



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/UA/South/TN/02/02/2025

06 February 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

Dear Sir,

Sub: HRDA - Urgent Appeal for Action in case of arbitrary arrest of HRD Bhaskar for collecting evidence against illegal arrest by Tiruvannamalai Police on 17.01.2025 – Reg.

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 the arbitrary arrest of HRD Bhaskar by Tiruvannamalai police on January 17, 2025.

About the Human Rights Defender:

Bhaskar @ Pagalvan is a social activist belonging to the Hindu Adi Dravidar Community. He was a former district secretary of Viduthalai Chiruthaigal Katchi, an Indian social movement and political party that seeks to combat caste based discrimination. He has been frequently targeted by police by registering complaints based on fabricated charges against the HRD.

Source of Information:

- In Communication with the HRD
- In Communication with the other HRDs in the region

Perpetrators:

- Vandavasi Deputy Superintendent of Police Gangadharan,
- Arani DSP Pandeewari,
- Desur Police Inspector Gunasekaran,
- Arani Taluk Police Station Inspector Rajangam, Arni Nagar Police Station Inspector Vinayagam,
- Arani Nagar Police Station Sub-Inspector Sundaresan,
- Arani taluk sub-inspector Arun Kalambur
- Sub-inspector Dasudeen and
- Arani Tahsildar Gowri.

Date of Incident:

January 17, 2025

Place of Incident:

House of HRD Bhaskar in Tiruvannamalai District.

Background:

On January 13, 2025, the Secretary of Viduthalai Chiruthaigal Katchi (VCK), Vandavasi Mr. Ashok Kumar mistook a two-wheeler vehicle parked in front of Kilkodungalore police station as his friend's vehicle. He started the vehicle and proceeded with it, after two hours he realised his mistake and returned the vehicle to Kilkodungalore police station and informed the Police Inspector of Kilkodungalore police station. The police filed a complaint against Ashok Kumar and arrested him. Knowing this, members of VCK led by Mr. Metha Ramesh accompanied by 20 others visited the Kilkodungalore police station and demanded the release of Ashok Kumar. Then they staged a peaceful protest in front of the police station. The police officials of Kilkodungalore police station attacked Mr Metha Ramesh and detained the protestors. The police then registered an FIR 10/2025 U/s 126(2), 189(2), 292, 132 and 351(2) of BNS, 2023 based on the complaint of Rajagiri against Metha Ramesh and 15 others. The detained protestors were produced before the Cheyyar Judicial Magistrate and the Magistrate issued bail for six women protestors and ordered judicial custody for 10 other protestors.

On January 14, 2025, HRD Bhaskar was informed about the arrest of Mr Ashok Kumar, the peaceful protest by members of VCK, the use of force by police on peaceful protestors and detention of protestors by the Kilkodungalore police. The HRD Bhaskar with the help of lawyers gathered CCTV footage which recorded the entire incident.

Details of the Incident:

On January 17, 2025, at around 05 AM, Vandavasi Deputy Superintendent of Police (DSP) Mr Gangadharan, Arani DSP Ms Pandeewari, Desur Police Inspector Mr Gunasekaran, Arani Taluk Police Station Inspector Mr Rajangam, Arni Nagar Police Station Inspector Mr Vinayagam, Arani Nagar Police Station Sub-Inspector Mr Sundaresan, Arani taluk Sub-Inspector Mr Arun Kalambur, Sub-Inspector Mr Dasudeen, along with about 100 policemen and Arani Tahsildar Gowri surrounded the house of the HRD Bhaskar and attempted to break the doors of the kitchen and the back of the house to break into the house of HRD.

Frightened by this HRD informed about the incidence to the Member of Parliament Thol. Thirumavalavan (Leader of VCK) and other HRDs. Knowing this advocate Mr. Ambedkar & Aruljothi and VCK members Ramesh and other journalists documented the incident.

At 08 AM the HRD was forcibly arrested by the police without informing the grounds of arrest. He was detained at Desur police station, where he was informed that he was arrested in a complaint registered in FIR No. 5/2025 which was registered on 15.01.2025 at Desur Police station. At 05 PM the HRD was taken to a government hospital, Pollur for medical examination, where the doctor noticed that HRD had orthopaedic issues and was suffering from high blood pressure. At 07 PM the HRD was taken to Medical College Hospital, Tiruvannamalai which is 30 kilometres from Pollur. At the Medical College Hospital, the Neuro Doctor was on leave and, Therefore the police took the HRD to Medical College Hospital, Vellore where the doctors examined the HRD and at 11.30 PM they issued a medical certificate declaring him fit for remand. The HRD was then taken to Pollur and presented before the Judicial Magistrate, Pollur at 03 AM on January 18, 2025. The Magistrate remanded the HRD to the Vellore prison.

The bail application was filed on behalf of HRD in which the Principal District and Session Judge, Tiruvannamalai on January 27, 2025, rejected the bail application

stating there are 18 cases pending against Bhaskar, investigation by Desur police in FIR No. 5/2025 has not completed and strong objection to released Bhaskar on bail was raised on the side of the prosecution.

Human Rights Defenders' Alert - India is afraid that police are preparing to detain the Bhaskar under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest-Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-Grabbers and Video Pirates Act, 1982 (Goondas Act) citing the previous fabricated cases which were registered against him. HRDA strongly believes that the arbitrary arrest of the HRD by the Tiruvannamalai police is an act of reprisal for his activism as a human rights defender.

We believe that every person has a the right to life and liberty enshrined under **Article 21** of the Indian Constitution 1950, Article 3 of the Universal Declaration of Human Rights 1948, and Article 6 of the International Covenant on Civil and Political Rights, 1966. The Right to life includes the right against arbitrary arrest or detention. These instances amount to a complete violation of the fundamental right to life and personal liberty granted by **Article 21** of the Indian Constitution.

The Supreme Court of India in Arnesh Kumar v. State of Bihar issued directions to police officers and judicial magistrates that ensure that unnecessary arrest not been made and casual detentions are not been authorized in such cases were offence in punishable with imprisonment for a term which may be less than seven years or which may extent of seven years, whether with or without fine.

The offences charged against Bhaskar are prescribes imprisonment for a period less than seven years hence arrest of Bhaskar and authorization of detention to judicial custody is violation of the guideline's issues by Supreme Court.

The Declaration on Human Rights Defenders 1999, also 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. It also 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." Article 9 (1): "In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights".

The Right to exercise freedom of Speech and Expression is enshrined under Article 19(a) of the Indian Constitution. The Right to freedom of opinion and expression encompasses three different aspects: 1) The right to hold opinions without interference, 2) The right to access to information and 3) The right to impart information and ideas of all kinds.

Bhaskar was arrested for collecting evidence in arrest of Mr. Arun Kumar and Mr. Metha Ramesh on 13.01.2025. Bhaskar was threatened and he has been deprived of liberty as a result of exercising his right to collect information concerning illegal arrest of Mr. Arun Kumar and attack of peaceful protestors. He was arrested without following the due process of arrest, his residence was surrounded by around 100 Tamil Nadu Police officials at 4 AM on 17.01.2025. He was remanded despite doctors expressing concerns on his health, he was produced before the judicial magistrate, Pollur and the Magistrate ordered judicial custody of Bhaskar at around 3 AM in the morning of 18.01.2025 without following the Supreme Court guidelines in Arnesh Kumar v. State of Bihar.

We believe that Bhaskar has been targeted due to his activism, for gathering evidence in cases of human rights violations. The police registered a case basing on fabricated charges and arrested him without following the due process of arrest. Despite being non fit for remand he was remanded without following the Supreme Court guidelines in Arnesh Kumar v. State of Bihar. The Bail application of Bhaskar is also rejected stating his alleged involvement in 18 other cases. The acts of police officials and

judicial magistrate without following the due process is an act of reprisal against the activism of human rights defender.

Appeal:

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

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry and submit the report to the NHRC.
- Direct the Director General of the Police of Tamil Nadu to ensure the complete physical and psychological safety of the HRD and his family.
- Intervene before the relevant courts on behalf of HRD and ensure that HRD is released on bail.
- Direct the Director General of Police, Tamil Nadu to direct the Inspector General (North Zone) to review the basis of the false complain filed against the HRD Bhaskar.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary