



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 15, 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 – Tamil Nadu - Arrest and threat to life of Dalit writer Mr. Durai Guna in Pudukottai District- 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 arrest and threat to life of writer Mr. Durai Guna in Pudukottai District of Tamil Nadu.

Status of Human Rights Defender:

Mr. Durai Guna is a writer and a social activist working on environmental issues. He has been consistently protesting against the encroachment of Vettukulam tank in Kulanthiraanpattu village by politically influenced big shots. Durai Guna is concerned with the protection of water bodies as well as environment and hence he has involved in variety of tasks in this regard such as awareness campaign, publishing books, legal intervention and so on.

Source of Information on the Incident:

- Communication with the HRD Mr. Durai Guna
- State Coordinator for Tamil Nadu for HRDA

Details of the Incident

Vettukulam tank located in Kulanthiraanpattu village, Karambakudi taluk, Pudukottai district has illegally been encroached by local politicians for the last three decades. As a result, not only no drinking water was available for cattle and other livestock but also the ground water level went down, leaving no water for agriculture. It highly affected the right to livelihood of the Kulanthiranpattu villagers and also of the adjacent villagers too. As it has been encroached by influential politicians, people were scared to complaint against this illegal encroachment.

Mr. Durai Guna had made many constant efforts to clear the encroachment of Vettukulam tank by filing a case at Madurai Bench of Madras High Court on 20.5.2017. He also lodged a complaint to the District Collector of Pudukottai on 12.6.2017. But no action was taken therefore yet again he had lodged complaint to the district Collector on 20.7.2017 and 19.8.2017, yet no action was taken in this regard. In his complaints he had cited the judgments of the Madras High Court which had relied upon the Tamil Nadu Encroachments Act 1905 and Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007.

As the government took no action, Mr. Durai Guna in order to gain attention of the government officials, had pasted posters which called for people to act against the illegal encroachments as the government officials have not acted upon in this issue.

This was done in order to highlight the inaction of the government officials in the illegal encroachment issue.

A complaint was filed against Mr. Durai Guna in this regard by the Village Administrative Officer Ms. Jasmine Banu after consultation with the Tahsildar of Karampakudi Mr. Willam Moses and Mrs. Chella, Revenue Inspector of Karampakudi. Upon receiving the complaint, Mr. Saravanan, Sub-Insector of Police without any enquiry registered a case with Cr. No:175/2019 against human rights defender Durai Guna under sections 170 (Personating a public servant), 501 (printing or engraving matter known to be defamatory) of the Indian Penal Code then he was lodged in the Pudukottai district prison on 26.8.2019 and was released on bail after six days.

It is pertinent to mention that the Vettukulam tank in Kulanthiraanpattu village has been encroached by a few people supported by Karikaalan s/o Panneerselvam and Karuppaiah s/o Panneer, both belonging to the ruling political party. In addition, they

have been supported by the officials of district revenue department and local police as well. On the other hand, the human rights defender Mr. Durai Guna and his family members face life threat from the encroachers for the reason that Durai Guna has consistently been protesting to remove the encroachment of Vettukulam tank in Kulanthiraanpattu village. In this regard Mr. Durai Guna lodged a complaint to the Kulanthiranpattu police on the life threat to him and his family members by the encroachers therefore requesting the police to provide protection. Till now police provided no protection to him or his family.

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 arrest and life threats to Mr. Durai Guna and his family members
- Ensure that all the false complaints filed against the HRD to harass and threaten them should be quashed immediately
- Ensure departmental action against revenue department officials who were responsible for the arrest of Mr. Durai Guna
- Ensure that land rights defenders in the state of Tamil Nadu are protected without any reprisal towards their human rights work

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary