal murder is expedited and a charge-sheet is filed soon to bring the perpetrators to trial before the court of law;

- Order for compensation to the family of deceased;
- Order for witness protection to Annalakshmi and Ponnar who are eye-witnesses to the murders;
- Ensure that one person in the family of deceased is provided a government job as per their qualification.

Looking forward to your immediate action in this regard,  
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

**Henri Tiphagne**  
**National Working Secretary**