



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 24, 2021

To,  
Mr. C S Mawri,  
Focal Point - Human Rights Defenders & Assistant 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 – Tamil Nadu: Illegal detention and custodial torture of HRD by Chennai police.**

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding the abduction and custodial assault of HRD Arun Prakash.

**Source of Information:**

- Communication with the HRDs in the region
- Communication with HRDA Southern Regional Consultant

**Date of Incident:**

March 13, 2021

**Place of Incident:**

TP Chatram Kilpauk, Chennai

**The Perpetrators:**

- Sub Inspector Radhakrishnan, TP Chatram Police Station, Chennai
- Constable Mr. Ashok, TP Chatram Police Station, Chennai
- Constable Mr. Iyenaar from TP Chatram Police Station, Chennai

**About the Human Rights Defender:**

Mr. Arun Prakash s/o Kuppusamy is a Dalit activist and former member of Citizens for Human Rights Movement (CHRM) and currently south region secretary for Viduthalai Chiruthaigal Katchi (VCK).

**Details of the Incident:**

On March 13, 2021, Mr. Arun Prakash went to Vikram Finance at TP Chatram Chennai for some personal work. At around 02:30 pm, he went to a stall opposite the Vikram

Finance to have juice with his friend Ashok. At this time, the TP Chatram Police SI Radhakrishnan, Constables Ashok and Iyenaar came to the shop and told Mr. Poongavanam, the owner of the stall, to remove the stall. The stall has been there from past 8 years, however, no prior notice was given for its removal. Soon the police started using abusive language against owner and his wife.

Mr. Prakash who was drinking juice at the stall started recording the video of the incident – the police using abusive language – as an HRD with the intention to record the misbehaviour of the policemen with the citizens and bring it to the light of the human rights institutions.

The policemen noticed Mr. Prakash recording the video on his phone and asked, *“who are you to do all this?”* Mr. Prakash replied to the police saying, *“just like media, a citizen has the right to question the authority if there is any misuse of law, this is an illegal act in the public.”* The policemen abused and physically assaulted him on the road and said, *“as police we have all rights, who are you to record the police?”*.

At around 2 pm, the three policemen illegally detained Mr. Prakash and took him to the TP Chatram Police station in their vehicle. In the custody, they beat him up brutally and stamped on his face with their boots. The policemen also threatened him with false drugs (ganja) case. He was kept at the police station till 06:30 pm and was released after the telephonic intervention of the Tamil Nadu State Human Rights Commission. However, a case was not registered with the TN SHRC.

After being released by the police, the HRD went to Kilpauk Medical College Hospital for treatment. However, Dr. Ganesh, one of the doctors who was working in the emergency, did not admit the HRD to the hospital and instead merely provided first aid and let him go in the morning. The HRD alleges that the doctor was acting under police pressure.

On March 15, 2021, the HRD went to the hospital requesting for wounds certificate and report relating to his treatment, but he was not given any medical reports by the hospital management. On March 17, 2021, he sent a RTI, requesting for his reports within 24 hours. However, the hospital replied to the RTI stating that since he was an outpatient, his medical records can only be given to the police.

We believe that this case is a serious misuse of power by the police authorities. Mr. Prakash who was acting in public interest by recording misbehaviour of policemen was abused, assaulted brutally, picked up without any proper arrest procedures, tortured and threatened by the policemen. In illegally detaining Mr. Prakash at the police station without any due procedure, the police violated multiple provisions (Guidelines 2, 3, 5, 7, and 10) of the DK Basu Guidelines. The most heinous human rights violation is the custodial torture Mr. Prakash was subjected to by the police.

A number of national and international laws and covenants prevent custodial torture. Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Whereas Article 2 of the United Nations Convention against Torture prohibits torture and requires state parties to take effective measures to prevent it in any territory under their jurisdiction.

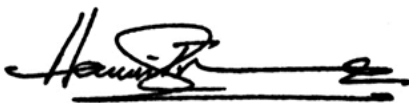
The UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels; (article 1). 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 the rights referred to in the present Declaration”* (Article 12.2). The right to exercise freedom of speech and expression is enshrined under Article 19(a) and the right to assemble peacefully under Article 19(b) of the Indian Constitution.

**Appeal:**

We thus urge the Hon’ble Commission to:

- Direct its investigation wing to conduct an independent, thorough, transparent, effective and impartial investigation into illegal detention and custodial torture of Mr. Arun Prakash. Towards this, we urge the Hon’ble Commission to direct the Director General of Police of Tamil Nadu to submit the following for March 13, 2021, within a week –
  - Vehicle records and registers of the TP Chatram Police Station, Chennai
  - Call data records of all arresting/detaining officers and Station In-Charge, and wireless records of the TP Chatram Police Station, Chennai.
  - CCTV footage from the TP Chatram Police Station, Chennai.
  - Detailed Records of Mr. Arun Prakash from the Kilpauk Medical College Hospital.
- Based on the independent inquiry, direct the Director General of Police of Tamil Nadu to immediately suspend and start criminal proceedings against Sub Inspector Radhakrishnan, Constable Ashok and Constable Iyenaar of TP Chatram Police station and any other policemen from the TP Chatram Police Station, Chennai who were involved in the assault, abuse and threats to the HRD Mr. Arun Prakash.
- Direct the Chief Secretary of Tamil Nadu to pay compensation to HRD Mr. Arun Prakash for the illegal detention and custodial torture he was subjected to.
- Ensure full safety of Mr. Arun Prakash and his family from future threats and fake cases by the Chennai Police.

Yours sincerely,



**Henri Tiphagne**  
National Working Secretary