

Assistant Registrar(LAW)

Case No. 896/22/37/2010

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**NATIONAL HUMAN RIGHTS COMMISSION**

( L A W D I V I S I O N )

Telegraphic Add.: "HUMANRIGHTS"

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Home Page : <http://nhrc.nic.in>

FARIDKOT HOUSE  
COPERNICUS MARG,  
NEW DELHI - 110 001

Dated 09/02/2012

To  
Henri Tiphagne  
Executive directo  
Peoples Watch.

Sir/Madam,

With reference to your complaint dated 17/08/2010, I am directed to inform you that the above mentioned complaint along with the report received from the concerned authorities were placed before the Commission on 27/01/2012. Upon perusing the same, the Commission has directed as follows:-

*It is a case of arrest of five human rights defenders on false charges by Tamil Nadu Police. The Commission on 17th August 2010 ordered enquiry by a team of NHRC and requested DG(I) to enquire into the allegations levelled by the NGOs.*

*The team of NHRC submitted a detailed report and concluded that the trainees were implicated in a false case by the police due to some reason connected to their enquiry into the allegations of torture of accused Suresh. The allegations of torture of Suresh is found to be true. Police personnel were apprehensive that the fact would be brought out.*

*It was also recommended by the team that the Commission may advise the Government of Tamil Nadu for withdrawal of the case against the five human rights defenders. (These five trainees (three female and two male) were arrested in a false case and they had to remain in judicial custody for one day.) It was also recommended that the Government of Tamil Nadu be asked to initiate departmental enquiry against the errant police officers, WSI Roselin and Inspector Murugesan and Dy. SP, S. Ramu who were responsible for the arrest of the innocent trainees in false case vide FIR No. 161/2010.*

*Thereafter, the Commission observed that it is a case of violation of human rights and accordingly, on 10.5.2011, a notice u/s 18(a)(i) of the Protection of Human Rights,*

(i)

1993 was issued to the Chief Secretary, Government of Tamil Nadu calling upon him to show cause as to why the victims may not be monetarily compensated.

DGP, Tamil Nadu was also asked to initiate departmental enquiry against all the errant police officers.

Thereafter, DGP, Tamil Nadu on 13.12.2010 forwarded the detailed enquiry report conducted by SP Thirunelveli.

The Commission on 5th October 2011 observed and ordered:

"Let the gist of the report of NHRC, copy of the report of DGP, Tamil Nadu dated 13.12.2010, copy of the report of SP Thirunelveli dated 19.12.2010 and copy of the report of DGP Tamil Nadu dated 19.8.2011 be sent to all the complainants including Shri Henri Tiphange and Shri A.K. Parashar, Focal Point, HRD, NHRC.

The complainants are requested to submit their comments over the report submitted by DGP Tamil Nadu/SP Tirunelveli within six weeks. They should also submit their explanation as to whether the same matter is pending before the High Court or not.

Response be submitted within six weeks."

Pursuant to the directions of the Commission, Shri Henri Tiphange informed the Commission that they have not received the copy of the reports. Accordingly, on 21st October 2011, all the reports were sent. The complainant, thereafter, informed that the documents are incomplete and then the Commission on 24th January 2012 sent the report through fax and complete set of reports by post.

On 24th January 2012, Shri Henri Tiphange informed the Commission that due to the efforts of the complainant before the Madurai Bench of Madras High Court, they were able to get some temporary relief by asking for an investigation in this case not by the regular police but by the Crime Branch CID. The Madras High Court passed this order in the year 2010 and they were waiting for the CB-CID personnel to either call them for the enquiry or summon them for presenting their own version of the incident.

It has been further submitted that on 21st January 2012, a Constable from the CB-CID office, Tirunelveli visited the office of the complainant and handed over the set of summons for the two accused, Diraviam and Anandhan.

He has also submitted that in spite of the investigation done by the NHRC team, till date, they have not been able to enjoy the orders of NHRC.

On the other hand, they had to rush to the High Court to get the case stayed. Now, the complainant is facing this situation of summons having been served on two of the five accused on a chargesheet filed by CB-CID.

He has further submitted that the speedy qualitative investigation of NHRC has not been able to challenge the Tamil Nadu Police who had grossly faulted in this case. He has also enclosed copy of the summons.

On the basis of above, it is clear that the comments of the complainants on the report submitted by SP Tirunvelveli have not been sent to NHRC, so far. The Commission is also not aware of the details of the petition pending before the Tamil Nadu High Court.

Since the copy of all the documents have been sent to the complainants, they are requested to submit:

- (i) their comments within four weeks.
- (ii) the copy of the petition filed before the High Court of Tamil Nadu by the complainant.
- (iii) order of High Court of Tamil Nadu.

Response within four weeks.

Pursuant to the above directions, I am enclosing herewith a copy of the report for furnishing your comments, if any, by 15/03/2012 for consideration of the Commission.

Yours faithfully,

ASSISTANT REGISTRAR (LAW)