



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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

January 11, 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- Tamil Nadu: Intimidation and arrest of EHRD for publicly listing names of public officials and raising awareness about the order of the High court- Madurai Bench.***

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 harassment, threat and illegal arrest of Mr. Durai Guna, a writer and human rights defender, who exposed the illegal encroachments in the water bodies in Pudukottai district. He has created awareness campaign for implementing the order of the Madurai bench of Madras high court, dated 23. 02.2018 in W.P.(MD): No. 1713/2018. Even after 6 years from the court's direction the authorities failed to implement the direction of the court and refused to remove the encroachment in pudukulam lake at Neerpalani village panchayat Viralimali Taluk, Pudukottai District. The HRD reminded their responsibility by publishing the poster containing the special debate on who is responsible to implement this order of the Hon'ble High court.

**Source of Information:**

- Communication with the HRD
- Communication with HRDA Southern Regional Consultant

**Date of Incident:**

November 25, 2024

**Place of Incident:**

Kuzhanthiranpattu Village, Karambakudi Taluk, Pudukottai, Tamil Nadu

**The Perpetrators:**

- Mrs. Vandita Pandey, IPS., Superintendent of Police, Pudukottai
- Tmt. M. Aruna, I.A.S, District Collector, Pudukottai
- Mr. Sivasubramanian, Deputy Superintendent of Police, Keeranur Pudukottai

**About the Human Rights Defender:**

Mr. Durai Guna is a Dalit Rights writer, Human rights defender and environmental protection activist who creates awareness on protection of lakes, land encroachments and roads.

**Background of the Incident:**

A writ petition was filed under the article 226 of the Constitution of India seeking to issue a writ of mandamus directing the district collector of Pudukottai, the Tahsildar of Viralimalai and the Block Development Officer of Viralimalai Panchayat to remove the encroachment made by 10 people in S.F. No. 62, Pudukulam lake at Neerpalani village Panchayat, Viralimalai Taluk, Pudukottai District.

A representation dated 06. 12. 2017 was pending before the relevant authorities and no orders have been passed so far and hence, Durai Guna and his companion namely Arumugam filed the writ petition before the Madurai bench of Madras High Court.

In the light of the above, on 23.02.2018 the Hon'ble Court directed the Tahsildar to consider the HRD's representation, dated 06.12.2017 to pass appropriate orders, on merits and in accordance with law, within a period of eight weeks.

Even after six years of the court's order, the relevant authorities failed to remove the encroachment in Pudukulam Lake at Neerpalani Village Panchayat, Viralimali Taluk, Pudukottai District. In response to the authorities' inaction regarding the court order, the Human Rights Defenders created a poster and sought permission to display it throughout the district. The poster highlighted a special debate scheduled for 27th November 2024 and listed the names of the relevant authorities responsible for implementing the order.

**Details of the Incident:**

On 25th November 2024, aggrieved by the content of the poster, HRDs Arumugam and Durai Guna were arrested on at 11:10 a.m. on charges of defamation. The refusal

letter for the poster was handed to the HRD during his arrest from his home, citing concerns that it would attract public attention, cause nuisance, and potentially endanger the public's life and safety.

On 25th November 2024, an FIR was filed against HRD at Karambakkudi Police station Crime no. 53/2024 under the sections of **192** (the act of provoking others to commit a riot), **356(4)**( whoever sells or offers for sale any printed or engraved substance containing defamatory matter), **353 (1)(b)**( Statements conducing to public mischief), **336(4)** ( anyone who commits forgery with the intent to damage the reputation of a party) of BNS 2023 on the complaint of Revenue Divisional officer Kuzhanthiranpattu Village, Karambakudi Taluk, Pudukottai. Thereafter bail was extended to the HRD vide Judicial custody own bond released dated 25.11.2024 with the condition that the HRD shall present himself at the Mandaiyur police station.

On 7<sup>th</sup> December 2024, the HRD filed a petition u/s 480 of BNSS in the court of Judicial Magistrate, Keeranur in Cr.M.P. 1194/2024 to relax the condition imposed by the judicial Magistrate on the bail bond dated 25.11.2024. The HRD said that due to the bail condition, he is unable to take up any job for livelihood. In view of the above fact, the court preferred to modify the condition imposed vide judicial magistrate own bond released dated 25.11.2024. Thereafter, the court ordered on 7<sup>th</sup> December 2024, that the HRD shall appear once at the police station at 10.30 AM on the first day of Every month until further orders.

We believe that this is abuse of power by the public officials and reprisals against a civic minded citizen who is striving to raise awareness about an environmental issue that will impact future generations. His intention in creating the poster was to prompt the officials to act on the court's order and to raise awareness among the public about the protection of Pudukulam Lake. His efforts should have been appreciated and acted upon by the authorities. Instead, they filed an FIR against the HRD, denying him permission to display the poster and hold the debate. Ironically, he was treated as a political suspect and arrested, falsely implicating him on charges of defamation.

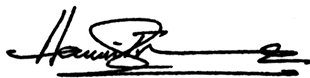
Under Article 19(a) of the Indian Constitution, Mr. Durai Guna has the right to freedom of speech and expression, which includes the right to dissent. In this instance, he was simply fulfilling his duties as an HRD and responsible citizen, not for personal gain, but in the public interest. Although Mr. Guna is currently out on bail, his life remains under threat since the encroachers are aware that the police will take no action against them, and instead, they arrested the HRD who raised concerns about their illegal encroachments.

**Appeal:**

We urge the Hon'ble Commission to immediately intervene in this matter in protecting the HRD. Mr. Durai Guna is continuously being targeted for his legitimate activities in public interest. We also urge the Hon'ble Commission to immediately take necessary steps and:

- Direct the Director General of Tamil Nadu to initiate a transparent, independent inquiry and submit the report to NHRC within two weeks.
- Direct the Director General of Tamil Nadu to ensure the safety and protection of human rights defender, writer, and activist, allowing him to work without fear of retaliation or harassment and submit the report to the honorable Commission within two weeks.
- Direct the Chief Secretary of Tamil Nadu to conduct an inquiry into the negligence on the officials who failed to do their duty, which might lead to endangering the safety of the environment.

Yours sincerely,



(Henri Tiphagne)  
National Working Secretary