



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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October 17, 2020

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- Tamil Nadu: Intimidation and arrest of HRD, writer and environment activist for intervening in an issue of illegal highway encroachment.

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 and threat to the life of Mr. Durai Guna, a writer and Human rights defender, who exposed the illegal encroachments on Pudukottai to Karambakkudi state highway which affect the lives of thousands of commuters and the failure of administration and police officials to take action on the complaint and remove illegal encroachments. Instead, they filed an FIR against the HRD who was acting in public interest and arrested him.

Source of Information:

- Communication with the HRDs in the region
- Communication with HRDA Southern Regional Consultant
- Information from Social Media and Newspapers

Date of Incident:

September 8, 2020

Place of Incident:

Solluniranpattu Village, Paramakudi Taluk, Pudukottai, Tamil Nadu

The Perpetrators:

- Mr. Balaji Saravanan, Superintendent of Police, Pudukottai
- Ms. Uma Maheshwari, District Collector, Pudukottai
- Mr. Muthuraj, Deputy Superintendent of Police, Pudukottai
- Mr. S. Sethupathy, Divisional Engineer (Highways), Pudukottai

About the Human Rights Defender:

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

Background of the Incident:

On February 17, 2020, Mr. Durai Guna gave a complaint to the District Collector Ms. Uma Maheshwari and the Divisional Engineer (Highways) - Pudukottai District regarding the illegal road encroachment by individuals on Pudukottai to Karambakkudi state highway. This encroachment causes regular accidents on this road. A *Murugan temple-Adhi parashakathi temple* has also illegally been built by individuals that they can extend their shops to the road.

In his complaint he rightly said that the state highway should be made safe for the commuters and it must be done according to the order and guidelines of the Supreme Court and the High court. However, there was no action taken by the District Collector on his complaint for six months.

On August 20, 2020, he filed a complaint with the Deputy Superintendent of Police and Superintendent of Police to take action in this issue. He also requested an allowance to print posters and buy gum to create awareness for his campaign to attract the officials to take necessary action on the encroachment. Since the officials didn't take his complaint seriously, he decided to convey his message to the people.

On September 07, 2020, Mr. Guna stuck posters on walls of Solluniranpattu Village, Pudhukottai district stating **“One day free training programme on how to take action on encroachment according to the law”** for the District Collector, Revenue District Officer, District Revenue Officer, Thasildar, Division engineer(highways) Assistant Division Engineer (Highways), Village Administrative Officer.

Details of the Incident:

On September 08, 2020, officials who had been inactive for 6 months on a legitimate complaint, promptly filed an FIR on 08-09-2020 within 24 hours on Mr. Guna at Karambakkudi Police station Crime no.746/20 u/s 291-(Continuance of nuisance after injunction to discontinue), 501 (Printing or engraving matter known to be defamatory) r/w 3 of TNOPD Act (prevention of damage to public property) on the complaint of Mr. Suresh s/o Sekar who is Village Administrative Officer in Solluniranpattu Village, Paramakudi Taluk, Pudukottai.

Mr. Guna filed a petition for anticipatory bail on September 15, 2020, in the Madurai Bench of Madras High court. The Police however arrested him on September 17,2020. There were about 4 policemen in the jeep who arrested him about 20 feet from his house. After three days he got bail on September 20, 2020 from the court in Pudukkottai.

We believe that Mr. Guna has been wronged as an Indian citizen and an HRD. He followed all the correct steps as a citizen whose duty it was to report a lawless activity. He first filed a complaint which affected the safety of commuters to the District Collector and waited for six months for the official to take action on the breach of law. On the Collector's inaction he filed a complaint in the police about the illegal construction and danger to commuters and waited for them to take action.

Since there was no action taken on his second complaint either, Mr. Guna in a move to sensitize the officials and as a responsible citizen offered to hold a free training workshop for them on illegal encroachment. His intention was to make the officials act on the issue and create awareness among people on road safety. His efforts should've been appreciated and acted upon by the officials instead, they filed an FIR against the

HRD within 24 hours. What is worse, when he filed for anticipatory bail, the police suspecting that he will get anticipatory bail from the court arrested him within 48 hours.

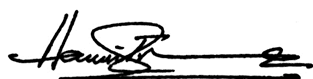
This is shameful behavior by public officials towards a member of the citizenry who is trying to raise awareness about a legal issue which affects thousands of commuters' lives. Under Article 19(a) of the Indian Constitution, Mr. Guna has a right to freedom of speech and expression including the right to dissent. In this case he was merely doing his duty as a HRD and responsible citizen. Though Mr. Guna is out on bail now, his life is under threat as the shopkeepers and the encroachers know that the police will take no action against them and instead arrested the HRD who complained against 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 Police (DGP) of Tamil Nadu to conduct a free, transparent, independent and fair inquiry into the matter on inaction by the District Collector and municipal officials and fabricated case against Mr. Durai Guna.
- Direct concerned officials to ensure physical safety of Mr. Durai Guna and his family who fear for his life from the encroachers, by providing them police protection without hampering his freedom to operate as an HRD.
- 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 thousands of commuters.

Yours sincerely,



(Henri Tiphagne)
National Working Secretary