



HUMAN RIGHTS DEFENDERS'ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No: HRDA/South/TN/02/10/2019

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 attack on human rights defenders Mr. Rajiv Gandhi by police personnel 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 arrest and attack on human rights defender Mr. Rajiv Gandhi by police personnel in Sivagangai district of Tamil Nadu.

Status of Human Rights Defender:

Mr. Rajiv Gandhi is a social activist and is a known active member of Revolutionary Youth Front. He has been constantly working on various human rights issues and is coordinating several social movements under the banner of Tamil National Federation. He has been active in various social issues such as and fighting for the rights of environment, employment for youth, etc.

Source of Information on the Incident:

- Communication from the HRD Mr. Rajiv Gandhi
- State Coordinator for HRDA in Tamil Nadu

Perpetrators:

- Mr. Ganesh, Sub-Inspector, Kalayaarkovil Police Station
- Mr. Anthony, Constable, Tamil Nadu Police and two other unidentified policemen

Details of the Incident:

On 14.07.2019, bull fight was organised in Kaanchipatti village, Kalayarkovil taluk, Sivagangai district during a temple festival. Hundreds of people from surrounding villages. Several policemen were deployed for maintaining security during the event. During the middle of the event, one policeman Mr. Anthony (PC 175) and two other policemen started to indiscriminately attack the people who were witnessing the event without any provocation. Mr. Rajiv Gandhi who was present in this event after seeing this brutal attack by the policemen questioned them as to why they were attacking the innocent people. The policemen immediately started to attack Mr. Rajiv Gandhi and shouted at him saying how dare he questions a policeman. He was then dragged to Kalayarkovil police station where the Sub-Inspector Mr. Ganesh abused Mr. Rajiv Gandhi and asked him if he belongs to Revolutionary Youth Front, he cannot question the police. He also threatened him and said that he has created many 'problems' by protesting against many issues. Then the policemen registered a false case against Mr. Rajiv Gandhi and filed a FIR with Cr. No: 284/2019 under sections 294 (b), 353, 323, 506 (II) of the Indian Penal Code and remanded him in the prison.

It is pertinent to mention here that though there are clear guidelines from the Hon'ble Supreme Court in the case of *Arnesh Kumar v State of Bihar* where rules have been laid that it is not necessary to arrest a person for offences which are punishable for less than 7 years of imprisonment. Though all the charges against Mr. Rajiv Gandhi were less than 7 years of imprisonment he was arrested.

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 attack on human rights defender Mr. Rajiv Gandhi
- Ensure that all the false complaints filed against the HRD to harass and threaten them should be quashed
- 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

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
Honorary National Working Secretary