



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/South/TN/01/12/2024

03 December 2024

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- Urgent Appeal for Action- Refusal of peaceful protest, Illegal detention, and torture of HRD Prof Arumugam by Tamil Nadu police.

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 torture and illegal detention of HRD Prof. Arumugam by Inspector M. Sukumaran in Gandharvakottai police station, Pudukottai District, Tamil Nadu.

About the Human Rights Defender:

Prof. Arumugam, a prominent human rights defender, belongs to the Hindu Adhi Dravidar community from the Pudukottai district, specifically the Kandarakottai area and is involved in various human rights work, such as protecting government lands, filing complaints with government, rescuing encroached lakes and ponds, and urging the authorities to take legal action against those who violate the law. Additionally, he works as the coordinator of the All Party Federation, a platform which brings together all the political parties operating in the area.

Source of Information:

- In communication with the HRDA South Regional Co-ordinator
- In communication with the HRD
- In communication with other HRDs in the region

Perpetrators:

M. Sukumaran, Inspector of Gandharvakottai police station and other police officials of the Gandharvakottai police station

Date of Incident:

November 13, 2024

Place of Incident:

Gandharvakottai police station in Pudukottai District

Background:

Due to the illegal electrification of a fence on farmland owned by Chinnaiah in Komapuram village, wild animals, along with Rajesh Khanna and Muruganatham, died due to electrocution within the jurisdiction of the Gandharvakottai police station. Police Inspector M. Sukumaran defended the culprit in this case. Accordingly, a demonstration was planned for 14.11.2024, under the leadership of Dr. Arumugam, in Gandharvakottai demanding action against M. Sukumaran for failing to take appropriate action.

On 12.11.2024, at 4:30 PM, the Inspector of the Gandharvakottai Police Station refused to allow the demonstration and instead visited Prof. Arumugam's house, where he posted a letter of refusal on the wall. At the instigation of Police Inspector M. Sukumaran, Pushpa and her two sons, namely Veeramani and Bhuvaneshwaran, went to the house of Prof. Arumugam around 7:00 PM on 12.11.2024 and threatened him and abused them with abusive language. Prof. Arumugam witnessed this and recorded the incident on his cell phone. At 7:43 PM, Prof. Arumugam called the Gandharvakottai Police Station to report that a group of three individuals were threatening him and using abusive language in front of his house. The woman police who received the complaint through mobile phone, whose name was not known, said, *"Don't worry, we will arrange security for you, so don't come to the police station at night, as you are with the children"*.

Following this, Prof. Arumugam contacted the Pudukottai District Hello Police and registered his complaint. He also reached out to the Superintendent of Police and filed a report. Later, the Gandharvakottai Duty Sub-Inspector, Bhaskar, contacted Prof. Arumugam and said that he was in Ariyalur for the Chief Minister's security and advised Prof. Arumugam to visit the police station the following morning to file a complaint.

On 13.11.2024, at about 5.30 AM, he went to the Gandarvakottai police station and gave a written complaint to constable Muthukumar. Arumugam had also sent a complaint to the Pudukkottai Superintendent of Police (SP), Central Zone Deputy Inspector General of Police (DIG) and Central Zone Inspector General of Police (IG). Infuriated by the victim's complaint to the higher authorities, the Gandarvakottai Police Inspector instigated Pushpa to file a complaint and filed a false case against the victim prof. Arumugam under Crime No. 349/2024 under section 296(B), 353(B), 115(1), 4 of CMWHA.

Details of the Incident:

On 13.11.2024, at around 7:30 PM, four policemen from the Gandarvakottai Police Station, led by Assistant Police Inspector Veerapandian along with Muthukumar and Urumaiya, arrived at the home of Prof. Arumugam and detained him without providing any information or reasons, he was then placed him in a jeep and taken to Gandarvakottai police station. His wife and children followed him to the police station on a two-wheeler.

The HRD was made to sit on the floor and Inspector M. Sukumaran looked at the HRD and stated, "*You are a big liar, you are filing a complaint against me to IG and DIG, if you file a complaint, will they take action against me? Now I will file a case against you and send you to jail, go there and eat kali, even if you have a doctorate, you will not be able to enjoy anything in your life anymore, I will ruin your life*" and then the police forcibly snatched HRDs mobile phone.

The HRD was then taken to Gandarvakottai government hospital, where a doctor examined him and issued medical certificate. Around 9:00 PM, he was brought before the Judicial Magistrate, Gandarvakottai where he told the Magistrate, "*I hold a doctorate and work in a private college. I have no criminal record. It was the family of Pushpa who came to me, made obscene remarks, and threatened me while I was recording a video. I sent the video and a document directly to the police department, especially to the Sub-Inspector of Gandarvakottai Police Station, along with a written complaint.*"

Then the HRD, went to the police station to collect his mobile phone, After reviewing the details of the case, the magistrate informed Prof. Arumugam that he is released

on bail and asked him to come to the court the following morning. Meanwhile the relatives of HRD was waiting at the police station.

Policeman Urumaiya then told Prof. Arumugam to come to the police station along with him to retrieve his cell phone from Inspector M. Sukumaran and he took him by his bike. when HRD asked the Inspector for his phone. The Inspector refused, saying, *"I'm not giving it to you. Do whatever you want."* Prof. Arumugam then sat down in front of the police station, refusing to leave without his cell phone. Seeing this, Sub-Inspector Veerapandian rushed out and aggressively stomped his foot, tearing HRD's clothes. Inspector Sukumaran punched him in the face and kicked him, threatening, *"If you report this to senior officers, I will make sure you can't protest again."* This resulted in four teeth falling out of his lower jaw and bleeding.

Seeing that Prof. Arumugam was severely injured, the Inspector Sukumaran handed over his cell phone to his sister, Malarkodi. His wife, children, sister, and other relatives were present at the police station during this ordeal, and the entire incident might have been captured by the CCTV cameras installed outside the station. Despite the assault, the police did not offer any medical assistance, so Prof. Arumugam returned home in pain.

The following day, on 14.11.2024, Prof. Arumugam went to court. However, he was still unable to walk or eat properly. On 15.11.2024, he sought treatment at the Thanjavur Government Medical College Hospital, where he is currently receiving inpatient care.

HRDA firmly believes that the illegal detention, abuse, and torture of the HRD is a clear case of misuse of power by the policemen of the Kandarakottai police station and an act of reprisal against the HRD's right to dissent. **Article 21** of the Indian Constitution- the Right to Life and Personal Liberty guarantees protection against illegal detention and torture.

Torture is a serious violation of human rights law in national and international law. The Hon'ble Commission itself asked the State to criminalise torture. D.K. Basu vs. State of West Bengal, the Supreme Court of India called torture *"one of the worst crimes in a civilised society governed by the Rule of Law."* The **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 courts have been proactive in addressing custodial abuse and enforcing compensation for victims. Additionally, the guidelines set out by the Supreme Court in **D.K. Basu vs State of West Bengal** play a crucial role in setting standards for preventing illegal detention and torture across India, including Tamil Nadu.

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.

In the case of State of Tamil Nadu v. K. Balu (2003) *the Tamil Nadu State was found liable for illegal detention and torture in police custody. The case arose out of a complaint where an individual alleged that he was detained without proper legal process and subjected to torture by the police in Tamil Nadu. In the case of R. Muthusamy v. State of Tamil Nadu (2015) the Madras High Court dealt with allegations of illegal detention and torture in police custody. The petitioner contended that he was subjected to physical and mental torture by the police officers in violation of his rights. The Court directed the State of Tamil Nadu to compensate the petitioner for the illegal detention and physical abuse he endured. It also directed the police to follow proper procedures under the law and to ensure that custodial violence is prevented in the future.*

The Declaration on Human Rights Defenders 1999, 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. According to Article 11 United Nations Declaration on Human Rights Defenders 1999 *“Everyone has the right, individually and in association with others, to the lawful exercise their freedom of association and assembly”*.

The United Nations (UN) has expressed significant concern over the threats, violence, and vandalism targeting human rights defenders (HRDs). The UN

Declaration on Human Rights Defenders, emphasizes that states have a duty to protect HRDs from any threats or harm. The United Nations Declaration on Human Rights Defenders 1999 states the following: Article 12 (2) and (3) "*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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*"

Appeal:

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

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry in the illegal arrest and torture of the HRD Prof Arumugam and submit the report to NHRC within two weeks as well as reason for refusal of peaceful demonstration.
- Direct the Director General of Police of Tamil Nadu to produce within 48 hours copies of all relevant documents pertaining to the abduction and torture for an independent examination by the Hon'ble Commission.
 - Arrest memo as required under Section 41 B of Cr.P.C, including name and designation of the police officer who prepare the arrest memo.
 - Inspection memo prepared at the time of arrest as required under the guidelines laid down by the Supreme Court in DK Basu vs State of West Bengal [1997 (1) SCC 416], as well as the name and designation of police officer who prepared the said Inspection Memo.
 - Names, duty records and registers of all officers involved in detention and arrest.

- Examine compliance with all the mandatory procedures on arrest and detention.
- Examine compliance with the NHRC Guidelines on Arrest.
- Based on independent examination of abduction, illegal detention, and custodial torture recommend strict and immediate legal action against the perpetrators especially Inspector Sukumaran, including prosecution under appropriate sections.
- Based on the result of the inquiry, direct the Director General of Police of Tamil Nadu to immediately suspend and file a cause of torture against policemen who illegally picked up HRD Prof Arumugam and tortured him in custody and submit a report to the NHRC within two weeks.
- Direct the Director General of Police of Tamil Nadu to ensure full physical and psychological protection to HRD Prof Arumugam as well as his family and give it in writing to the NHRC withing 2 weeks.
- We also urge the relevant authorities to take systemic steps to address the broader issue of police violence, particularly against marginalized communities

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary