



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/SOUTH/TN/03/04/2025

April 10, 2025

To,

1. Justice Mr. V. Ramasubramanian (Retd),
The Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in
2. 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

Dear Sir,

Sub: HRD Alert - Urgent Appeal for Action- For an investigation into police inaction, death threats, as well as the discrepancies in the handling of the complaint of Mr. Zakhir and following His Murder - Reg

Greetings from Human Rights Defenders Alert!

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 death threats, police inaction followed by the murder of Human Rights defender, Mr. Zakhir Hussain Bijliin of Thirunelveli, Tamil nadu

About the Human Rights Defenders:

Zakhir Hussain Bijli was a retired Sub- Inspector of Police and an activist who was fighting legal cases against the encroachment of Waqf land in Tirunelveli town. Mr.Zakhir was also a member of the Special Protection Group of former Chief Minister of Tamil Nadu, M. Karunanidhi . Mr. Zakhir was spearheading the legal battle to

retrieve the “illegally occupied” land belonging to the Wakf Board in Tirunelveli town and had been alleging that he was receiving death threats from people involved in that case. Mr. Zakhir was one of the administrators of Murtim Zarkhan Dargha, and was a Mutawalli (a person in charge of managing a Waqf property) of a property in Tirunelveli town.

Source of Information:

- In Communication with the family members of HRD
- Other HRDs
- Media Reports

Perpetrators:

- The Assistant Commissioner Ajay Kumar of Tirunelveli Town
- Inspector Gopalakrishnan of Tirunelveli Town
- Sub-Inspector Senthil Kumar of Tirunelveli Town
- Mr. Thoufiq and Mrs.Noorunisa, the complainant of the case
- And other accused persons

Date of Incident:

March, 18, 2025

Place of Incident:

While returning home after Morning prayers

Background:

For the past years, Mr. Zakhir had been engaged in a legal dispute against a couple, Mr. Thoufiq and Mrs. Noorunisa, accusing them of encroaching upon 36 cents of Waqf land. Mr. Zakhir alleged that the couple had falsified documents to falsely claim ownership of the land, and the case remains pending before the Waqf tribunal.

Prior to his murder, Mr. Zakhir posted a video on Facebook alleging that he had been receiving death threats. In the video, he stated that he had filed a complaint with the police on December 9, 2024, regarding the threats but claimed no investigation had been initiated despite CCTV evidence. Human Rights Defenders (HRD) identified Mr. Thoufiq as the source of the death threats, revealing that the threats came from a group of 20-30 individuals. In the video, Mr. Zakhir further accused both Tirunelveli town Inspector Gopalakrishnan and Sub-Inspector Senthil Kumar of being in glove with Mr. Thoufiq and his group.

Additionally, Mr. Zakhir alleged that although he had filed his complaint in December 2024, he only received a copy of the Community Service Register (CSR) on February 24, 2025. The police, however, claimed that the complaint was filed on February 14, 2025. The HRD also contended that the case was recorded as a civil dispute to justify the police's lack of action.

Details of the Incident:

On Tuesday, March 18, 2025, Mr. Zakhir, a retired sub-inspector of police was murdered in broad daylight in Tirunelveli, Tamil Nadu by a four-member gang. The HRD, Mr. Zakhir Hussain Bijli was an activist who was fighting legal cases against encroachment of Waqf land in the town and had been alleging that he was receiving death threats from people involved in one case. Mr Zakhir was returning home on his bike after offering Fajr (morning prayers) on Tuesday when he was waylaid by a four-member armed gang and was hacked to death. Hours after the murder, two men surrendered at the Nellai court, and the police said they were on the lookout for at least two others. Mr. Zakir's family had refused to accept the body until action was taken against those responsible for his murder.

Mr. Zakhir was engaged in regarding the encroachment of Waqf land. His effort to protect the land and expose illegal actions was human rights activism. Given the context of Mr. Zakhir's legal work, the death threats he received, the police inaction, and the involvement of state actors in allegedly encouraging violence against him, is truly a violation of his rights as a Human Rights Defender.

HRDA strongly believes that the targeting and murdering of Mr. Zakhir Hussain is an act of reprisal against the human rights defender's legitimate right to his human rights work. He was working for the public interest of the community to which he belonged.

The alleged inaction of the police after Mr. Zakhir filed his complaint on December 9, 2024, despite providing CCTV evidence, indicates a failure of the authorities to protect his life, which violates his rights to security and protection under national and international human rights law. **Article 6 of The International Covenant on Civil and Political Rights (ICCPR)**, states, *"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."*

Under Article 12 of the UN Declaration on Human Rights Defenders, *"the State shall take all necessary measures to ensure the protection of everyone, individually and in association with others, against any violence, threats, retaliation, discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the present Declaration."*

The failure of the police to investigate the death threats and the alleged delay in providing Mr. Zakhir with his Community Service Register (CSR) is a serious issue. Under Indian law, the police have an obligation to investigate and act on criminal complaints, including those involving threats against HRD.

In the case of Lalita Kumari v. Government of Uttar Pradesh (2013)

Lalita Kumari, the petitioner, challenged the refusal of the police to register a First Information Report (FIR) despite her complaint alleging a cognizable offense. The refusal to register the FIR led Lalita Kumari to approach the Supreme Court, seeking a declaration that the police are obligated to register an FIR upon receiving such a complaint.

The Supreme Court ruled in favour of Lalita Kumari, stating that:

- *“The police are required to register an FIR as soon as they receive information about a cognizable offense. Failure to do so is considered a violation of legal and constitutional obligations and shall invite contempt. The Court ruled that conducting an investigation after registration of FIR under Section 154(1) of CrPC is the “procedure established by law” and hence is in accordance with Article 21 of the Constitution. The Court noted that if the FIR is filed first and the inquiry is carried out in compliance with the law, the accused’s rights under Article 21 of the Constitution are safeguarded.”*

Article 21 of the Indian Constitution protects the right to life and personal liberty, which would cover the safety of HRDs

In the case of Menaka Gandhi Vs. union of India (1978)

- *This constitutional protection extends to the right to life and personal liberty and encompasses all the rights that are necessary for having a dignified life with access to all the necessities of life and living. It is the linchpin of the golden triangle, as the rest of the rights can only manifest if the right to life is protected efficiently. The courts have interpreted this article many times to demand that every individual get all the peripheral rights manifesting in Article 21 for an unobstructed life and living. It ensures that no person be deprived of life and personal liberty without fair and reasonable procedure established by law*

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.

Mr. Zakhir, as an HRD, was entitled to protection under constitutional, statutory, and international frameworks. The police were obligated to investigate threats made against him and ensure his safety under the BNS, BNSS, and human rights law.

Appeal:

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

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry and submit the report to NHRC.
- Direct the state to order an independent investigation into the police's failure to register an FIR and their inaction in investigating the threats against Mr. Zakhir.
- Investigate the misclassification of the case as a civil dispute and the delay in issuing the Community Service Register (CSR).
- Direct the state to ensure protection for the witnesses and the family of the late HRD, Mr. Zakhir.
- Direct the government to take action to ensure accountability for those who commit such acts of murder.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary