



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/UA/South/TN/02/01/2025**

11 January 2025

To,

Mr. Indrajeet Kumar,

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- Physical assault of EHRD Gnanasekaran by the illegal quarry owners for opposing their ecological exploitation in Kachaikatti village, Vadipatti, Madurai District, 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 writing to express our concern regarding the physical assault and intimidation of

HRD Gnanasekaran by the illegal quarry owners for opposition to their exploitation in Kachaikatti village, Vadipatti Taluk, Madurai District, Tamil Nadu.

**About the Human Rights Defender:**

Mr. Gnanasekaran is an accountant at a coconut warehouse in Kachaikatti village, Madurai District. His passion for social justice has transformed him into a dedicated social activist with over eight years of active involvement in community development. His notable contributions to society include the construction of water tanks in over ten

streets, the establishment of schools, the provision of toilet facilities, and the improvement of road infrastructure across the region.

In recent years, Mr. Gnanasekaran has intensified his efforts to combat the over-exploitation of natural resources, particularly the destructive activities of stone quarries in Kachaikatti and surrounding villages. His ongoing activism aims to raise awareness about the severe environmental damage caused by these illegally operating quarries and their detrimental effects on the health and livelihoods of the local population. Additionally, he has been writing petitions to the relevant authorities, urging them to address and rectify the situation.

**Source of Information:**

- In direct communication with the HRD
- Communication with the HRDA South Regional Co-ordinator

**Perpetrators:**

- Ananda Siva and Inba Raj whose quarry licences have expired
- Yoha Crusher
- Union of Quarry owners

**Date of Incident:**

December 20, 2024 at 6 p.m

**Place of Incident:**

Near the HRD's house, Vadipatti, TamilNadu

**Background:**

The Kachaikatti region has witnessed an increase in quarry activities, with a total of ten active quarries currently operating. In recent years, more than thirty quarries have completed their operations. At present, two quarries, namely **INBARAJ Quarry** and **ANANDHA SIVA Quarry**, are operating without proper licenses. Additionally, there are thirty crushers located to the west, while the quarries are situated to the east of the village, with water bodies lying in between. The government has recently granted a license for a new quarry, named, **Karruppaiyah Quarry**.

The quarries operate around the clock, extracting resources at unsustainable rates. To obtain licenses for the new mining operations, quarry owners have been known to spray chemicals on the land to damage the soil and plants, falsely claiming that the land is unsuitable for farming. Furthermore, roads are being constructed over water channels to provide access to the quarries, further compromising the environment. One quarry, **Anandha Siva Quarry**, has been operating without a license for some time. It was originally managed by the owner's father, Sundarapandian, but now efforts are being made to secure a license under the name of a local villager, Ramamoorthy, who is acting as a proxy (benami). Despite these illegal operations, local government officials, including the Village Administrative Officer (VAO) and the Tahsildar, have been complicit in supporting the quarries by granting licenses and offering other forms of assistance.

The mining activities have led to the contamination of water bodies, including groundwater, resulting in a rise in health problems, particularly kidney stones among locals who have consumed the contaminated water. Heavy vehicles carrying boulders and gravel ply across the village. The dust from the vehicle movement and crusher plant constantly creates eye irritation and leaves a layer on the face. Most of the locals suffer with respiratory issues, skin and renal function diseases. The activities have caused irreparable damage to the environment by polluting the water and degrading the quality of the soil. One person, named Murugan, has lost his eyesight due to the quarry operations, while another individual has lost a hand. Additionally, a death occurred in an abandoned quarry near Mutharaman Paarai and another three people died of kidney failure. Farmers have been coerced into selling their agricultural lands at unfair prices, with their land subsequently being used for quarrying purposes.

The houses are located at a distance of 300 m from quarries and 50 m from the water stream, which is against the Tamil Nadu Miner Mineral Concession Rules. Quarry owners have to create a separate pathway for carrying a separate pathway for carrying stones from quarries, However, owners have converted the stream into pathways. As quarries function even at night, heavy vehicles ply norms, creating mental distress, air and noise pollution. Due to explosives used in quarries the vibrations leads to cracks in the houses. Men allegedly facing infertility problems. Hens hatching chicks had reduced drastically.

In his quest to protect the environment and his community, HRD Gnanasekaran has submitted numerous petitions to various government departments, including the VAO, Tahsildar, Collector, Chief Minister's Cell, and the President of India. He also gave an interview to a YouTube channel "*Arakazhaham*" which went viral. Despite his repeated appeals to the local authorities, including the police and district administration, no significant action has been taken against the perpetrators of this violence. Recently Geology and mining department and revenue department inspected the village. Survey department refused to measure the depth of the quarries in order to know whether violations have occurred. This has further emboldened the quarry owners, who continue to engage in unlawful activities without fear of legal repercussions.

### **Details of the Incident:**

On 20<sup>th</sup> December 2024, around 6 PM, the human rights defender (HRD) was speaking over the phone very close to his house (approximately 40 meters from his house) on the road. Suddenly, an unknown person approached him from behind on a bike, saying, "*Are you giving the interview?*" and violently struck him with an iron rod on the neck, head, and ribs, rendering him unconscious.

A few locals who witnessed the incident screamed, and many gathered around. Consequently, the attacker left the HRD there and fled. The HRD was initially admitted to the Vadipatti Government Hospital (GH) before being transferred to the Madurai Government Hospital for further treatment. He suffered from a blood clot, which caused him severe pain. The assault has left him physically injured and psychologically traumatized

This attack is suspected to be linked to his vocal opposition to the illegal quarry operations and his efforts to expose the exploitation of natural resources in the region. The quarry owners, seeking to silence his dissent, physically assaulted the HRD and threatened further harm if he did not cease his activism against their illegal operations. HRDA strongly believes that the targeting of HRD Gnanasekaran is an act of reprisal against the human rights defender's legitimate right to expression and his human rights work.

### **Constitutional Provisions**

HRD Gnanasekaran's right to express dissent against illegal exploitation without the fear of reprisal, as guaranteed under Article 19(1)(a) of the Indian Constitution. This

article guarantees the fundamental right to freedom of speech and expression to all citizens of India. Dissenting against illegal exploitation is a fundamental right, and the act of assaulting someone for exercising this right is a violation of this provision

Article 21 of the Constitution of India guarantees the protection of life and personal liberty to all citizens. The beating of HRD Gnanasekaran is a violation of this right, as it involves unlawful physical harm and intimidation. Any form of assault on an individual's body without lawful justification constitutes a breach of Article 21.

The judiciary has often invoked the Directive Principles of State Policy to argue that it is the state's responsibility to promote justice, equality, and the protection of vulnerable populations, which often includes the work of HRDs. It emphasises the protection of human rights, the right to dissent, and the illegality of violence or intimidation against individuals expressing their views or protesting against exploitation.

In the case of **People's Union for Civil Liberties (PUCL) v. Union of India (2003)**, the Supreme Court held that human rights defenders must be safeguarded from violence and intimidation, recognizing their role in upholding the rule of law and justice.

In the case of "**Hemanth Kumar v. Union of India**" (2018), the Supreme court held that the state must take steps to protect human rights defenders from harm or threats that arise from their advocacy for social justice or environmental issues. While not directly involving physical assault, it highlights the importance of HRD protection in legal frameworks. The case **Khurshid Anwar v. Union of India (1993)** focused on the right of citizens to engage in public activities, including advocating against illegal mining and exploitation. The Supreme Court held that repression of dissent by using violence or intimidation is illegal, and the perpetrators must be held accountable under law.

The United Nations (UN) has expressed significant concern over the threats, violence, and vandalism targeting human rights defenders (HRDs). These individuals, who advocate for the protection of human rights, often face serious risks, including attacks on their property and lives. The UN Declaration on Human Rights Defenders, emphasizes that states have a duty to protect HRDs from any threats or harm. This includes safeguarding their property and ensuring that any acts of vandalism or intimidation are properly investigated and those responsible are held accountable. The UN has appointed a **Special Rapporteur on the situation of human rights defenders**, whose mandate includes monitoring and reporting on threats against HRDs.

The United Nations Declaration on Human Rights Defenders 1999 states the following: Article 12 (2) and (3) "*The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*"

**Appeal:**

We urge the Hon'ble Commission to take cognizance of the above case and urgently and :

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry about the incident and submit the report to the NHRC within two weeks
- Direct the state of Tamil Nadu to ensure protection to this EHRD as well as his entire family from any further retaliation or harm using the provisions of the Witness and Victim Protection Scheme 2018 and report back to the Hon'ble Commission on actions initiated.;
- Direct the Tamil Nadu State Pollution Control Board (TNPCB) the Ministry of Environment and Forests (MoEF) and the Department of Geology and Mining of the Government of TamilNadu to take immediate action against the illegal quarrying activities in Kachaikatti Village, Vadipatti, Madurai District including the suspension of all quarrying operations until they comply with environmental regulations and report back to the Hon'ble Commission on actions initiated.;
- Direct the Dean of the Madurai Rajaji Medical college Hospital to ensure that the best medical assistance is provided to the human rights defender in this case with special attention and report back to the Hon'ble Commission on actions initiated; .

- Direct the High Court Legal Services Committee of the Madurai Bench of the Madras High Court to initiate a Public Interest Litigation to ensure that all illegal quarrying in and around Vadipatti are brought to an end through a litigation initiated in the Madurai Bench of the Madras High Court and report back to the Hon'ble Commission on actions initiated.;
- Direct the High Court Legal Services Committee of the Madurai Bench of the Madras High Court to appoint a senior lawyer competent in criminal law assisted by a lawyer in Vadipatti to follow up on the prosecution initiated and follow up until an early charge sheet is instituted and the prosecution is supported by a competent Public Prosecutor and a speedy trial ends bringing justice to the HRD and the lawyer from the High Court Legal Services Committee also ensures that adequate compensation from the victim compensation fund are released at the initiation of the Madurai District Legal Services Authority to the HRD and that they periodically reports back to the Hon'ble Commission on all developments initiated.;
- We also urge the relevant authorities to ensure that those responsible for the assault and intimidation are brought to justice.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary