



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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September 20, 2022

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

Dear Sir,

Sub: HRD Alert - India – Urgent Appeal for Action – Tamil Nadu: Attack and murder of HRD Mr. Jeganathan, Environment activist from Kuppam village-Karur district, who was brutally murdered for raising the issue of an illegal stone quarry on 15th August in the Gram Sabha meeting and getting the same sealed – 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 wish to reassert for the first time in our history that we have been communicating with the NHRC on such concerns since the NHRC's Focal Point on HRDs has been established in the year 2010 and all our over 800 such communications have always been undertaken without at any point of time taking any sides, except highlighting what has happened to the human rights defender in each specific case.

This is specifically stated in view of the position taken by this Hon'ble Commission through its most recent order dated 16.03.2022 in NHRC Case No 7090/22/11/2020/OC and directing the Director General, Investigation of the NHRC to investigate the allegation of misusing the Commission and directing it to submit a report.

We are writing to express our concern over the brutal attack and murder of the environment rights activist Mr. Jeganathan under the guise of a road accident for effectively speaking up against an illegal stone quarry and successfully getting it sealed since it was leading to environmental degradation in Kuppam village of Bukalur taluk in Karur district.

We are deeply concerned that subsequent police and revenue action indicates clear collusion of the local police with the perpetrators and poses a further threat to the lives of more HRDs engaged in this issue.

About the Human Rights Defender:

Mr. Jeganathan (52), was a member of the Environment Protection Movement and member of the anti-illegal quarrying movement in Karur district which works to safeguard the environment and livelihood of people in Karur district working under the coordination of an HRD Mr. Shamugam who is a very active HRD in the district and associated with HRDA.

Source of Information:

Communication from HRDA South Regional Co-ordinator
Communication with other HRDs in the region
Communication with the HRD & Media

The Perpetrators:

- Mr. Muthamil Selvan- Deputy Superintendent of Police (Aravakurichy)
- Mr. Sundaravathanam - Superintendent of Police
- Mr. Prabhu Shankar - District Collector Karur

Date of Incident:

September 10, 2022

Place of Incident:

Kuppam near K. Paramathi in Karur district

Background of the Incident:

Karur district is an area with abundant stone quarries and sand, due to which the groundwater and environment have been very badly affected. The livelihood of the people in the area, mainly agriculture, has therefore also been increasingly affected by such illegal activities.

To safeguard the environment and livelihood, various organisations and movements are working peacefully in the region. However, the HRDs who are working in such movements are being targeted and the attacks and the killings on them are on the rise. For example, Nallathambi, son of Veeramalai of Mudalaipatti village of Karur district, (NHRC Case No 2449/22/11/2019) who intervened legally to protect a lake, was murdered on July 29, 2019. HRD Viswanathan, (NHRC Case No 1950/22/11/2019) and others who are fighting to protect the river Cauvery, have been attacked continuously and false criminal cases registered against them. In February 2020 a false case was registered and HRD Shanmugam was illegally arrested. (NHRC Case No 702/22/11/2020). In May 2022, HRD Tamilselvan (NHRC Case No 1751/22/49/2022) was attacked in the same district and on September 10, 2022, HRD Jeganathan has been killed. Mr. Jeganathan is an environmental rights activist who has been working against illegal stone quarrying causing degradation to the environment in Kuppam village, Bukalur taluk, Karur district.

The family of Mr. Jeganathan alleges that an illegal stone quarry has been operating near Tennimalai in the Karur district since 2015. It is owned and operated by a person called Selvakumar who has been operating this quarry illegally, based on false documents in the name of his wife. Stones are cut from the illegal quarry, crushed into the gravel at the nearby crusher factory and sold all over Tamil Nadu. Such quarries have mattered a lot after 2015 when these quarries started using machines resulting in large-scale damage to the environment and consequently to agricultural activities in the area and the health of people in the area. In the Gram Sabha meeting held on August 15, 2022, demanding action against the illegal stone quarry, the participants were instrumental in bringing a resolution to close the illegal quarry being operated by Selvakumar.

On September 9, 2022, the Department of Geology and Mining authorities closed the illegal quarry which was operated by Selvakumar.

History

There was an earlier attack that was made on the deceased human rights defender Mr. Jeganathan about 15 days prior to 31st May 2019 but no case was registered since the perpetrators prevailed upon the HRD to settle the matter and assured that the quarry would remain closed.

However, on May 31, 2019, there was yet another attack on the said HRD by the quarry owner Selvakumar and one Ranjit, and was subsequently registered as Crime No 106 of 2019 in K. Paramathi Police station u/s 147,148,294(b), 324, 448 and 307 IPC. The deceased was admitted to the hospital for several days with grievous injuries. These incidents precede the present attack resulting in the murder of the HRD concerned.

Details of the Incident:

On September 10, 2022, Mr. Jeganathan was returning home in a two-wheeler near Kalipalayam when Selvakumar, the owner of the illegal quarry who was very angry about the closure of illegal quarrying rammed his mini lorry into HRD Jeganathan who was on a two-wheeler. Mr. Jeganathan was killed on the spot near K. Paramathi in Karur district.

On the same day September 10, 2022, an FIR (No. 115 of 2022) was registered in K Paramathi Police Station, against the mini lorry belonging to Annai Stone Quarry registration number bearing TN 47 BY 2877, under section 302 (Punishment for murder) of IPC due to the direct telephonic intervention of HRD Shanmugam with the Inspector General of Police of Trichirapalli.

As information spread, a group of social activists, led by Mr. Shamugam and others from the Tamil Nadu Environment Protection Movement, and the victim's relatives and friends gathered in front of the hospital and staged a dharna. Alleging that HRD Mr. Jeganathan was murdered only for fighting for the closure of the illegal Annai quarry that had been continuing functioning since the year 2015, they demanded a detailed investigation into the death and a re-post-mortem conducted by a team of forensic experts drawn from different Medical college hospitals from the neighbouring districts.

The peaceful protestors HRD Shanmugam and another were illegally arrested on the morning of September 12, 2022, and were taken separately in different police vehicles to different police stations, all contrary to the procedure for arrest as per the Criminal Procedure Code and as laid down most recently by the Hon'ble Apex Court in Satender Kumar Antil versus Central Bureau of Investigation on July 11, 2022, and released only by 08:30 PM in the night. The said illegal arrests were resorted to with the full connivance of the senior police officers of the district, so that they may not be able to continue to advise the wife of the deceased HRD to continue insisting on a post-mortem of Jeganathan's body.

Ms. Revathy, the first wife of HRD Jeganathan, said her husband was brutally murdered for exposing the illegal operation of the quarry and refused to accept the body on Sunday until all the accused persons were arrested.

It was later in the day, the police arrested S. Selvakumar, 39, the quarry owner; Sakthivel, 24, the lorry driver; and Ranjith Kumar, 40, of Rayavelur, on the charge of murdering Mr. Jeganathan. Incidentally, as stated earlier, in the year 2019, Mr.

Jeganathan had a narrow escape when a group of persons attacked him with lethal weapons for opposing the functioning of the quarry. Selvakumar and Ranjith Kumar were cited as accused in that case too.

HRDA undertook a fact-finding mission on 17th September into the said killing of HRD Jeganathan, comprising very respectable lawyers and one Hon'ble Member of the Legislative Assembly as well as the National President of the Swaraj India and State Secretary of the Tamil Nadu unit of People's Union for Civil Liberties (PUCL) and after sending advance and proper intimation of the same in advance to all authorities, including the District Collector, the Superintendent of police and the Assistant Director of the Department of Geology and Mining on 15th September. Unfortunately, all of the above district authorities named above, remained elusive to the fact-finding team when the team visited their respective offices. though members of different police intelligence agencies had travelled all along with the fact-finding team members during their investigation.

HRDA strongly believes that HRD Mr. Jeganathan's family members, (first and second wives) as well his sons, relatives and others who witnessed the incident live in danger of their own lives today since HRD J Jeganathan's carrying out one of his fundamental duties enshrined in Article 51 A (g) of the Indian Constitution which says "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures". Right to a clean environment is also one of the basic elements to ensure a welfare state which is stated in the Directive Principles of State Policy.

It is submitted that the continuation of the above-referred illegal stone quarry and several others in the district for so many years indicate the negligence of the District officer responsible for allowing the functioning of such an illegal stone quarry, namely, the Assistant Director and the Regional Joint Director of the said Department based at Trichirapalli. This clearly amounts to negligence in the prevention of the above said human rights violation of not only the life of the said deceased HRD but also the lives of the people in the area for so many years to the right to lives of the public for the environmental hazards that this illegal quarry and other such quarries have led to.

Article 21 guarantees fundamental Right to Life and liberty. Right to environment, free of danger of disease and infection is inherent in it.

The right to a clean, healthy and sustainable environment is now recognized by the United Nations Human Rights Council (UNHRC) 48/13, adopting a resolution that "recognizes the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights". This resolution has been supported globally including by the Global Alliance of National Human Rights Institutions (GANHRI).

Furthermore, the UN Declaration on Human Rights Defenders 1998, seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.

We appeal to the NHRC to treat this as a case of inaction by the district authorities and the local police that ultimately led to the attack on the very life of an environmental HRD for exercising his Constitutionally guaranteed fundamental right to resist degradation of the environment. The subsequent illegal arrests demonstrate how actively in collusion with perpetrators the district authorities have been only because they wanted to prevent any orders being passed by them or through a court of law demanding a post-mortem in the case.

Appeal:

We urge the NHRC to urgently –

- Direct the Director General of Police of Tamil Nadu to initiate a speedy inquiry in pursuing the present case by transferring it to the Crime Branch CID for investigation and directing its completion of enquiry speedily ;
- Direct the Director General of Police of Tamil Nadu to, in the meantime, submit a report to the NHRC within two weeks to the specific averments made in this complaint ;
- Direct the Director General of Police of Tamil Nadu to ensure complete physical and psychological safety of the HRD Jeganathan's family (two wives and sons and relatives) and assure the NHRC of the same actions within one week.
- Direct the District and Sessions Judge of Karur District to initiate action suo motto using his powers as the Convenor of the Witness Protection scheme 2018 in the district to protect every witness connected with the case after obtaining a threat analysis report as required under the scheme.
- Direct the Government of Tamil Nadu to immediately provide a compensation of Rs. 10 lakh to the family of the deceased HRD and a government job to one of his family members.
- Direct the Commissioner of the Department of Geology and Mining to enquire in a time-bound fashion into the history of the continuous existence of the said illegal stone quarry in Thennimalai in Karur district since 2015, despite complaints preferred continuous surprise checks by officials responsible and owned and operated by Selvakumar, one of the accused in the present murder case registered after the death of the HRD Jeganathan.
- Consider exercising Section 12 (b) of the Protection of Human Rights Act and intervene in the relevant criminal court to defend the environmental HRD Jeganathan by arranging for expert legal assistance by engaging a senior criminal lawyer to assist the prosecution from the time of investigation of this case onwards till the final report is filed and trial completed and obtain for the family of the deceased HRD and his family members and other witnesses proper witness protection as mandated under the Witness Protection Scheme 2018.
- Direct the Additional Chief Secretary of Tamil Nadu, Department of Environment, Climate Change and Forests to create a safe atmosphere conducive to EHRDs in the state.
- Direct the State Government of Tamil Nadu to implement the mandatory precautionary principle directed by the Hon'ble Supreme Court to protect the environment by anticipating, preventing and attacking the causes of environmental degradation.

Looking forward to your immediate action in this regard,



Yours sincerely,

(Henri Tiphagne)

National Working Secretary