



November 12, 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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action- Puducherry: Intimidation of WHRD Ms. Gayathri Srikanth by the Puducherry Police for supporting a woman subjected to police abuse.

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 intimidation of WHRD Ms. Gayathri Srikanth by the Puducherry Police for conducting a fact-finding and supporting a woman who was facing abuse by the police.

Source of Information:

- Communication with HRDA Southern regional consultant
- Information gathered from media
- Communication with the HRDs in the region

Date of Incident:

August 17, 2021

Place of Incident:

Lawspet Police station, Puducherry

The Perpetrators:

- Mr. Shanmugam – Police Constable, Lawspet Police station and other police officials of the Lawspet Police station
- Senior Superintendent of Police, Puducherry
- Cyber Crime unit, Puducherry

About the Human Rights Defenders:

Ms. Gayathri Srikanth is a teacher, writer and women's rights activist. She heads a Women's forum called Iraivi Pengal in Puducherry, working against violation of women's rights and for the welfare of the women in the community.

Details of the Incident:

On August 09, 2021, a woman victim went to the Lawspet Police Station in Puducherry to register a complaint against her husband for domestic violence. At the police station, Mr. Shanmugam, a police constable, harassed the victim by using inappropriate language describing her physical appearance and asked for an oil massage in return for helping her get a lawyer for her case.

The victim left the police station and approached Ms. Gayathri Srikanth and told her about the harassment she faced at the Lawspet police station. To collect evidence against Mr. Shanmugam and to confirm his conversation with the victim at the police station, Ms. Srikanth asked the victim to call Mr. Shanmugam over the phone in her presence on August 11, 2021. The conversation of this phone call was recorded.

On the same day, Ms. Srikanth then called the police station, complained to the SP that she had the evidence in form of recording and asked them to take a stern action against Mr. Shanmugam. However, no action was taken against him, and he was transferred to the armed forces dept on August 12, 2021.

On August 16, 2021, the woman victim registered an FIR in the Lawspet police station against Mr. Shanmugam for harassment. Since then, on multiple occasions Mr. Shanmugam called both the victim and Ms. Srikanth over the phone and threatened them repeatedly. He also sent them malicious messages over social media and WhatsApp targeting saying that Ms. Srikanth was extorting the police for compensation regularly. He called and threatened victim's husband and posted lewd and filthy messages regarding the victim in whatsapp groups. His harassment of the original victim and the WHRD has caused much mental agony to both the women.

On August 19, 2021, Ms. Srikanth and the victim wrote an email complaint to the cybercrime police at Puducherry against Mr. Shanmugam for threats and malicious messages he had sent.

On August 20, 2021, Mr. Shanmugam was suspended from duty. However, no FIR was registered against him by the cybercrime police. Furthermore, the cybercrime police told Ms. Srikanth that since article 66 (A) of the IT Act has been struck down, her complaint had been closed.

On August 24, 2021, Ms. Srikanth wrote a letter to the Senior Superintendent of Police, Puducherry, asking for his help as there was no FIR filed by the cyber police on the incident but received no reply.

Indian law considers outraging the modesty of a woman a serious offence. **Under IPC section 509-** *whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year.* Lewd and threatening calls made to a victim and a WHRD are attempts to outrage their modesty in future. **Under Section 67 of the Information Technology Act-** *Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or*

appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees

Harassment of a victim and a WHRD who was assisting a victim seek justice is completely unacceptable in international law. **Article 9 (3)(c) of the UN Declaration on Human Rights Defenders** spells out the right for anyone to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms. The inaction of the cyber police in the face of threats and intimidation by a male police official goes against several key provisions in the declaration.

Article 9 (2) of the declaration plainly states out that everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain.

Article 9 (3)(a) explicitly states that everyone has a right to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay.

The actions of the constable in social media caused acute mental trauma to Ms. Srikanth who feels that her professional reputation is damaged, and she fears for her life. The inaction of the Lawspet police and the cyber-crime police in not filing a complaint for the threatening calls by the Constable is reprehensible.

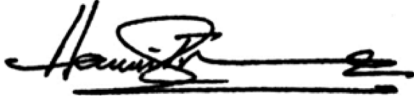
Appeal:

We urge to the Hon'ble Commission to immediately take necessary steps and:

- Direct the Director General of Police of Puducherry for an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned harassment of Ms. Gayathri Srikanth and submit the report to the NHRC within four weeks.
- Direct the Director General of Police of Puducherry to take measures to register FIR against police constable Mr. Shanmugam under relevant provisions of law for prima facie threatening and harassing the original victim and the WHRD through phone and social media.
- Depending on the result of the inquiry, direct the Director General of Police of Puducherry, to take stern action against the officials of Lawspet Police station, and the cybercrime department who failed to take action against by not registering and FIR on the complaint given by the WHRD.

- Direct the Director General of Police of Puducherry to provide complete security for Ms. Gayathri Srikanth as she may face threats from the police constable Mr. Shanmugam and give written assurance to the NHRC in this regard.
- Direct the Chief Secretary, Puducherry to take necessary steps for providing congenial atmosphere to the women human rights defenders for their smooth working in Puducherry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

Henri Tiphagne
National Working Secretary