



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIATE

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August, 7th 2017

To,

Shri Srinivasa Kammath

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

Sub: HRD Alert - India – Urgent Appeal for Action – False cases registered against human rights defender Mr. Muruganantham by Puducherry police and announcing him as a 'rowdy' as an attempt to detain him under 'Goondas Act' - Regarding

Dear Sir,

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 now writing to express our grave concern regarding the Puducherry Senior Police Chief who has been fabricating personally directing the registration of a series of false cases against Human Rights Defender Mr. Muruganandam in different police stations all in one day within a matter of three hours and the registration of a 'rowdy list' at Orelanpet Police Station containing the name of the human rights defender, ostensibly to detain him under a preventive detention law. This deals with not only the life and liberty of the very well-known and recognized human rights and consumer activist of Pondicherry but also affected his dignity greatly. HRDA at the outset requires that this complaint be taken as an urgent complaint and immediate

action from the Focal Point on HRDs of the NHRC is urgently made to speak to the SSP of Pondicherry to refrain from any such action. This is a matter of urgency and hence is kindly required to be handled so by the Hon'ble Commission in its duty to protect human rights defender since the complaint is being preferred by a nationally reputed organization that works exclusively with HRDs and strongly affirms personal knowledge of all the facts contained in this urgent appeal for action.

About the HRD:

Mr. Muruganandham is a human rights defender and founder of the Human Rights and Consumer Protection Society (HRCPS) which is the only membership based human rights organization in the State of Puducherry. It was allegedly created on the basis of his constant intervention against human rights violations and consumer protection as well.

Source of Information on the Incident:

- The Coordinator of HRDA for Tamil Nadu and Puducherry
- Media sources
- Communication with HRDs in Tamil Nadu and Puducherry
- Statement of the human rights defender Mr. Muruganandam directly made over a series of phone calls with the undersigned for the past four days.

The Perpetrators:

1. Mr. Raju Ranjan IPS, Senior Superintendent of Police
2. Ms. Rachna Singh PPS - Superintendent of Police, Puducherry North

Date of the incident:

July 28, 2017

Details of the incident:

Recently Mr. Muruganandam has intervened in the suspicious death of one Ms. Dhivya in Muthirapalayam, Puducherry. Ms. Dhivya died on July 23, 2017 and the relatives of deceased Dhivya raised suspicion against her husband Vignesh in her death. Hearing about this, Mr. Muruganandam carried out a fact finding and realised that Vignesh the husband had a big hand in the death of Dhivya.

As a result, on July 24, 2017 Mr. Muruganandam peacefully protested along with Muthirapalayam villagers, human rights defenders and the family members of the deceased Dhivya. They demanded legal action against Vignesh who is the prime accused for the death of Dhivya and therefore requested that the body of Dhivya be handed over either to her family members or Muthirapalayam villagers who had close association with Dhivya. The police instead, handed over the body of Dhivya to her husband Vignesh on July 25, 2017 and the family members of deceased Dhivya were not allowed to pay homage by the police.

Condemning the action of Ms. Rachna Singh - Superintendent of Police (Puducherry North), Human Rights and Consumer Protection Society (HRCPS) had immediately displayed wall posters both in Tamil and English demanding the transfer of the said police officer who was not sensitive to handle this case of suspicious death of a woman, when the husband was involved in the death.

This action of Mr. Muruganandam irritated the Senior Superintendent of Police whose affinity and soft corner to anything that affects this senior woman police officer is well known in the city of Puducherry state and hence upon his personal instructions, the local police have been 'forced' to register false and fabricated cases against his staff members, members of HRCPS and himself and also added his name in the 'rowdy' list so as to detain under a preventive detention law, deeply inspired by the actions of senior police officers in the neighbouring State of Tamil Nadu where W/HRDs have been recently detained under the Tamil Nadu Goondas Act and complaints in this regard have also been filed to the Hon'ble Commission as well as to the UN Working Group on Arbitrary Detention.

On July 28, 2017, a case with Cr. No: 60/2017 under Section 6 of Pondicherry Open Places (Prevention of Disfigurement) Act 2000 against human rights defender Mr. Suresh, a staff of HRCPS was filed in Mettupalayam police station. Following this action, over hundred human rights defenders staged a peaceful protest against this false case and hence the police provided Suresh a bail in the Police station and refrained from producing him before a Judicial Magistrate from remanding him.

Thereafter, the Puducherry police have charged multiple cases against the HRD Mr. Muruganandam. In Odiansalai Police Station a false case against Mr.

Muruganandam with Cr. No: 121/2017 under Sections 505 (2) of Indian Penal Code on August 02, 2017 and the Lawspet Police Station have booked a false case Cr.No: 96/2017 under Sections 384, 506 (2) of Indian Penal Code on August 03, 2017.

Now it is learnt that the Mettupalayam Police have altered the Cr. No: 60/2017 under Section 6 of POP and PD Act 2000 that was filed only against Mr.Suresh and have registered a new case with Cr.No: 64/2017 under Sec. 505 (2) of IPC against Mr. Muruganandam and, Mr.Kalidoss, Mr.Murali who are also human rights activists and members of HRCPS.

The personnel of Orelanpet Police Station have now added Me. Muruganandam in the rowdy list referring to the earlier peaceful agitations conducted by him when formal cases against him were got registered under Sec. 151 of IPC.

According to our sources, the Puducherry Police are preparing to detain Mr. Muruganandam under a preventive Detention law (Puducherry Prevention of Anti-Social Activities Act, 2010). Mr. Muruganandam had also met the Hon'ble Chief Minister of Puducherry Union Territory Mr. Narayanasamy along with 50 human rights defenders on 04.08.2017 and presented him a memorandum at 10 AM outlining in detail what had taken place since then and praying to stop the unlawful attempt of the Senior Superintendent of Police of Puducherry, Mr. Raju Ranjan IPS to detain him under a preventive detention law.

It is pertinent to mention that on receiving the said memorandum the Hon'ble Chief Minister had called the SSP to meet him with the necessary files at 1 PM. It is between 10 AM and 1 PM on the 4th August that most of the cases were urgently 'got registered' by the SSP for presenting before the Hon'ble Chief Minister during his appointment with him at 1 PM. The officers in the different police station were all pressurized and abused by the SSP to get the cases registered. This was reliably heard by members of the HRCPS who were incidentally in the same police station where these phone calls and wireless messages were being passed to the respective Station House Officers of these police stations.

Concerns:

We comprehend that the harassment, intimidation, and threats on human rights defender, Mr. Muruganandam is aimed to target and obstruct the work of him as an HRD and the organisation. Our grave concern is the said actions of the police officials force us to believe that there is very possibility of using a preventive detention order against the human rights defender portraying him as a criminal. This is the phenomenon of criminalizing human rights defenders that has often been periodically referred by the UN Special Rapporteur on Human Rights Defenders in their reports.

We urgently wish to bring to your kind attention that the fabrication of false cases against human rights defenders and trying to detain Mr. Muruganandam under a preventive detention law and referring him to be included in the rowdy list of his local police station is not only totally arbitrary but in total contravention of the established domestic and international standards related to the freedom of peaceful assembly by the United Nations.

Mr. Muruganandam is a Human Rights Defender among others and is protected under a UN Declaration on human rights defenders 1998 to which India is a signatory. We feel that it is the bounden duty of the Puducherry Union Territory to see that this harassment is stopped henceforth.

We are gravely concerned about the intimidation tactics employed by the police force of the Puducherry Union Territory by none other than the Senior Superintendent of Police and the alleged aforementioned facts strongly indicates that the authorities have to fulfill their obligations under international human rights law to protect the right to freedom of speech and expression and right to participate demonstration and to protect the rights of a human rights defender to perform his duties without any hindrance. The Puducherry Union Territory authorities must ensure that the forces comply with international human rights standards on law enforcement, in particular those relating to the defender's rights.

We express our deepest concern about fabricating false cases against human rights defender Mr. Muruganandam which seems to merely aim at banning his peaceful human rights activities, and calls upon the authorities in Puducherry to put an end to such activities immediately and unconditionally.

Prayer:

- i. Guarantee in all circumstances that all Human right defenders in the Union Territory of Puducherry are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.
- ii. Put an end to any kind of harassment by filing false criminal cases against Mr. Muruganandam, the staff and members of HRCPS and any genuine human rights defenders in Puducherry.
- iii. Direct all the criminal cases registered by the Puducherry police to be investigated by the investigation wing of the Hon'ble NHRC and on the basis of the report to take further action about each of the criminal cases registered as well as not only compensate Mr. Muruganandam, but also for the SSP to apologise to him for what has been got done and provide an assurance that henceforth such actions will not be repeated.
- iv. Direct the SSP Puducherry to immediately withdraw the inclusion of the name of Mr. Muruganandam from the rowdy list of Orelanpet police station and directing him further to refrain from passing such illegal orders to his subordinate officers.
- v. Direct the Chief Secretary of the UT of Puducherry to immediately, within a time limit to be framed by the Hon'ble Commission, undertake a training for all Secretaries and Collectors as well as all Superintendents of Police and the Senior Superintendent of Police to be conducted by the NHRC using the training acumen of its senior staff and its own NGO Core Group and other HRDs to acquaint them on the provisions of the UN Declaration on HRDs so that the rights and responsibilities of W/HRDs are known to all of them and they and henceforth not flouted in the UT;
- vi. Direct the Union Territory of Puducherry to conform the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - o its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", as well as

- its Article 12.2, which provides that 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 his or her rights”
- vii. Direct the Union Territory of Puduchery to immediately establish a State Human Rights Commission following the recent directions of the Supreme Court and ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,

Sd/-

Henri Tiphagne

National Working Secretary

Assistant Registrar(LAW)
Fax No.: 011-2465 1332
Home Page : <http://nhrc.nic.in>

Case No. 72/32/0/2017/OC
NATIONAL HUMAN RIGHTS COMMISSION

(LAW DIVISION)
MANAV ADHIKAR BHAWAN
BLOCK-'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023

05 SEP 2017

Dated 24/08/2017

Case No. 72/32/0/2017/

To

THE DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTERS, GOVT. OF PUDUCHERRY (U.T.),
PUDUCHERRY

Sir/Madam,

The complaint dated 07/08/2017 received from HENRI TIPHAGNE in respect of MR. MURUGANANDAM, MR. KALIDOSS, MR. MURALI, was placed before the Commission on 23/08/2017. Upon perusing the complaint, the Commission directed as follows.

The complaint be transmitted to the concerned authority for such action as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks and to inform the complainant of the action taken in the matter.

2. Accordingly, I am forwarding the complaint in original for necessary action as per the directions of the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)

CC To:

Case No. 72/32/0/2017/

HENRI TIPHAGNE

NO.32, BESANT ROAD, CHOKKIKULAM, MADURAI
MADURAI, TAMIL NADU.



ASSISTANT REGISTRAR(LAW)



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NATIONAL SECRETARIAT

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NHRC Case No.72/33/0/2017

09.09.2017

To

The Assistant Registrar (Law)
National Human Rights Commission,
Manav Adhikar Bhavan, Block-C,
GPO Complex, INA, New Delhi-110023

Sir,

Sub Urgent Appeal regarding false cases registered against human rights defender Mr. Muruganantham by Puducherry police and announcing him as a 'rowdy' as an attempt to detain him under 'Goondas Act'—Urgent Appeal transmitted to DGP, Puducherry for appropriate action—Reg.

Ref 1. Urgent Appeal submitted to the Hon. NHRC dt. 07.08.2017
2. Copy of communication received from the Hon. NHRC dt.05.09.2017 addressed to the DGP, Police HQrs. Govt. of Puducherry, in Case No.72/33/0/2017 received on 09.09.2017

We wish to submit that we have sent an Urgent Appeal 1st cited in the reference expressing our great concern regarding the Puducherry Senior Police Chief who has been fabricating personally directing the registration of a series of false cases against Human Rights Defender Mr. Muruganandam, founder of the Human Rights and Consumer Protection Society (HRCPS) which is the only membership based human rights organization in the state of Pondicherry, in different police stations all in one day within a matter of three hours and the registration of a rowdy list at Orelanpet Police Station containing the name of the Human Rights Defender ostensibly to detain him under a preventive detention law with a request to take it an urgent complaint and immediate action from the Focal Point on HRDs of the Honorable National Human Rights Commission to speak to the SSP of Pondicherry to refrain from any such action.

Further we have urged the Hon. NHRC as this is a matter of urgency this may be handled so by the Honorable Commission in its duty to protect human rights defender. According to our Urgent Appeal, the perpetrators are Mr. Raju Ranjan IPS, Senior Superintendent of Police and Ms. Rachna Singh PPS Superintendent of Police, Puducherry North.

At this juncture we have state that on 09.09.2017 we have received a communication from the Hon. Commission 2nd cited in the reference under which the above mentioned Urgent Appeal has been transmitted to the concerned Police Chief of the Pondicherry for taking appropriate action within 8 weeks which is surprising to note how the Hon. Commission transmitting the Complaint to the concerned Police chief who is the perpetrator in this incident. The decision of the Honorable NHRC transmitting the Urgent Appeal to the authority for disposal against whom the Appeal preferred in no way by legally or logically acceptable one. Further it is not known how the Hon. Commission has come to such conclusion to transmit the complaint to the authority ought to have file their counter or to answer for their act of Human Rights Violation against a Human Rights Defender before the Hon. Commission.

Hence, we request the Hon. Commission to reconsider the decision taken by the Hon. Commission and to take an immediate and appropriate action in this matter as prayed for by the HRDA India by reviewing the order passed by the Hon. Commission sitting on 23.08.2017 without allowing the perpetrator of the Urgent Appeal himself as a deciding authority for the said Urgent Appeal.

Yours sincerely,



(Henri Tiphagne)

National working secretary, HRDA India

**GOVERNMENT OF PUDUCHERRY
POLICE DEPARTMENT**

Dated: 22.01.2018.

NOTICE TO THE COMPLAINANT

It is informed that your complaint dated 07.08.2017 was received from the Assistant Registrar (Law), National Human Rights Commission, New Delhi. You have alleged that false case was registered against the human rights defender Mr. Muruganandam by the Puducherry Police and also declared him as a "Rowdy"; besides, attempting to detain him under the "Goondas Act". You have also stated to put an end to any kind of harassment by filing false case against Mr. Muruganandam, the staff and members of HRCPS and also other genuine human rights defenders in Puducherry. You have also requested to direct the Police authorities of Puducherry to immediately withdraw the inclusion of the name of Mr. Muruganandam from the rowdy list of Orleanpet Police Station and also to refrain from passing such illegal orders to his sub-ordinate officers.

2. In this regard, it is informed that necessary enquiry was conducted and it revealed that the cases registered against Mr. Muruganandam are on genuine ground as per law. The History Sheet (Rowdy) was also opened on 04.08.2017 vide H.S.No.109 against Mr. Muruganandam at Orleanpet PS as per the Standing Order on the subject since he was residing in that area to watch his movements. No further action is called for.



(Dr. V.J. CHANDRAN, IPS)

Dy. Inspr. General of Police (C & I) – cum-
Nodal Officer, NHRC,
Puducherry

To

Thiru. Henri Tiphagne
National Working Secretary,
No.32, Besant Road, Chokkikulam,
Madurai, Tamil Nadu.

Copy to :

The Assistant Registrar (Law),
NHRC, New Delhi - **for kind info.**