



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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July 26, 2022

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 - India - Urgent Appeal for Action- Tamil Nadu: Assault on HRD Mr. Arpudhakani for activism against environmental pollution and encroachment of agricultural land and negligence of Ramanathapuram police in protecting the HRDs.

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 concern over the assault on HRD Mr. Arpudhakani for protesting against the encroachment of agricultural land and releasing of factory waste by ChemFab¹ chemical factory, and the failure of district and police authorities to take necessary action though they were intimated previously on the issue.

About the Human Rights Defenders:

Mr. Arpudhakani (53), is a farmer and land rights activist from Madatha Kulam, P Mariyur Panchayat, Kadaladi Taluk, Ramanathapuram. He is an active member of Maan Meetpu Kulu organisation who work for the protection of agricultural lands in the locality of Kadaladi Taluk.

Source of Information:

- Communication with the HRDs in the region
- Communication with our Southern Regional Co-ordinator
- Information from Media

¹ Chemfab Alkalis Limited (CCAL), a chemical manufacturing plant

Date of Incident:

March 14, 2022

Place of Incident:

Kadaladi Taluk, Ramanathapuram

The Perpetrators:

- Mr. Shekar from Revenue Department, Kadaladi taluk
- District Collector of Ramanathapuram
- Chemfab Limited- Ramanthapuram
- Sub Inspector Saravanan, Sayalgudi Police station.
- Inspector Priya, Sayalgudi Police station.

Background of the Incident:

Mr. ArpudhaKani and other members of Maan Meetpu Kulu have protested on multiple occasions against the realising of industrial waste and encroachment on land by Chemfab Ltd. affecting the lakes, fertility of agricultural lands and the ground water in the locality of Kadaladi Taluk. On November 01, 2021, and on March 09, 2022, complaint letters were given by members of Maan Meetpu Kulu to the District Collector for protection of the land and regarding the possible attacks by the Chemfab limited on the members of Maan Meetpu Kulu.

Details of the Incident:

On March 14, 2022, at around 7:30 pm Mr. Arpudhakani was returning home from his daily work in his two-wheeler when a group of assaulters attacked him near the main gate of Chemfab limited. His two-wheeler was pushed down and the HRD was beaten and stabbed with a knife. Once the assaulters left the place thinking Mr. Arpudhakani was dead the locals and his brother Davidraja took him to the Kadaladi Government hospital and admitted him for his treatment.

On March 15, 2022, a FIR was filed at the Sayalkudi Police station in which 13 accused are charged on sections 147(Punishment for rioting), 148(Rioting, armed with deadly weapon), 341(Punishment for wrongful restraint), 294(b) (sings, recites or utters any obscene song, ballad or words, in or near any public place), 324 (Voluntarily causing hurt by dangerous weapons or means).

HRDA is concerned about the negligence shown by the local administration and the police leading to the attack on the life of the HRD. Though the District Collector was intimated about the environmental damage caused by the Chemfab Limited no action was taken. The Kadaladi Taluk Revenue department is responsible to protect lakes, however as a protecting authority Mr. Shekar- Tahsildar did not take any action against the company either. Furthermore, the Salyagudi police station did not charge the perpetrators with section 307 (attempt to murder), though the attack was clearly meant to kill the HRD. The victim has alleged that his complete statement is not recorded in the FIR.

It is pertinent to note here that the environmental activist Mr. Arpudhakani's life is in danger for carrying out one of his fundamental duties enshrined in Article 51 A (g) of the Indian Constitution which says "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures". Right to a clean environment is also one of the basic elements to ensure a welfare state which is stated in the Directive Principles of State

Article 21, Article 24 guarantees fundamental right to life. Right to environment, free of danger of disease and infection is inherent in it.

The right to a clean, healthy and sustainable environment is now recognized at the international level by the United Nations Human Rights Council (UNHRC) adopting a resolution on it during its 48th session. The resolution was supported by more than 1,300 civil society organizations and Indigenous Peoples' groups, 15 UN agencies, business groups, more than 90,000 children from around the world, and the Global Alliance of National Human Rights Institutions (GANHRI). UNHRC 48/13 "recognizes the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights". The UN Declaration on Human Rights Defenders 1998, 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.

Furthermore, the local communities have a full right to protest the policies which will harm the ecological balance of the area and their livelihood. The UN Human Rights Commission (OHCHR) has adopted several resolutions linking human rights and environment which calls on states to take all necessary measures to protect everyone's human rights.

Appeal:

Therefore, we urge to the Hon'ble Commission to immediately take necessary steps and:

- Direct the Superintendent of Police of Ramanathapuram, Tamilnadu to conduct a fair and transparent inquiry into the assault on the HRD Mr. Arpudhakani and submit the report to the Hon'ble Commission within two weeks.
- Direct the Superintendent of Police of Ramanathapuram, Tamilnadu to conduct a fair and transparent inquiry into why no police protection was given to the HRD despite an appeal to the local administration by the HRDs and submit the report to the Hon'ble Commission within two weeks.
- Direct the Superintendent of Police of Ramanathapuram, Tamilnadu to add Section 307 (attempt to murder) to the charges on the perpetrators.
- Direct the Chief Secretary of Tamil Nadu to conduct a fair and transparent inquiry in the allegations of environmental damage and land encroachment by Chemfab in Ramanathapuram, TN and submit the report to the Hon'ble Commission within four weeks.
- Direct the Additional Chief Secretary of Tamil Nadu, Department of Environment, Climate Change and Forests to create a safe atmosphere conducive to EHRDs in the state.
- Direct the State Government to implement the mandatory Precautionary Principle directed by the Hon'ble Supreme Court to protect the environment by anticipating, preventing and attacking the causes of environmental degradation.
- Direct the State Government to immediately provide complete physical and psychological protection to the HRD and his family.

Yours sincerely,

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

Henri Tiphagne
National Working Secretary